



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

September 28, 2023

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

Re: Final Dedication - Riley Meadows West Subdivision Phase 4; PIP #2023-01

Dear Board Members:

On September 22, 2023, a final inspection was conducted of the public improvements installed in the Riley Meadows West Subdivision, Phase 4. The project included the installation of the extension of Grove Road as shown on the attached location map. The completion of this Subdivision's Phase 4 will allow 4 new single-family residential lots to be developed.

All work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when the materials are available:

- Installation of 1- Light Pole with fixture and supply all required spare parts to SW&L. \$10,000

We are in receipt of the \$10,000 cash securities for the item noted above. A two-year maintenance bond in the amount of \$115,572.50 has been submitted along with all other necessary documents.

The following is required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding.

I, therefore, recommend you adopt the following resolution:

WHEREAS, Grove Road was constructed as a Town street in accordance with plans and specifications prepared by Carmina Wood Design.; and

WHEREAS, the two lane street is 0.07-miles in length and consist of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

Town Board Dedication letter
September 28, 2023
Page 2 of 2

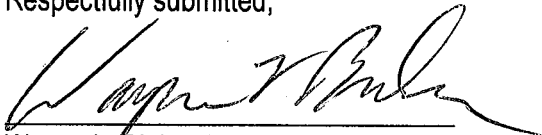
WHEREAS, construction of Grove Road has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public; now, therefore be it; and

RESOLVED, that Grove Road shall be included in the 2023 Town Local Highway Mileage Inventory of Town Streets; and, be it further; and

RESOLVED, that New York State Department of Transportation is requested to include Grove Road in the Town of Orchard Park's 2023 Inventory of Streets.

Recommend that you authorize the Town Attorney to proceed with the dedication of the public improvements in the Riley Meadows West Subdivision Phase 4 constructed under PIP #2023-01, and authorize the Town Clerk to release the performance security in the amount of \$23,114.50.

