LEGAL NOTICE
PUBLIC NOTICE

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on August 4, 2021 at 7:00 PM (local time) at the Orchard Park Municipal Center, 54295 South Buffalo Street, Orchard Park New York 14127, regarding Local Law 1 for the year 2021. This local law provides as follows:

Town of Orchard Park to over-ride the tax levy limit established in General Municipal Law §3-c.

Section 1: Legislative Intent
It is the intent of this local law to allow the Town of Orchard Park to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2: Authority
This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3: Tax Levy Limit Override
The Town Board of the Town of Orchard Park, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

July 22, 2021
Remy C. Orffeo, Town Clerk

Remy C. Orffeo Town Clerk

Notary Public:

JENNIFER L. BRADY
Notary Public, State of New York
NO. 01BR6373222
Qualified in Erie County
My Commission Expires 4-2-20
August 31, 2021

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, NY 14127

Re: Lawrence & Samantha Board
#19 Westview Place Property SBL# 172.80-4-38
Out of District Water Service – Connect to Village System

Dear Board Members:

Lawrence & Samantha Board have submitted correspondence requesting approval to pursue an Out of District Water Connection for property on Westview Place, SBL#172.08-4-38, Orchard Park, with the Village of Orchard Park Water District.

As there are no Town owned municipal water lines adjacent to Westview Place, the property owner’s only option to build their new home is to extend and connect to the Village owned water line along Westview Place (near side service).

I, therefore, recommend that you approve the request of Lawrence & Samantha Board to pursue an Out of District Water Agreement for connection with the Village of Orchard Park water system for their Westview Place property SBL# 172.80-4-38.

Respectfully submitted,

Wayne L. Bieler, P.E., CFM
Town Engineer

cc: Remy Orffeo, Town Clerk
Dan Stanford, Town Assessor
Tim Gallagher, Town Attorney
Lawrence and Samantha Broad
Complaint File 21-206
August 31, 2021

Honorable Town Board  
Town of Orchard Park  
4295 South Buffalo Street  
Orchard Park, NY 14127

Re: Lawrence & Samantha Board  
#19 Westview Place Property SBL# 172.80-4-38  
Out of District Sanitary Sewer Service – Connect to ECSD #3 System

Dear Board Members:

Lawrence & Samantha Board have submitted correspondence requesting approval to pursue an Out of District Sanitary Sewer Connection for property on Westview Place, SBL#172.08-4-38, Orchard Park, with Erie County Sewer District #3 in the Village of Orchard Park.

As there are no Town owned municipal sanitary sewer lines adjacent to Westview Place, the property owner’s only option to build their new home and have public sanitary sewer is to connect to the ECSD #3 owned sanitary sewer line that crosses the property out letting the Village system.

I, therefore, recommend that you approve the request of Lawrence & Samantha Board to pursue an Out of District Sanitary Sewer Agreement for connection with the ECSD #3 Village of Orchard Park sanitary sewer system for their Westview Place property SBL# 172.80-4-38.

Respectfully submitted,

[Signature]

Wayne L. Bieler, P.E., CFM  
Town Engineer

cc: Remy Orfeo, Town Clerk  
Dan Stanford, Town Assessor  
Tim Gallagher, Town Attorney  
Lawrence and Samantha Broad  
Complaint File 21-206

Visit the Town’s website at www.orchardparkny.org
August 25, 2021

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

Re: Bid Award = Brush Mountain Little Loop Football - Field Lighting Electrical Project

Dear Board Members:

As requested, the Engineering Department worked with C&S Companies to complete the design and bid the field electrical project. Bids were received and opened for the installation of a new service for the future Little Loop announcer’s building and complete the field lighting, scoreboard and flagpole lighting. The project consists of the Town supplying the power shed, light poles, light fixtures and scoreboard. The contractor’s scope of work is to install the previously mentioned items, install service items, panels, conduit, wire, and make final connections and adjustments to the lighting equipment.

Bids were opened on August 23, 2021. Goodwin Electric bid $293,449.00, IP&L bid $386,000.00 and Mylerson Electric bid $579,000.00 (attached). The deduct alternate #1 does not apply since the poles were not set by the Town. The lowest bidder is still roughly $90,000.00 over the engineer’s estimate for this scope of work. The engineer has seen similar results and the most likely factors for the inflated figure is due to increased material costs, significant backlog of work for electrical contractors and a very aggressive schedule (roughly 1 month completion). The schedule component is no longer valid since the Little Loop has arraigned to hold all 2021 games at the high school field. A possible option for the Town to save money is to rebid with a spring construction season or include this work with the announcer’s booth bidding with additional funding from Little Loop in January/February, which would also have a much longer completion window.

