

TC

PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on June 17, 2020 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding Local Law 3 for the year 2020. This local law provides as follows:

Delete current Chapter 101: Peddling, Soliciting,

Replacing Chapter 101: Peddling, Soliciting, Transient Businesses and Mobile Food Vending

A copy of the new local law is on file in the Town Clerk's Office and on the Town Website.



**2020 TOWN OF ORCHARD PARK
FOOD TRUCK PERMIT
EXCLUDING STADIUM EVENTS**

Lloyd's
Additional
sites

LOCATION OF EVENT Target O.P Not Allowed
 DATE OF EVENT: Wednesdays & Saturdays (6/20 - 12/20)
 START AND END TIME OF EVENT: Wednesday - 5-8pm / Saturday 11-2pm

LOCATION OF EVENT Orchard Park Veterinary
 DATE OF EVENT: Every Wednesday (6/20 - 12/20)
 START AND END TIME OF EVENT: 11am - 1:30pm

LOCATION OF EVENT Orchard Fresh
 DATE OF EVENT: Every Thursday (6/20 - 12/20)
 START AND END TIME OF EVENT: 5-8pm

LOCATION OF EVENT Consumers Orchard Park
 DATE OF EVENT: Every Friday (6/20 - 12/20)
 START AND END TIME OF EVENT: 5-8pm

LOCATION OF EVENT Brook Bridge Medical Building
 DATE OF EVENT: Every Friday (6/20 - 12/20)
 START AND END TIME OF EVENT: 11 - 1:30 pm

LOCATION OF EVENT Nottingham Village
 DATE OF EVENT: Tuesday June 16
 START AND END TIME OF EVENT: 5-8pm

LOCATION OF EVENT Pawtucket Park
 DATE OF EVENT: Wednesday June 17th & Wednesday Sept 2nd
 START AND END TIME OF EVENT: 4-7pm

LOCATION OF EVENT Southtown Radiology
 DATE OF EVENT: Thursday June 25th
 START AND END TIME OF EVENT: 11 - 1:30

LOCATION OF EVENT Hammocks at Orchard Park
 DATE OF EVENT: Mondays June 22 - July 13
 START AND END TIME OF EVENT: 5-8pm

TC

RESOLUTION

WHEREAS, the Town of Orchard Park entered into a contract of Purchase and Sale dated December 18, 2019 with Tuscan Properties, LLC for the Town owned property at 70 Linwood Avenue in Orchard Park, and

WHEREAS, in light of the changes in economic circumstances occasioned by the COVID-19 pandemic both parties to that contract have agreed that an amendment to that contract would be appropriate, and

WHEREAS, the proposed amended terms include a new price of \$500,000 and an increase in the deposit to \$100,000 which deposit will become liquidated damages for the Town of Orchard Park if Tuscan Properties, LLC does not close within fourteen days of the end of the Permissive Referendum period associated herewith,

NOW THEREFORE, BE IT RESOLVED THAT:

- 1. The Town of Orchard Park Supervisor is hereby authorized to sign an amendment to the December 18, 2019 contract of Purchase and Sale between the Town of Orchard Park and Tuscan Properties LLC for the sale of 70 Linwood Avenue, Orchard Park, New York, and**
- 2. The terms of the amendment include a reduction in price to \$500,000 and an increase in the deposit to \$100,000 which deposit will become liquidated damages if Tuscan Properties LLC does not close within 14 days of the end of the Permissive Referendum period associated herewith.**
- 3. Subject to a Permissive Referendum, the Town of Orchard Park is hereby authorized to sell 70 Linwood Avenue pursuant to the underlying contract of purchase and sale as amended by the new terms as set out herein.**



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.

June 16, 2020

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

Re: Bid Award
Brush Mountain Community Activity Center
Grading, Seeding, & Landscaping Contract

Dear Board Members:

Bids were opened for the above referenced Project on June 12, 2020. The Town received four (4) bids from local contractors. This project consists of spreading and grading the large fill stockpiles at locations around Brush Mountain Park, installation of drainage for both the access road and future playground, the placement of topsoil and seed on all disturbed areas around the Community Center and fill areas, tree and shrub plantings, as well as includes an alternate to remove +/- 2,300CY of fill from the site and stockpile at Thorn Ave. The two apparent low bidders both contained mathematical errors in their bids. The Town Attorney has confirmed we can award and math errors were addressed in bid tab as directed. The two low bidders were de-scoped and references checked. Both contractors were okay with the plans and specifications/bid documents and all references on both contractors were very positive.