Respectfully submitted,

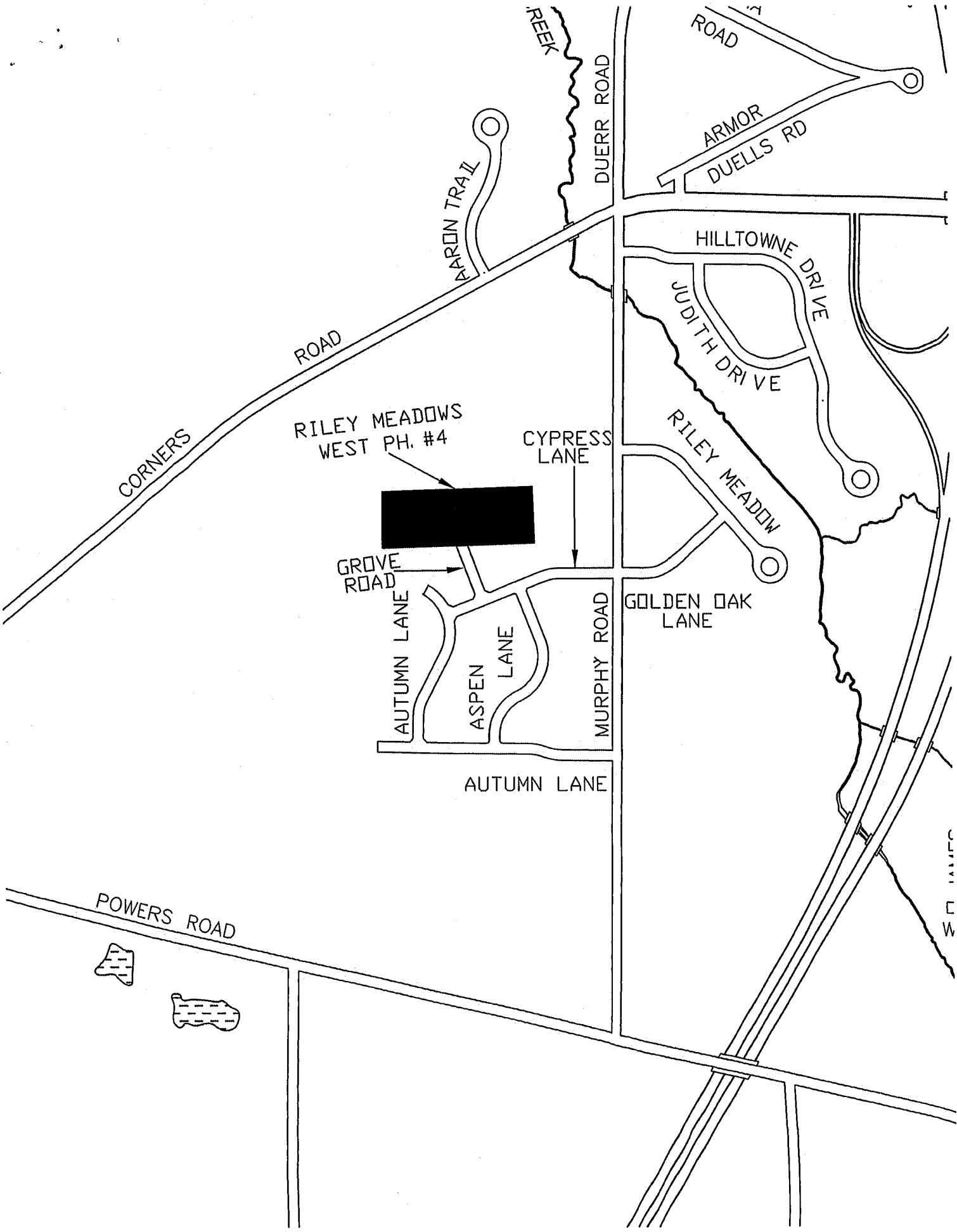


Wayne L. Bieler, P.E. CFM
Town Engineer

Attachment

cc: Remy Orffeo, Town Clerk
Timothy Gallagher, Town Attorney
Town Assessor

Andy Slotman, Highway Superintendent
Thomas Minor, Building Inspector
File #2007.023.8



REEK

ROAD

ARMOR

DUELLS RD

DUERR ROAD

PARON TRAIL

HILLTOWNE DRIVE

JUDITH DRIVE

RILEY MEADOWS
WEST PH. #4

CYPRESS LANE

RILEY MEADOW

CORNERS ROAD

GROVE ROAD

AUTUMN LANE

ASPEN LANE

MURPHY ROAD

GOLDEN OAK LANE

AUTUMN LANE

POWERS ROAD

RAILROAD



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September 28, 2023

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

**RE: Release of Escrow - Final Fine Grading and Seeding of Detention Pond & Easement Areas Birdsong Part 3B Subdivision Phase 1 & Phase 2A
PIP #2021-02**

Dear Board Members:

On November 16, 2022, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until fine grading of topsoil, seeding and mulching of detention pond and easement areas was completed.

The developer has since installed the required landscaping of detention pond & easement areas. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

I, therefore, recommend that you authorize the Town Clerk to release the \$20,000 held in escrow under PIP #2021-02 Birdsong Part 3B Subdivision Phase 1 & Phase 2A for fine grading of topsoil, seeding and mulching of detention pond and easement areas to Forbes Homes, Inc., 470 Cayuga Road, Cheektowaga, New York.

Respectfully submitted,

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

Cc: Remy Orfeo, Town Clerk Andy Slotman, OP Highway Superintendent
File #1994-008.95



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

October 2, 2023

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

**Re: Abandoned Milestrip Road Water Tank Demolition Project
Release of Retention**

Dear Board Members:

I am pleased to inform you that construction work on the Abandoned Milestrip Road Water Tank Demolition Project has been completed. On September 13, 2023, a final inspection was conducted and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications.

The Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents has been submitted.

