



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.

May 5, 2020

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

**Re: *Brush Mountain Community Activity Center
Wm. T. Spaeder- Fire Protection Contract #5
Final Payment and Release of Retention***

Dear Board Members:

I am pleased to inform you that all construction work related to the Fire Protection Contract for the Community Activity Center Project has been completed. On 12/17/2019, a preliminary inspection was conducted, punch-list generated, and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications.

A two-year maintenance bond in the amount of \$202,253.30 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents. The change orders for the project were as follows:

Alternates Awarded:

C/O #1 – Award of Alt. #5, Senior Area Fit-Out for \$2,800.00
C/O #3 – Award of Alt. #6, Recreation Area Fit-Out for \$3,400.00
Total = \$6,200.00

Other Change Orders of Work Scope:

C/O #2 – Sprinkler revisions for \$14,697.14
C/O #4 – Condensate Drain Relocation for \$833.93
C/O #5 – Additional Sprinkler Heads in Gymnasium for \$3,022.23
Total = \$18,553.30

The final contract amount was \$202,253.30. Five change orders for the project resulted in a net increase of \$24,753.30. This represents an increase of 13.95% from the original amount bid.

I, therefore, recommend that you authorize the release of retention and final payment in the amount of \$20,225.33 to Wm. T. Spaeder and further authorize the Town Clerk to release Wm. T. Spaeder's performance security for the Brush Mountain Community Activity Center Project.

Respectfully submitted,

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

Attachments cc: Town Clerk Town Attorney File #15.007.2

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 5, 2020

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

**Re: Brush Mountain Community Activity Center
Numarco - Plumbing Contract # 4
Final Payment and Release of Retention**

Dear Board Members:

I am pleased to inform you that all construction work related to the Plumbing Contract for the Community Activity Center Project has been completed. On 12/17/2019, a preliminary inspection was conducted, punch-list generated, and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications.

A two-year maintenance bond in the amount of \$642,000.00 (the original contract amount) has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents. The change orders for the project were as follows:

Alternates Awarded:

C/O #2 – Award of Alt. #4, Gymnasium Fit Out for \$0.00

Other Change Orders of Work Scope:

C/O #1 – Cost Savings to utilize PVC Pipe for -\$14,063.19

C/O #3 – Installation of floor drains in locker/shower areas for \$2,876.08

C/O #4 – Fixture relocation in Kitchen for \$1,589.41

C/O #5 – Installation of Kitchen equipment for \$0.00

C/O #6 – Child size toilet, correction of roof drains and drain cover for \$6,212.21

Total = \$3,389.49

The final contract amount was \$638,614.51. Six change orders for the project resulted in a net decrease of \$3,385.49. This represents a decrease of 0.53% from the original amount bid.

I, therefore, recommend that you authorize the release of retention and final payment in the amount of \$63,861.45 to Numarco Plumbing and further authorize the Town Clerk to release Numarco's performance security for the Brush Mountain Community Activity Center Project.

Respectfully submitted,

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

Attachments cc: Town Clerk Town Attorney File #15.007.2



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

**Re: *Brush Mountain Community Activity Center
Javen – General Contract # 1
Partial Release of Retention***

Dear Board Members:

On 12/17/2019, a preliminary inspection was conducted, punch-list generated, and the contractor continues to complete the outstanding items necessary to fulfill the contract requirements.

Javen has submitted a payment request to release 47% of the retention withheld for the project totaling \$596,370.03. The remaining retention of \$672,502.37 is far in excess of the value of the outstanding punch list items left to be completed. Wendel confirmed in a meeting on April 23rd they are in agreement with the partial release of retention.