The low bid contractor for this project was Pinto Construction Services at \$358,722.00. Their bid contained an error in the mobilization calculation and is addressed in bid tab by (-) \$543.92. This item error was based on 4% of their total contract inclusive of mobilization rather than 4% of the total exclusive of mobilization, as the specifications require. This bid is below the Engineer's Estimate of \$450,000. Per the de-scoping meeting, and follow up correspondence, Pinto is aware of the error impact. Their Bid price for Alternate #1 is \$14,950 and includes all loading, trucking, stockpiling, and stabilization of fill at the Thorn Ave. site for use on the future Little League field construction. The Company has successfully completed various projects for neighboring municipalities in the past and has provided professional references. Pinto Construction Services has been found to have the qualifications and experience to perform this work adequately. I have no reservation about their capabilities.

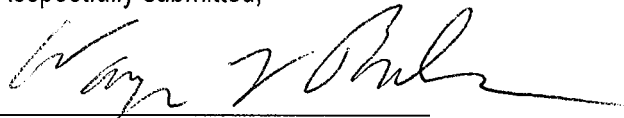
There is presently funding for the project, in capital account AB005, Brush Mountain Community Activity Center Site \$364,000.00. A transfer of funds from AB004 Brush Mountain Community Activity Center Building to AB005 should be authorized in the amount of \$36,000 to take balance in AB005 to \$400,000.

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

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

- 1) Transfer funds in the amount of \$36,000 from AB004 Brush Mountain Community Activity Center Building to AB005 Brush Mountain Community Activity Center Site.
- 2) Award the contract for the Brush Mountain Community Activity Center Grading, Seeding, & Landscaping Project including Alternate #1 to the lowest responsible bidder, Pinto Construction Services, 132 Dingens Street Buffalo, NY 14206 in the amount not to exceed \$373,672.00.

Respectfully submitted,



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

Attachment

cc: Pinto Tom Malecki, Drescher & Malecki Town Attorney
Town Clerk File #15.007.3



TOWN OF ORCHARD PARK

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

June 16, 2020

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

**Re: Lexington Ave & Brenner Drive Reconstruction Project
Consultant Agreement
Pavement Cores & Soil Borings**

Dear Board Members:

As we have discussed, to complete the Lexington Avenue & Brenner Drive Reconstruction bid documents and design work, existing soil conditions along the project needs to be known. With the final design work underway, test bore locations were marked in the field and depths determined depending on utility depths' standards per SJB Services, Inc. The Town of Orchard Park will directly contract the test boring services for Lexington Avenue & Brenner Drive Reconstruction and add the findings to the Town's soil boring records book.

In order to keep the project on schedule; pavement cores and soil-boring work must be completed. I have solicited services from a local consultant, SJB Services Inc., who is qualified and capable to complete this work in the necessary time frame.

The test boring work will include two pavement core locations (6" asphalt core, sample subbase to determine thickness, spit spoon samples to 3 feet), two soil borings to a depth of 15-feet for the fill areas and deeper utility work, and all associated boring reports. All boring locations are to be tied into survey with elevations. SJB Services, Inc. estimated the cost to complete the above mentioned work is \$2,400.00. The estimated time necessary to complete the work is one day.

I, therefore, recommend that you authorize the Supervisor to sign an agreement with SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075, to provide pavement cores & soil borings for the Lexington Ave & Brenner Drive Reconstruction Project in an amount not to exceed \$2,400.00.

Respectfully submitted,

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

Attachments

cc: Town Clerk Town Attorney Tom Malecki, Dresser & Malecki

WHEREAS, the Orchard Park Town Board appointed Ernie Matthews to the position of Deputy Highway Superintendent for the period running from January 1, 2020 to June 30, 2020, and

WHEREAS, the Town of Orchard Park wishes to extend Ernie Matthews's appointment for the period beginning July 1, 2020 and ending December 31, 2020 on the same terms and conditions of his present appointment,

NOW THEREFORE BE IT RESOLVED THAT:

1. Ernie Matthews is hereby appointed Deputy Highway Superintendent for the term beginning July 1, 2020 and ending on December 31, 2020 on the same terms and conditions of his present appointment.