Attached is a copy of the final project pay application as well as the current deed for the property. In accordance with the written deed, the land is to be released back to the original owner of the property once no longer in used by the Town of Orchard Park for the water tank. The son, William Mutka, resides on the original property. As discussed, the land could be retained or acquired for trail access to the Knoche Subdivision Town Park area. The current owner has set a high price on the property.

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

- Authorize the release of retention and final payment for the Abandoned Milestrip Road Water Tank Demolition Project to Regional Environmental Demolition, 6281 Wendt Drive, Niagara Falls, NY 14302
- Authorize the Town Attorney to proceed with the property transfer back to William Mutka, 7894 Milestrip Road, Orchard Park, NY 14127.

Respectfully submitted,


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

Attachments

cc: Remy Orffeo, Town Clerk Timothy Gallagher, Town Attorney
File #2002.030.2

S:\Town Projects\Milestrip Tank 2014.013\Correspondence\Letter to TB CLOSEOUT LETTER Milestrip Tank RED.doc

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



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ENGINEERING DEPARTMENT

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

October 2, 2023

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

Re: Chestnut Ridge Road Waterline Replacement Project-Change Order No.2

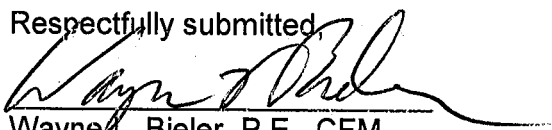
Dear Board Members:

The Engineering Department is requesting your approval of a Change Order to the contract with Wm. Schutt Associates for the Chestnut Ridge Rd. & Duerr Rd. Waterline Replacement Project in the amount of \$8,113. If approved, this would increase the total contract amount to \$49,113.00, representing an increase of 19.8%.

Preliminary Design Plans for the Chestnut Ridge Road Waterline were sent to the NYSDOT for their comment on the alignment. They requested alignment is for the waterline to be installed on easement outside of the ROW due to utility conflicts and only allowing installation in state pavement if no other options are available at the time, but due to negative/no response for easements from the residents, the project had to be redesigned to place the waterline in the roadway with NYSDOT approval. This Change Order is requested to perform the additional design work needed to re-align the watermain in the Chestnut Ridge Road, and coordination with NYSDOT design work which was not covered under the current contract with Wm. Schutt Associates.

I, therefore, recommend that you approve Change Order #2 to our contract with Wm. Schutt Associates for the Chestnut Ridge Rd. & Duerr Rd. Waterline Replacement Project in the amount not to exceed \$8,113.00.

Respectfully submitted,


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

Cc: Remy Orfeo, Town Clerk

File # 2012-013

S:\Town Projects\Chestnut & Duerr Waterline Replacement 2012.013\Correspondence\Letter to TB Change Order No 2 for Chestnut Ridge Waterline Relocation.doc

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

TC

WHEREAS, the Town Board does hereby authorize a change order to the contract for Town Wide (excluding Village) collection, hauling, and disposal of tree/brush waste, Section 8 Period of Contract and Section 9 Payment and Adjustments; and

WHEREAS, the Town and Contractor have agreed to extend the Period of Contract for a Two (2) week period, the new termination date for the 2023 collection season will be December 1, 2023; and

WHEREAS, the Town and Contractor have agreed that the weekly brush collection schedule will continue with the following schedule:

- Zone 1 will be collected from October 30 - November 4
- Zone 2 will be collected from November 6 - November 11
- Zone 3 will be collected from November 13- November 18
- There will be no collection the week of November 20 due to the Thanksgiving Holiday
- Zone 4 will be collected from November 27 - December 1.

NOW, THEREFORE be it

RESOLVED, that the price increase for this extended period will be \$14,885.72 and there is funding available in budget code SR 8161 50456 to cover the additional expense, per the Orchard Park Highway Superintendent.

TC

RESOLVED, that the Town Board does hereby reinstate Tara Scolese to the position of Full Time Public Safety Dispatcher, effective October 22, 2023, pay range 0009 step E as recommended by the Chief of Police.