The change orders for the project were as follows:

Alternates Awarded:

C/O #1 – Award of Alt. #5, Senior Area Fit Out for \$97,000
C/O #2 – Award of Alt. #4, Gymnasium Fit Out for \$372,000
C/O #7 – Award of Alt. #6, Recreation Area Fit Out for \$64,000
Total = \$533,000.00

Other Change Orders of Work Scope:

C/O #3 – ASI #3 Adjusted Scope for \$68,253.74
C/O #4 – Construction of NYSEG Access Rd for \$78,103.40
C/O #5 – Irrigation Line and Diversion Ditch Construction for \$174,188.20
C/O #6 – Kitchen Modification, Sprinkler Revisions, and Retaining Wall Changes for \$19,989.87
C/O #8 – Interior Insulation for \$17,463.55
C/O #9 – Credits for Surplus Items & Additional Scope of Work for -\$285,860.89
C/O #10 – Credits for surplus Items & Additional Scope of Work for \$44,144.75
C/O #11 – Condensate Drain, Downspouts, and Flagpole Installation for \$15,013.00
C/O #12 – Gymnasium Wall Alterations for \$4,176.55
C/O #13 – Gymnasium Storage Doors and Dance Studio Mirrors for \$16,049.40
C/O #14 – Washable Ceiling Tile in Kitchen for 2,163.91
C/O #15 – Punch list Requests and Code Compliancy Changes for \$54,725.89
Total = \$208,411.39

The final contract amount to date is \$12,748,449.87. Fifteen change orders for the project resulted in an increase of \$653,121.87. This represents an increase of 5.40% from the original amount bid. The

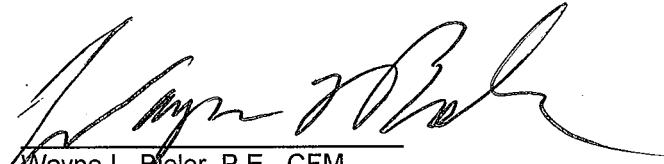
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final contract amount has not yet been calculated as there are some outstanding items left to be completed.

I, therefore, recommend that you authorize the Town Clerk to release a portion of Javen Construction's retainage in the amount of \$596,370.03.

Respectfully submitted,



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

Attachments

cc: Town Clerk

Town Attorney

File #15.007.2



TOWN OF ORCHARD PARK

4295 SOUTH BUFFALO STREET, ORCHARD PARK, NEW YORK 14127

PROJECT PAYMENT REQUEST NO. 16

PROJECT : **Community Activity Center Contract #1 General**
 JOB NO. : 15.007
 DATE : 4/23/2020
 BY : GRC
 PAYMENT NO. : 16

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
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See attached shedule of values

TOTAL CHANGE :	\$0.00
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Original Contract Amount.....	\$12,095,328.00
Change Orders.....	\$653,121.87
Adjusted Contract Amount to Date.....	\$12,748,449.87
Cost of Work Completed as of Previous Payment.....	\$12,688,723.98
Cost of Work Completed During Current Payment Period.....	\$0.00
Total Work Completed to Date.....	\$12,688,723.98
Less: 5.3% Contract Retention.....	\$672,502.37
Subtotal.....	\$12,016,221.61
Less: Previous Payments.....	\$11,419,851.58

AMOUNT DUE THIS PAYMENT..... **\$596,370.03**

APPROVALS:

CONTRACTOR: Javen

TOWN ENGINEER: 

BY: _____

DATE: See cetrtified Application Attached

DATE: 5/4/20



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

**Re: Stormwater Phase II Annual Report for 2019 - 2020
Coverage under an SPDES General Permit for Stormwater Discharges from MS4's**

Dear Board Members:

Per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department Environmental Conservation, a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals.

The 2019-2020 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. A draft copy will be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

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

- Authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification.
- Schedule a public informational meeting for Wednesday, May 20, 2020, at 7:00 pm, to receive public comment on the draft Stormwater Phase II annual report.