TC

Town of Orchard Park
Recreation, Parks, and Forestry Department
 200 North Lake Drive
 Orchard Park NY 14127
leake@orchardparkny.org (716) 662-6450 ext.1

6/17/20

To: Town Board
 From: Ed Leak
 Director of Recreation

I respectfully submit the following for appointment to the staff of the Town of Orchard Park Recreation Department summer seasonal for 2020.

RE: Item 1 2020 Summer Seasonal Part Time Staff Appointments effective 6-18-20 Camp Staff & Lifeguards

Mary Genzel	\$14.00	PT6-B (LG)
Katherine Powers	\$13.50	PT5-E (ATT)
Alexandra Canaple	\$13.00	PT5-C (A++)
Griffin Harrigan	\$13.50	PT5-E (A++)
Emily Blake	\$13.00	PT5-C (A++)
Jack Kinsman	\$13.50	PT5-E (A++)
David Hoelscher	\$14.00	PT6-B (LG)

RE: Item 2 2020 Summer Seasonal part time Staff Appointments effective 6-18-20 Parks and Grounds

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Andrew Doran	\$13.00	PT5-C (A++)
Julie Fregelette	\$15.00	PT6-D (A++)
Benjamin Shoop	\$13.00	PT5-C (A++)
John Schmelzinger	\$13.00	PT5-C (A++)
Mark Nemec	\$13.00	PT5-C (A++)
Edwin Rossy	\$13.00	PT5-C (A++)
Amy Masciale	\$13.00	PT5-C (A++)

Note: The above appointment is dependent upon the applicant providing the required certifications.

*Att=Attendant

*LG= Lifeguard

Recreation Director: Ed Leak

Assistant Recreation Director: Kristin Santillo

Recreation Assistant: Jenni Carter



**2020 TOWN OF ORCHARD PARK
FOOD TRUCK PERMIT
EXCLUDING STADIUM EVENTS**

*Fat Bob's
Location*

LOCATION OF EVENT Pawtucket Park
DATE OF EVENT: 7/15
START AND END TIME OF EVENT: 5-7³⁰

LOCATION OF EVENT _____
DATE OF EVENT: _____
START AND END TIME OF EVENT: _____

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LOCATION OF EVENT _____
DATE OF EVENT: _____
START AND END TIME OF EVENT: _____



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

June 16, 2020

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

**Re: 2020 Summer Help
Engineering Department**

Dear Board Members:

Funds have been allocated in the 2020 budget for seasonal help in the Engineering Department. With the current work load of the Engineering Department, I am recommending Jacob Kinderman. Jacob is currently attending _____ College. His past positions have been with _____, The

I, therefore, recommend that you approve Jacob Kinderman, _____, a seasonal position in the Engineering Department for a ten-week period beginning July 1, 2020 at a wage rate of \$13.00 per hour.

Respectfully submitted,

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

cc: Town Clerk
Dawn Whalend, Personnel
Jacob Kinderman
File



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June 16, 2020

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

**Re: Advertisement for Bids
Brenner Drive – Lexington Avenue Reconstruction Project**

Dear Board Members:

The Orchard Park Engineering Department is in the final stages of preparing design plans, specifications, maps, and is coordinating utility relocations for the Brenner Drive – Lexington Avenue Reconstruction Project.

In order to keep the project on schedule, the Advertisement for Bids should be authorized to be published on June 17, 2020. Construction Plans and Bids Documents will be available for purchase on July 3, 2020 at the Town Clerks office with the bid opening to be held on July 27, 2020 at 2:00 PM. It is expected that the construction work will start in August 2020 with completion of final restoration in October 2020, weather permitting, or the spring of 2021.

I, therefore, recommend that you authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Brenner Drive – Lexington Avenue Reconstruction Project on July 27, 2020 at 2:00 PM. in the Supervisor's Conference Room at the Orchard Park Municipal Center.

Respectfully submitted,

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

Attachment

cc: Town Clerk Town Attorney File # 2014.008

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

No supporting documentation was received for item #8 under new business.