TC

WHEREAS, the Orchard Park Police Department was the recipient of a NYS Local Government Records Management Improvement Fund (LGRMIF) Grant: and

WHEREAS, the grant fully funds the position of an Archives and Records Management Consultant, and

WHEREAS, the grant provides for a consulting proposal which shall contain a plan for carrying out the Police Records Archives project

NOW, THEREFORE be it

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board does hereby approved retaining James M. Tammaro as the Archives and Records Consultant and authorizes the Town Supervisor sign the consulting proposal with James M. Tammaro. Mr. Tammaro shall be compensated at a rate of pay as defined in the grant, total payment not to exceed \$8,550.00, effective September 21, 2023.

RESOLVED, that the Town Board does hereby approve the following 2023-2024 Commercial Parking Permits, as approved by the Chief of Police and Building Inspector:

Bieler, Kevin, 3946 Southwestern Blvd.
Eagan, Jim, 3785 Southwestern Blvd.
Hanley, Sean, 3944 California Rd.
Nowakowski, Frank, 3755 Abbott Rd.

Riordan, Cassie, 3748 Southwestern Blvd
Simoncelli, Dave, 3730 California Rd.
Violanti, Samuel, 3763 Abbott Rd.

RESOLVED, that the Town Board does hereby approve the renewal of the 2023 Public Stable Permit for recommended by the Building Inspector:

Chestnut Creek Farm located at 5624 Chestnut Ridge Road and Willow View Equestrian located at 7895 E. Quaker Road.

RESOLVED, that the Town Board is hereby authorized to approve the following resident appointment to the 2023 part-time staff for the Orchard Park Recreation Department retroactive to August 30, 2023 as recommended by the Recreation Director:

Katherine Regan \$16.00 Lifeguard 1

WHEREAS, the Orchard Park Town Assessor, Daniel Stanford, has recently retired; and

WHEREAS, the Town of Orchard Park has not completed the process of hiring Mr. Stanford's successor; and

WHEREAS, the duties and responsibilities of the Orchard Park Town Assessor are ongoing; and

WHEREAS, the Town of Orchard Park Assessor's office needs leadership during this interim period; and

WHEREAS, Nancy Kenlon, currently on the Town Assessor's staff, is ready, willing and able to assume the role of Acting Assessor until Daniel Stanford's successor is chosen.

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board hereby appoints Nancy Kenlon as the Town of Orchard Park Acting Assessor effective retroactively to October 2, 2023; and be it further

RESOLVED, that the Town Board does hereby continue this appointment until a new Town Assessor is chosen and appointed by the Orchard Park Town Board.

Town of Orchard Park

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Resolutions for Amendment of Budget

Benefit Basis Budget (Drainage Fund)

WHEREAS, officers and employees in charge of various administrative units of the government of the Town of Orchard Park have submitted estimates of revenues and expenditures for the fiscal year ending December 31, 2024, AND

WHEREAS, the Town Supervisor, as the Town's Budget Officer, has caused a tentative benefit basis budget to be prepared, and the Town Clerk has presented such budget to this Town Board, AND

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2024, NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget is changed, altered and revised and as hereinafter set forth, for the fiscal year ending December 31, 2024.

<u>Account Code</u>	<u>Decrease Amount</u>		
OPDD Cemetary DD0000	41001	\$	130.50
OPDD Non Res S&C DD0000	41001	\$	18,972.00
OPDD Non Res Town DD0000	41001	\$	11,310.00
OPDD Res S&C DD0000	41001	\$	114,762.00
OPDD Res Town DD0000	41001	\$	370,156.00
OPDD Vacant DD0000	41001	\$	19,662.00
		\$	<u>534,992.50</u>