Respectfully submitted,

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

Attachment

cc: Town Clerk
Town Attorney
Highway Supt.
Building Inspector
File #04.014



TOWN OF ORCHARD PARK

TC

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

Re: Testing Backflow Prevention Devices 2020

Dear Board Members:

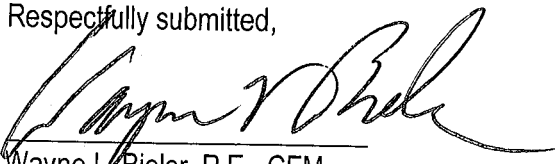
The Town is required to test the Town owned backflow prevention devices to keep in compliance with the New York State Health Department and the Erie County Water Authority regulations. Currently, the Town has 13-backflow prevention devices; two located in the Municipal Center, one each located in the Library, Orchard Meadows Playground and Honey Crest Playground, two for the Compost Facility, two for Green Lake Park / Little League, and three for the Brush Mountain Community Activity Center.

The scope of work includes testing each of the 13-backflow prevention devices during the course of the year and to perform any maintenance that may be needed if the backflow prevention device does not pass the test.

The Town has appropriated funding for contracted building repair and maintenance, A01620 50446.

I, therefore, recommend that you authorize advertisements in the Orchard Park Bee for sealed bids to be opened for the Testing Backflow Prevention Devices 2020 at 2:00 pm, on May 28, 2020, in the Supervisor's Conference Room at the Orchard Park Municipal Center.

Respectfully submitted,


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

cc: Town Attorney
Town Clerk
File #06.040

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

Re: Shadow Lane Extension; PIP #2019-01

Dear Board Members:

On March 20, 2020, a final inspection was conducted of the public improvements installed in the Shadow Lane Extension. The project included the construction of the public road extension of Shadow Lane with connection with California Road as shown on the attached location map. This public road extension will allow a 150-unit commercial apartment complex 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 weather permits:

- Cover placing and fine grading topsoil, and hydroseeding and mulching along the new ROW the Shadow Lane Extension. \$10,000
- Install the public stoned sanitary mainline easement access road per plan on the north side of Shadow Lane. \$90,000

We are in receipt of the \$100,000 cash securities for the items noted above. A two-year maintenance bond in the amount of \$450,000 has been submitted along with all other necessary documents.

I, therefore, recommend you adopt the following resolutions:

Authorize the Town Attorney to proceed with the dedication of the public improvements in the Shadow Lane Extension 1 constructed under PIP #2019-01, and authorize the Town Clerk to release the performance security in the amount of \$90,000.00.

Town Board Dedication letter
May 6, 2020
Page 2 of 2

WHEREAS, 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.

WHEREAS, Shadow Lane public road extension were constructed as a Town street in accordance with plans and specifications prepared by Carmina Wood Morris, P.C.; and

WHEREAS, the two lane streets are 0.26-miles in length and consist of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

WHEREAS, construction of the Shadow Lane public road extension 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 Shadow Lane public road extension shall be included in the 2020 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 the Shadow Lane public road extension in the Town of Orchard Park's 2020 Inventory of Streets.