The low bidder for this project was Goodwin Electric Corporation. The company has successfully completed various projects in the past and is currently working with Numarco on the Highway/Sewer Generators Project. I have no reservations about their capabilities to complete this project.

There is presently funding allocated for this project in the capital account, AP009 “Brush Mountain Football Field” $363,368 for this project.

I, therefore, recommend that you award the contract for the Brush Mountain Little Loop Football - Electrical Project to the lowest responsible bidder, Goodwin Electric Corporation, 201 S Youngs Road, Williamsville, New York 14221 for their base bid in the amount of $293,449.00.

Respectfully submitted,

Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment
cc: Romy Orfeo, Town Clerk
    Timothy Gallagher, Town Attorney
    Tom Malecki, Drescher & Malecki
    Fred Piascik, Highway Superintendent

File #: 2019.006

Visit the Town's website at www.orchardparkny.org

S:\Town Projects\Brush Mt. Park Complex\Little Loop Field\Electrical\Bid Award - Town Board.doc
August 31, 2021

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

Re: Brush Mountain Park 90 foot Baseball Diamond
Award of Bid – Miscellaneous Lamps Replacement

Dear Board Members:

As you are aware Orchard Park little Loop Football has requested to use the 90 foot baseball diamond outfield at Brush Mountain Park, as their practice field this fall again. In order to practice safely, 22 lamps need to be replaced.

Three local electrical contractors were solicited to provide a proposal for this work. Industrial Power and Lighting Corp was the only contactor that submitted a proposal at a cost of $5,100.

I, therefore, recommend that you award the contract for the Brush Mountain Park 90 foot baseball diamond miscellaneous lamps replacement to the lowest responsible bidder, Industrial Power and Lighting Corp., 60 Depot Street, Buffalo, NY 14206, amount not to exceed $5,100.

Respectfully submitted,

Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment

cc: File #2021.020
August 31, 2021

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

Re: Bid Award – Work Order #3
Cured-In-Place Pipe lining Contract

Dear Board Members:

As you are aware, United Survey Inc. was awarded a contract to perform Cured-In-Place Pipe Lining throughout various areas in the Town in the amount of $550,000. The contract was awarded as bid through the Erie County Division of Purchasing Contract 217039-002. The areas are being identifies through video inspections performed by the SW&L Dept. Work Order #1 was released in September 2020 to rehabilitate the sanitary main on the west side of North Benzing Road. Cost of Work Order #1 was $82,878. The lining portion of the work order has been completed. Work Order #2 released in February 2021 of this year and USI is coordinating with the Engineering Department to finalize a schedule to grout one lateral and line a portion of sanitary sewer main on California Road. The anticipated final cost to W.O. #2 is $181,175. This brings the total contract amount completed/paid to date to $264,053.

The Engineering Department has assembled and is recommending the release of Work Order #3. This work order includes lining Southwestern Blvd. from Pleasant Ave. to Mid County Drive, approximately 3,305 LF of Asbestos Cement Pipe (ACP) showing signs of corrosion and deterioration that will require repair if nothing is done to this section of sanitary sewer. Also in W.O. #3, +/-878LF sewers on Schultz Road, +/-1743LF of sewers on Meadowlawn Road and +/-1646LF of sewers on Middlesex Road will be rehabilitated. The lines on these roads are clay tile pipe showing signs of infiltration and inflow that contribute to the documented surcharging of Abbott Road sewer main. The Total cost of W.O. #3 is expected to be +/-$244,354.00 without spot repairs. If any spot repairs are needed, we may have to use assistance of a subcontractor as before.

This will bring the current contract expenditures to $510,242, roughly 99% of the authorized original contract amount. Once work commences on W.O. #3, we will begin to assemble future lining projects targeting older, smaller neighborhoods within District 18 such as Forsythia & Redfox, Oakwood, Allen, Glen, and other areas of need. As you know, some of the older neighborhoods in need of rehabilitation are part of a small sanitary sewer district, and no work is currently being proposed within the small districts due to the pending consolidation of all Town Sanitary Sewer Districts. Once the consolidation process is completed, we will look to begin work in these areas.

Visit the Town’s website at www.orchardparkny.org
There is presently funding allocated under Capital Project G0007, "Sanitary Sewer Main Televising and Relining" for this work.

I, therefore, recommend that you adopt the following resolutions:

1. Award the contract for Cured-In-Place Pipe Rehabilitation Phase II, as bid with the Erie County Division of Purchasing, to United Survey, Inc., 25145 Broadway Avenue, Cleveland, Ohio 44146, in the additional amount of $500,000.