<u>Account Code</u>	<u>Increase Amount</u>		
Laborers DD8540 50105		\$	150,000.00
Equipment DD8540 50200		\$	187,500.00
Unif/Clothing DD8540 50407		\$	1,000.00
Gas, Oil, Diesel DD8540 50416		\$	10,000.00
Underground Repair DD8540 50591		\$	4,000.00
Equipment Rental DD8540 50456		\$	5,000.00
Stone DD8540 50472		\$	5,000.00
Concrete & Catch B DD8540 50473		\$	10,000.00
Culvert Pipe DD8540 50474		\$	15,000.00
Allocated Cost of Op DD8540 50520		\$	8,837.50
State Retirement DD9010 50810		\$	32,000.00
Social Security DD9030 50830		\$	9,300.00
Workers Compensat DD90040 50840		\$	37,000.00
Life Insurance DD9045 50845		\$	250.00
Unemployment Insu DD9050 50850		\$	3,180.00
Medical Insurance DD9060 50860		\$	50,000.00
Flex Plan DD9065 50865		\$	2,250.00
Dental Insurance DD9061 50861		\$	2,500.00
Medicare DD9090 50890		\$	2,175.00
		\$	<u>534,992.50</u>



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

October 2, 2023

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

**Re: Lakeview Avenue Reconstruction Project
ECWA Hydrant Fees**

Dear Board Members:

As requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amount upon dedication of the various construction projects per the lease management agreement between the Town of Orchard Park and ECWA.

The total construction of the above referenced road reconstruction project will result in adding two (2) hydrants in service.

I, therefore, recommend that you authorize the payment of the two (2) additional hydrant fee amounts upon dedication of the Lakeview Avenue Reconstruction Project, per the lease management agreement between the Town of Orchard Park and ECWA, at an annual rate of \$160.80 per hydrant.

Respectfully submitted,

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

Cc: Remy Orfeo, Town Clerk
Marc A. Bellacose, ECWA

Timothy Gallagher, Town Attorney
File #2014.019



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

September 28, 2023

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

Re: Riley Meadows West Subdivision Phase 3; PIP #2023-03

Dear Board Members:

We have received from Andrew Romanowski, Alliance Homes, 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the Riley Meadows West Subdivision Phase 3.

The project consists of the installation of 1,600 L.F. of new roadway and public utilities to serve 21 residential sublots as shown on the attached location map.

I have reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, bond, and insurances.

I, therefore, recommend approval of Public Improvement Permit #2023-03 for the Riley Meadows West Subdivision Phase 3.

Respectfully submitted,

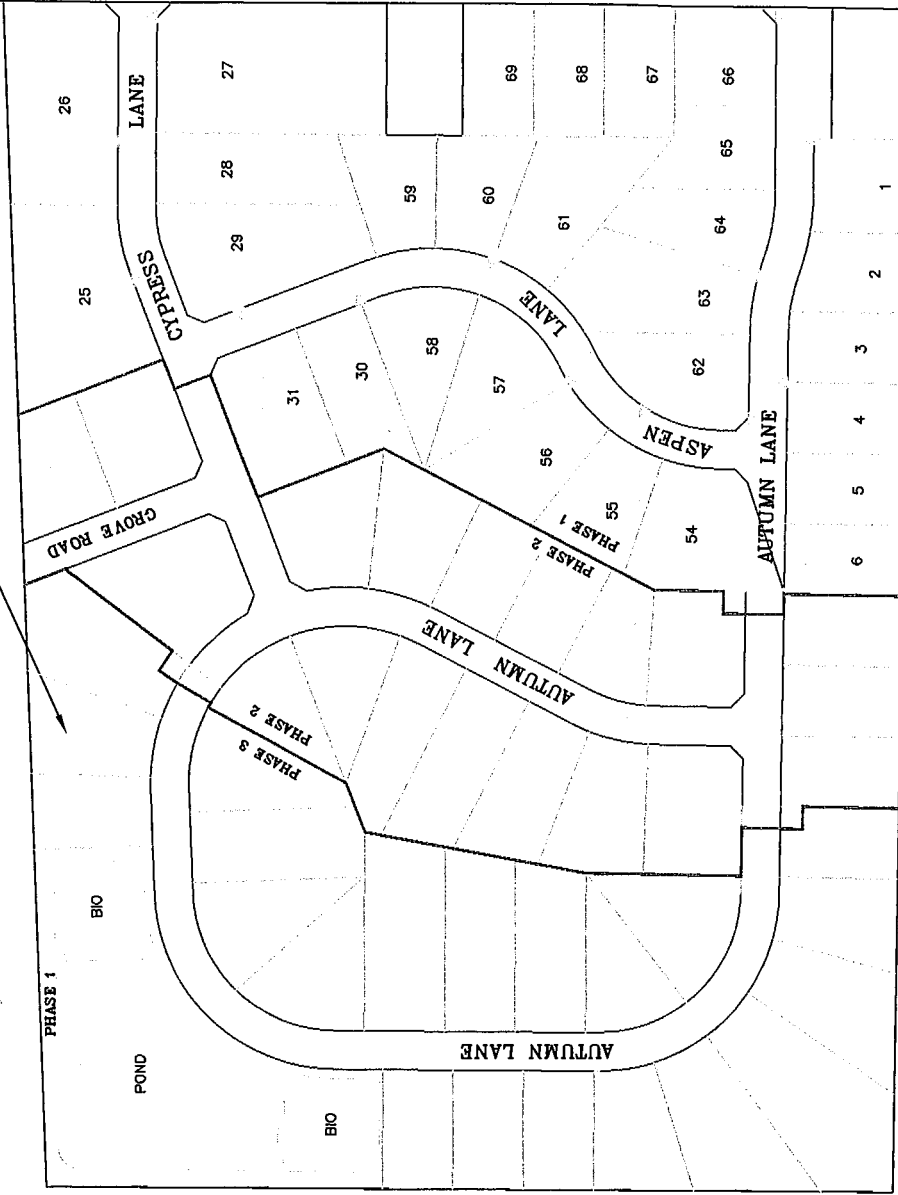
Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment

Cc: Remy Orffeo, Town Clerk
Andy Slotman, Highway Superintendent

Timothy Gallagher, Town Attorney
File #2007.023.9

RILEY MEADOWS WEST
 SUBDIVISION PHASE 3
 P.I.P. 2023-0



NOTE:

THE PROPERTY LINES, ROW LINES
 AND WETLAND BOUNDARY LINES
 ON THE MAP ARE APPROXIMATE
 AND ARE NOT TO BE USED FOR
 SURVEYING OR CONVEYANCING.

DATE PLOTTED: 6/1/20



TOWN OF ORCHARD PARK

TC

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

October 3, 2023

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

**Re: *Consultant Agreement
Elmtree and Dorchester Reconstruction Project***

Dear Board Members:

As discussed for the Elmtree and Dorchester Reconstruction Project to be completed in 2024, the use of a consultant for design would be necessary with current work load of the Town of Orchard Park Engineering Department. Although the number of water breaks are low, to take advantage of economy of scale for design and construction cost, the section of Elmtree and Dorchester Roads' waterline (1954/58 - 69 years old) was included in the scope of work for design to reconstruct the roadways.

The Town of Orchard Park received a request for proposal submittal from Nussbaumer & Clarke, Inc. I have met with a representative of the firm to review contract language, refine a scope of services and negotiated an appropriate fee structure. I believe that the proposed scope of services and agreement with Nussbaumer & Clarke, Inc. is satisfactory and will accomplish the goals of the project as set forth by the Town. The Town completed field topo & boundary work, and private utility markups have been received. The design work scope for the road and waterline, coordinating with Erie County Highway, and assisting the Town with developing bid documents (plans and specifications) are included. The Basic Design Services is estimated at \$68,400 plus contingencies.

The scope of services, as set forth by the Town, consists of completion of full design plans, meetings with involved agencies assisting with preparation of specifications and bid documents, and clarification of design principles for the bid process. The actual scope of services and agreement is attached for your review.


There is presently a Capital Project DB010, Elmtree /Dorchester account and transfer for funding as recommended.