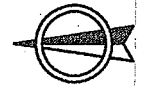
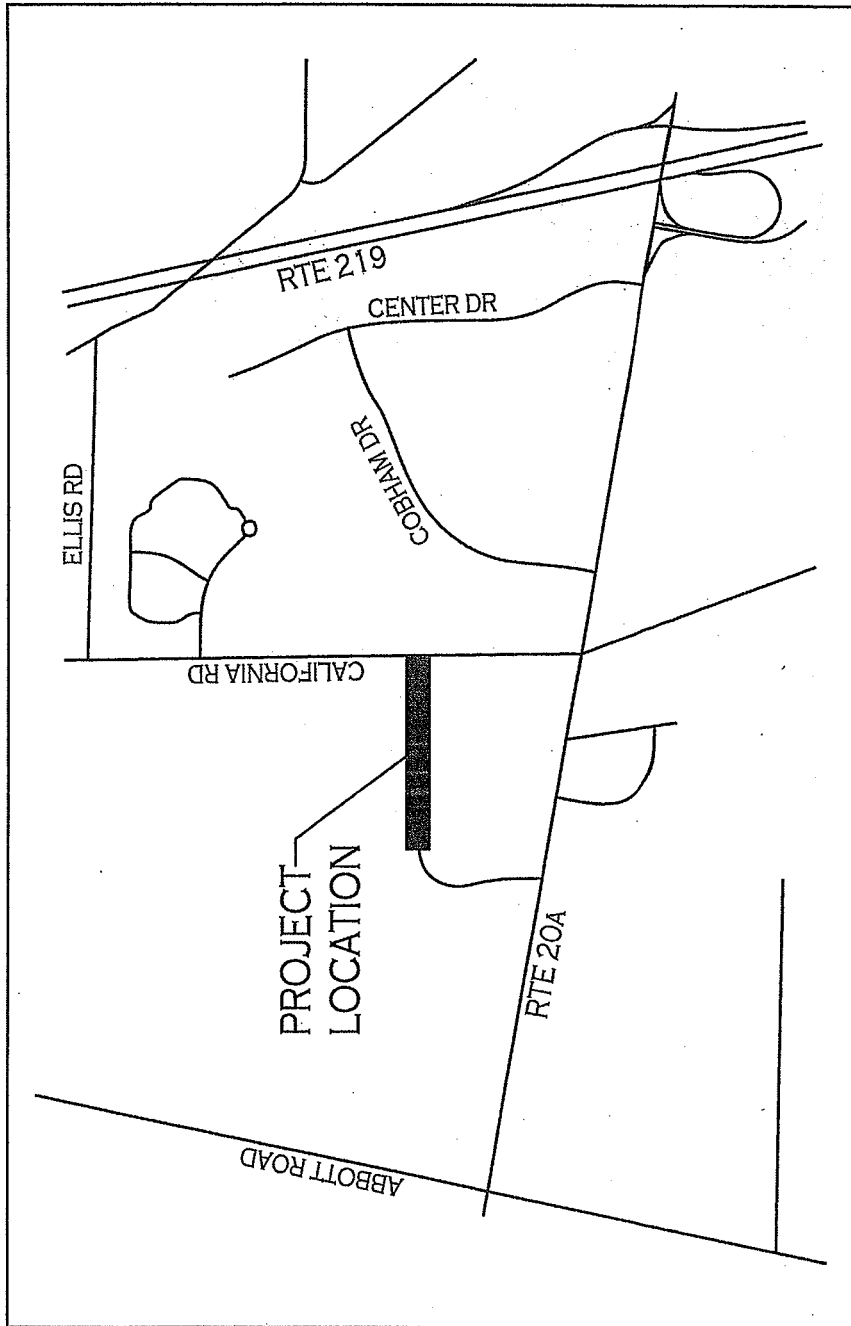
Respectfully submitted,



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

Attachment

cc: Town Clerk
Highway Superintendent
Town Attorney
Town Assessor
Building Inspector
File #07.007.2



LOCATION MAP
NOT TO SCALE



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

**Re: Shadow Lane Extension; PIP #2019-01
Traffic Order**

Dear Board Members:

The Police Chief, Highway Superintendent and I have reviewed the street layout for the above referenced public road extension

Upon dedication of Shadow Lane Extension, I hereby recommend that you adopt the following traffic order:

- Authorize the posting of a **STOP SIGN** on Shadow Lane at the intersection of California Road.

Respectfully submitted,

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

cc: Town Clerk
Town Attorney
Highway Superintendent
Police Chief
File #07.007.2



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

**Re: Shadow Lane Extension; PIP #2019-01
ECWA Hydrant Fees**

Dear Board Members:

As requested by the Erie County Water Authority (ECWA), (per the lease management agreement between the Town of Orchard Park and ECWA), the Town of Orchard Park is required to pass a resolution to authorize payment of the hydrant fee amount upon dedication of the various phases of the subdivision or road extension.

The total construction of the above referenced subdivision will result in four hydrants in service.

I, therefore, recommend that you authorize the payment of the four hydrant fee amounts upon dedication of the Shadow Lane public road extension and associated hydrants per the lease management agreement between the Town of Orchard Park and ECWA.