2. Approve Work Order #3 for the CIPP Rehabilitation contract with United Survey Inc., 25145 Broadway Avenue, Cleveland, Ohio 44146, in the amount not to exceed $244,254.

Respectfully submitted,

Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment

cc: Michael Kerl, United Survey Inc.
Andy Slotman, General Crew Chief
Tom Malecki, Drescher & Malecki
Timothy Gallagher, Town Attorney
Remy Orfeo, Town Clerk
File #2020.014
TOWN OF ORCHARD PARK

S.4295 SOUTH BUFFALO STREET
ORCHARD PARK, NEW YORK

MEMORANDUM

FROM: Ken Kostowniak/Wayne Bieler PE CFM
TO: Town Board
SUBJECT: Green Lake Management Program Presentation by APWA

The American Public Works Association would like to hold a Professional education speaking event about the Green Lake management program. As you know, the Town of Orchard Park has been a member of APWA for many years and been recognized as the winner of several awards for various projects over the past few years. This association holds lunch and learn events, where Professional Engineers obtain continuing education credits needed to hold Licensing certification, and also distributes scholarships to students furthering their education in our field. Due to COVID, many learning events were canceled, and opportunities to have presentations dwindled.

Our goal is to hold an event that will provide CEU credits in a safe and educational environment. This venue has the potential for promoting a positive perspective of Green Lake and share the proactive measures the Town of Orchard Park has implemented to maintain these valuable resources. In order to promote safety, this event will be held outdoors (weather permitting) and social distancing will be recommended.

The speaker for this event will be David Adrian, from Aquatech Environmental, Inc. Dave has provided many years of pond management throughout the Town of Orchard Park at several ponds the Town maintains. His presentation will include a history of Green Lake, and summary of management over the years. The presentation will be approximately an hour, with an afternoon start time of around 4 pm.

The date will be September 22nd, there will be no charge for attendance.

The APWA will cover all expenses. Attendance is estimated around 30 people.

cc: Wayne Bieler PE – Town of Orchard Park
    Cati Knab PE- APWA Western Branch President
    Ken Kostowniak – Town of Orchard Park / APWA Western Branch Director
8/30/21

To: Town Board

From: Ed Leak

Item 1: Appointment of staff for the 2021 summer/fall program season effective 8/16/21

Bradley Casto $14.00 PT6-B
RESOLUTION

Name: Lisa McClean

DOH: 8/30/21

Position: Payroll Specialist, Non-union

Rate: $24.04 per hour; increase to $25.00 January 1, based on performance.

Group: 4

Classification: Hourly employee
RESOLUTION

Name: Loida Cordero

DOH: 9/7/2021

Position: Laborer, Non-union, Part time

Rate: $13.50 per hour

Group: 9

Classification: Hourly employee

Department: Maintenance – duties will be janitorial cleaning.
RECOMMENDATIONS FROM THE PLANNING BOARD MEETING OF 8/12/21

3. **Simoncelli, 5455 Webster Road, located on the north side of Webster Road, Zoned I-1.** Petitioner is requesting Planning Board recommendation to the Town Board for Site Plan approval and the issuance of a Building Permit to construct a 5,800+/- sq. ft. metal building addition with associated site improvements. (SBL#161.09-5-3.21)

The Planning Board recommends that the Town Board APPROVE the presented Site Plan and AUTHORIZE a Building Permit, to construct a 5,800+/- sq. ft. metal building addition with the associated site improvements, per the plan received on 7/18/21, based on the following conditions and stipulations:

1. All public notices have been filed.

2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 8/06/21, and a Negative Declaration is recommended.

3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.

4. No outside storage or display is permitted.

5. An updated Landscape Plan, received 7/29/21, meets all Green Space regulations with and exceeds the 20% Green Space request. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the $6,130 Landscaping Estimate Value shall be deposited with the Town Clerk. ($3,065) Conservation Board approval was granted on 8/3/21.

6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.

7. The Site Plan and authorization of a Building Permit are approved conditionally upon Town Engineering approval.
The Planning Board recommends to the Town Board that the request for a “Special Exception Use Permit” to convert the former “Northwest Bank” site, Zoned B-1, to an “Urgent Care Facility”, per the Town Schedule of Use Controls be APPROVED, based on the following:

1. This is an Unlisted SEQR action based on the submitted Full EAF Parts 1 & 2, and a Negative Declaration shall be made.