Honorable Town Board
Page 2

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

- Authorize the Supervisor to sign an agreement with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219, to provide Design Professional Services for the Elmtree and Dorchester Reconstruction Project in an amount not to exceed \$70,000.00.
- Approve the transfer of \$120,000 from Capital Account DB005, "Miscellaneous Culverts" to Capital Account DB010, "Elmtree/Dorchester Reconstruction".

Respectfully submitted,



Wayne L. Bieler, P.E.
Town Engineer

Attachment

Cc: Remy Orffeo, Town Clerk
David Britton, Nussbaumer & Clarke, Inc.
File #2009.015.1

Timothy Gallagher, Town Attorney
Nichole Ruf, Drescher & Malecki

10/4/23

MEMORADUM

To: Town Board

From: Ed Leak

Re: Resolution for 10/4/23 Town Board Agenda

WHEREAS, it has been determined that profound damage is being incurred to the Birdsong Park Nature Trail System such as impassable walking paths, fallen trees and boardwalk deterioration caused by high water pond overflow and flooding.

WHEREAS, the Town has consulted with and received approval from the New York State Department of Environmental Conservation for a permit to remove the beaver lodges and dams in order to minimize/eliminate further problems.

NOW, THEREFORE be it

RESOLVED, the Town enters into an agreement with J A G Enterprises WNY LLC, 5363 Big Tree Road, Orchard Park, NY 14127 for services to conduct nuisance animal removal. Attachments to this resolution include the DEC permit, scope of work, service agreement and pricing.

TC

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to sign a letter of commitment with L.C. Whitford and Morbark for the purchase of a 2024 Morbark 6400X Wood Hog Grinder.

TC

WHEREAS, the Planning Board has considered the parcel identified as SBL #161.03-1-4, 4038 California Road, for rezoning from R-4 to I-1, and

WHEREAS, this is an unlisted SEQR action based on the Long EAF Parts One, Two and Three submitted by the Planning Department, and a negative Declaration is recommended, and

WHEREAS, the Planning Board has received responses submitted by the Planning Department to questions one through eleven per Town Code Article VI(c), and

Whereas, the Town Comprehensive Plan, as originally adopted on September 19, 2007 (and with subsequent revisions), has a goal to “encourage the expansion of Business and Industrial uses such as Research and Development, light manufacturing, and other non-polluting industries in locations proximate to necessary transportation, water, and sewer infrastructure”, and to “buffer new Commercial and Industrial Land uses from Residential areas with proper landscaping and screening.”, and

WHEREAS, the Town of Orchard Park, with less than 5% of its land mass zoned Industrial or Research and Development, is underserved in the amount of currently Zoned Industrial or Research and Development, and

WHEREAS, CBRE Buffalo, a national business research company, has noted that “For the Buffalo area, 2022 marked the 19th consecutive year the industrial market availability rate remained below the national average.”

NOW, therefore be it resolved

THAT the Orchard Park Planning Board recommends that the Orchard Park Town Board approve the rezoning of 4038 California Road, SBL #161.03-1-4 from R-4 to I-1.



TOWN OF ORCHARD PARK

TC

MEMORANDUM

S.4295 SOUTH BUFFALO STREET
ORCHARD PARK, NEW YORK 14127
(716) 662-6432, ext. 2202

DATE: 10/02/2023

TO: Town Clerk, Remy Orffeo
Jenifer Brady
Building Inspector Tom Minor

FROM: Rose Messina

SUBJECT: Item(s) for October 4, 2023 - TB Agenda

NEW BUSINESS:

Please refer to the Planning Board for review and recommendation of the following request:

1. Arch Cutting Tools, 5720 Ellis Road, located on the north side of Ellis Road, Zoned I-1. Applicant is seeking to construct a 4,200 square foot warehouse addition to an existing building, and additional employee parking. (SBL#161.03-1-13.1 & 161.03-1-14.1)
2. V/L, located Burton at Powers Roads, Zoned R2 & A-1, SBL#184.15-1-5.111. Cornell Cooperative is seeking to construct an 8,700-gsf. 1-story Building for Educational and Office space with associated site improvements and parking spaces.