Respectfully submitted,

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

cc: Town Attorney
Town Clerk
Jeffrey Sylvester, ECWA
File #07.007.2

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



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

May 6, 2020

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

**Re: Consultant Agreement - Pond/Lake Maintenance
Non-Pesticide Aquatic Vegetation Control & Fish Stocking**

Dear Board Members:

Similar to previous years, to complete the management and maintenance of various ponds/lake including Green Lake; it is necessary to hire an environmental consulting firm that is familiar with non-pesticide aquatic vegetation control (grass carp) and water quality (microbes and water aeration), general consultation and fish stocking.

I have again solicited services and received a proposal from a local environmental consultant firm, AquaTech Environmental, Inc., which is qualified and more than capable of completing lake management work for Green Lake and other various Town owned ponds. Fish stocking in thirteen (13) Town owned lakes/ponds would also be completed in the necessary timeframe and appropriate season (spring & fall).

The environmental services to be provided for the maintenance of Town ponds/lake are proposed as an annual maintenance service agreement and will include: Non-Pesticide Aquatic Vegetation Control (grass carp stocking), Initial Walkthrough (Biological, Chemical and Physical Analysis), Water Quality Analysis, Aeration Assessment, Installation and Adjustment, Stocking Permit Procurement, Fish Stocking, Fishery Assessment/Management and General Consultation Services. Aqua Tech Environmental, Inc. will provide these services on as as-needed basis. A \$2,500.00 deposit will be due in April/May and will be later subtracted from the stocking costs.

The Birdsong Subdivision Retention Pond is being stocked with 10 grass carp this spring to maintain healthy populations that can deal with the rooted plants. The additional grass carp pose no negative side effects and are a cost effective measure to control plant populations and improve the overall quality of the pond. No treatment was needed in 2019 for the Birdsong Retention Pond, except for the grass carp which were added.

The total anticipated pond treatment (weather dependent) cost for 2020 is \$0.00 for the year (attachment 2.0). Ten Town owned water bodies are listed with costs in case any microbial treatment is needed this year. The 2020 pond and lake maintenance proposal includes \$3,000.00 towards possible water treatment options along with 50% cost sharing opportunities from existing drainage districts (1-2, 1-3, 2-2 & 3-2). The \$3,000.00 could also be applied towards the stocking of 125 grass carp in Green Lake pending spillway modifications and NYSDEC approval/permitting. The 125 grass carp would aid in the aquatic vegetation control in the lake and are offered by AquaTech at a reduced cost of \$1,875.00 (\$15/grass carp) due to quantity discounts.

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

Honorable Town Board
May 6, 2020
Page 2

The continuation of the Town of Orchard Park Fish Stocking Program recommendations are attached (Attachment 3.0 Fishery Management Agreement) for 2020. Mr. Adrian recommends continuing the feeder fish stocking (fathead minnows & golden shiners), game fish stocking (large mouth bass, crappie & yellow perch) and increasing grass carp stocking to aid in weed control. The 2020 proposed stocking cost is \$4,998.00 (attachment 3.1) less the \$2,500.00 deposit.

The entire projected cost for Town Pond/Lake maintenance, possible water quality treatment and stocking for calendar year 2020, is not to exceed \$10,000.00 (excluding aeration improvements). There are presently funds (\$15,000.00+/-) allocated under Orchard Park Engineering Department "Water Quality Consultants" A01440 50541 for this work.

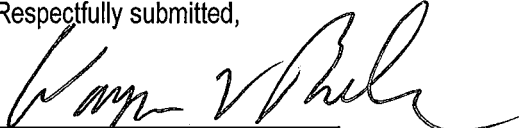
The Town Board must be aware, as previously discussed with AquaTech, that this natural means of aquatic vegetation control and water quality management is not a perfect science and is heavily influenced by outside factors such as weather, nutrient loading, oxygen levels, etc. Another factor to highlight is that, other than Green Lake, no aeration projects are funded under this agreement, which are also a major component of improving water quality. Lastly, this amount of funding would not cover all microbial treatments in a single year if they were, for some reason, required for all proposed waterbodies, which is highly unlikely. All involved parties must know there will be a learning curve with these natural methods. The true benefit for the environment comes with eliminating pesticides.