2. Public Hearing fees must be paid prior to the public hearing, Section 144-69 of the Town Code.

3. Article VI (Section 144-43(c)(1-11)) has been satisfactorily addressed as follows:
   a. The proposed project is in compliance with the Town’s long-range Comprehensive Plan.
   b. The applicant has demonstrated a need for the project.
   c. The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
   d. The applicant has demonstrated an orderly flow of traffic ingress and egress.
   e. The applicant has provided suitable parking facilities.
   f. Landscaping as indicated on the proposed plan will provide adequate screening.
   g. Free area for recreation is not required.
   h. The nearness and impact on schools and utilities is not an issue.
   i. The health and safety of adjacent properties is not affected.

4. The project shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on September 15, 2021 at 7:00 PM (local time), in the matter of a Special Use Permit allowing the former “Northwest Bank” site at Quaker Crossing to be converted to an “Urgent Care Facility” per the Town Schedule of Use Controls.

A list of conditions and stipulations is on file in the Town Clerk’s Office for onsite inspection during regular business hours.

At such time all interested persons will be given as opportunity to be heard.

Remy C. Orffeo, Town Clerk
September 1, 2021
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on September 15, 2021 at 7:00 PM (local time), to consider a re-zoning application of Prodigy Webster Road LLC for V/L 6435 Webster from R-3 to B-3. Prodigy Webster Road LLC is seeking to construct a parking lot and annex building for Wayland Brewery.

A list of conditions and stipulations is on file in the Town Clerk’s Office for onsite inspection during regular business hours.

At such time all interested persons will be given as opportunity to be heard.

Remy C. Orfèo, Town Clerk
September 1, 2021
MEMORANDUM

TO: Town Clerk, Remy Orfeco
Deputy Town Clerk, Jennifer Brady
Building Inspector Steve Bremer

FROM: Rose Messina

SUBJECT: Item(s) for September 1, 2021 - TB Agenda

NEW BUSINESS:

Please refer the following to the Planning and Conservation Boards for review & recommendation:

1. **3538 California Road**, located on the west side of California Road, south of Milestrip Road, Zoned I-1. Best Bros. Development is seeking to construct a storage facility at this site. (SBL#161.05-3-1-11)

2. **3185 Orchard Park Road**, located on the east side of Orchard Park Road, north of Delta Sonic, (currently site of Tabernacle Food Panty), Zoned B-2. Jim's SteakOut is requesting to locate a restaurant with a drive-thru at this location. (SBL#152.16-4-14)

3. **3588 N. Buffalo Road**, located on the west side of N. Buffalo Road, south of Milestrip Road, Zoned B-3. Kevin Bieler is seeking a permit to demolish a building in the Architectural Overlay District. (SBL 161.08-2-25)

OLD BUSINESS IS ATTACHED (TWO PAGES)
PUBLIC NOTICE

30-DAY PERIOD FOR INCLUSION OF
PREDOMINANTLY VIABLE AGRICULTURAL LANDS
INTO EXISTING AGRICULTURAL DISTRICTS

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/agenrollment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

CONTACT:
Sarah Gatti, Senior Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-6014
Fax: (716) 858-7248
Email: agriculture@erie.gov
STATE OF NEW YORK
DEPARTMENT OF STATE

August 19, 2021

The Honorable Remy Orffeo
Town Clerk, Town of Orchard Park
4295 South Buffalo St
Orchard Park, New York 14127

RE: 2020 Population Total

Dear Town Clerk Orffeo:

Pursuant to Section 11 of the Town Law, the Secretary of State is required to file with your office an authenticated statement of the population of each town having a population of 5,000 persons or more as shown in the decennial Federal census. Enclosed you will find a copy of such statement which shows the 2020 population of your town.

If you have any questions, please call Natasha Phillip, Associate Attorney, at (518) 474-6740.

Thank you,

Division of Local Government Services

Enclosure
Total Population Change 2010 to 2020  
2020 Census: Public Law 94-171 Data

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# TOWN OF ORCHARD PARK

## BUILDING INSPECTOR MONTHLY REPORT

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</tr>
<tr>
<td>TOTAL INSPECTIONS</td>
<td>64</td>
<td>76</td>
<td>86</td>
<td>114</td>
<td>340</td>
</tr>
</tbody>
</table>

### Meetings Attended

<table>
<thead>
<tr>
<th>Town Board</th>
<th>Planning Board</th>
<th>Z B A</th>
<th>Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven Bremer</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>David Holland</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>John Wittmann</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Tom Minor</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Rayne Degre</td>
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<td>1</td>
<td>1</td>
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</tbody>
</table>

### ZONING BOARD OF APPEALS:

<table>
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<tr>
<th>GRANTED:</th>
<th>DENIED:</th>
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</thead>
<tbody>
<tr>
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</tbody>
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### REMARKS:

**SIGNATURE:**

**DATE:** 8/11/21

F/TOWN/BLDGINS/MONTHLYREPORTS2020