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

Authorize the Supervisor to sign an agreement with AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$10,000.00 to provide the following:

- Professional consultation for yearly environmental services for Town-Owned Ponds & Lake (\$2,500.00 deposit due in April/May).
- Non-Pesticide water quality treatment services (excluding aeration) for various Town-Owned Ponds & Lake; including Lyrica North & South, Holley Ridge, CRV East & West, Milestrip Reclamation, Birdsong, Pleasant Acres & Knoche ponds, also Green Lake.
- Complete NYSDEC permitting & fish stocking in specified Town-Owned Ponds/Lake as per attachment 3.0 & 3.1 Fishery Management Agreement.

Respectfully submitted,



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

Attachment

cc: Town Clerk
Town Attorney
OP Parks & Grounds Supt.
AquaTech Environmental, Inc.
File #06.017

Local Law for Peddling & Soliciting,
Transient Businesses, and Mobil Food
Vending will be in the Town Clerk's
Office and posted on the Website after
May, 6, 2020

WHEREAS, the Town of Orchard Park mows grass along Town highways, in cul de sacs, and on subdivision entrances, and

WHEREAS, the Town of Orchard Park has solicited responses to its Request for Proposal for providing mowing services for these parcels for the period beginning May 1, 2020 and extending through the first week in October, 2020 and

WHEREAS, after careful consideration of the responses to the Request for Proposal, the Town of Orchard Park has determined that the response from Jensen Lawn & Yard Care is most acceptable,

NOW THEREFORE BE IT RESOLVED THAT

1. The Town of Orchard Park awards its 2020 mowing contract to Jensen Lawn & Yard Care, and
2. Service is to begin under that contract on May 1, 2020 and extend through the first week in October, 2020 at the weekly rate of \$565.00 and
3. All the other terms and conditions of the Request for Proposal response of Jensen Lawn & Yard Care are hereby accepted and incorporated herein.

WHEREAS, the Town of Orchard Park Assessor position is presently vacant, and

WHEREAS, the Town of Orchard Park has conducted a search for a candidate to fill this vacancy, and

WHEREAS, the Town of Orchard Park has determined the candidate of choice is Daniel Stanford of 110 Victor Lane, Hamlin, NY and

WHEREAS, Daniel Stanford is ready, willing and able to become the Town of Orchard Park Assessor,

NOW THEREFORE BE IT RESOLVED THAT

- 1) The Town of Orchard Park hereby appoints Daniel Stanford to the Group 3 non-union position of Town Assessor, and
- 2) The effective date of this appointment is May 4, 2020, and
- 3) The starting salary for this position is \$86,000.00 per year with one-time signing bonus of \$4,000.00.

4. Are you a public officer or party officer?

YES _____

NO X _____

If you answered "NO" to items 3 and 4, you are not required to answer items 5 through 10. You must sign and date the form where indicated and mail it to the address indicated below.

If you answered "YES" to items 3 and 4, you are required to complete the remaining applicable items and you must sign and date the form where indicated and mail it to the address indicated below.

5. Names and addresses of licensees or others to whom you paid fees and/or commissions:

6. The dollar amount you paid to each licensee or other person:

7. The services rendered by the persons listed in item 5 for which a share of commissions was paid:

8. Schedule of coverages placed on account of which fees or commissions were paid to the persons listed in item 5:

Name of Insurer

Policy No.

9. Services rendered on account of which fees were paid to the persons listed in item 5.

10. What public office or party office do you hold?

Date:

April

13,

2020



Signature

Telephone No. 716-662-4461

David R. Stromecki

Town Clerk

Town of Orchard Park

S 4295 South Buffalo Rd.

Orchard Park, NY 14127-2609

1st quarter 2020 tonnage report

Garbage = 269 tons

Recycling = 42 tons

Jack Sturm

Operations Supervisor

Republic Services