TOWN OF ORCHARD PARK

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

June 16, 2020

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

**Re: Shadow Lane Extension; PIP #2019-01
Connection of Decorative Light Fixtures – Updated NYSEG Prices**

Dear Board Members:

Per the tariff agreement between NYSEG and the Town, NYSEG requested the Town submit a new resolution authorizing the energizing of ten (10) decorative street light fixtures along the Shadow Lane Extension. At present, there are seven (7) proposed apartment complexes currently under construction along the south side of the Shadow Lane Extension.

The L.E.D. luminaires, which are owned by the Town, have been installed under PIP # 2019-01. The Town will maintain the poles, bulbs, and the electric eye of the luminaires, NYSEG is providing energy only per the SC4 classification. The Town purchases the electricity from the supplier, which is **estimated** to be \$42.03/ea. for an annual estimated cost of \$420.30 (10). The attached application will add the new LED lights to our existing SC4 (service classification) account. Charges for energy to the lights may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

I, therefore, recommend that you authorize NYSEG to connect ten (10) L.E.D. decorative light fixtures along the Shadow Lane Extension at an estimated annual increased energy cost of \$420.30 to the Consolidated Light District in accordance with the attached NYSEG proposal.

Respectfully submitted,

Wayne L. Bieler, P.E., C.F.M.
Town Engineer

Attachment(s): 2

Cc: Town Clerk
A. Slotman, Sewer, Water & Lighting Dept.
Drescher & Malecki, LLP
File #07.007.2

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



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TOWN ENGINEER
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June 16, 2020

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

**Re: Riley Meadows West Subdivision Phase 2
PIP #2020-02**

Dear Board Members:

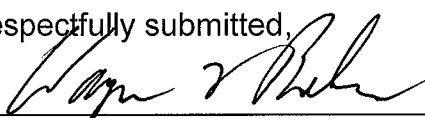
We have received, from Andrew Romanowski, Oak Orchard Development, LLC, 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the Riley Meadows West Subdivision Phase 2.

The project consists of the installation of 2,100 L.F. of new roadway and public utilities to serve 19 residential sublots as shown on the attached location map. Two bioretention ponds and a retention basin system were installed during Riley Meadows West Subdivision Phase 1 construction.

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 #2020-02 for the Riley Meadows West Subdivision Phase 2.

Respectfully submitted,



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

Attachment

cc: Town Clerk Town Attorney
 Highway Superintendent File #07.023.7

S:\Subdivisions\Riley Meadows West\PIP Phase 2 Construction Correspondence\PIP APPROVAL- Riley Meadows West Phase 2.doc

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

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RESOLUTION

WHEREAS, a vacancy due to retirement is pending in the Secretary to the Supervisor position, and

WHEREAS, such a vacancy is filled at the pleasure of the Town Supervisor, and

WHEREAS Supervisor Keem has identified Ruth Hromchak as his choice to fill this vacancy, and

WHEREAS, Ruth Hromchak is ready willing and able to start work on June 29, 2020 as a Group Four non-union employee for the rate of \$20.50 per hour,

NOW THEREFORE BE IT RESOLVED THAT;

1. Ruth Hromchak is hereby appointed Secretary to the Supervisor, and
2. Ruth Hromchak's starting date is June 29, 2020 as a Group Four non-union employee for the rate of \$20.50 per hour.

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**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
DESIGNATION OF RESTRICTED HIGHWAY**

Pursuant to Section 104a of the Highway Law the following described highway:

There are 2 locations:

1. NY Route 62 (South State Road) from New Jerusalem Road to Carpenter Road. Project will also include 200 feet in each direction on all side streets that are along Route 62 within the above noted limits.

2. NY Route 20A (Big Tree Road) from Abbott Road to California Road. Project will also include 200 feet in each direction on all side streets that are along Route 20A within the above noted limits.

Which is being reconstructed under Contract No. D264250 is hereby designated as a Restricted Highway. Designation of Restricted Highway shall expire on January 31, 2021.

Pursuant to Section 1625 of the Vehicle and Traffic Law all movement of vehicles, persons or animals on such highway is hereby restricted and regulated in accordance with the determination of the Commissioner of Transportation as evidenced by posted signs, signals or barriers placed along said highway and/or by direction by an authorized representative of the Commissioner of Transportation.

Any action taken by the Commissioner of Transportation pursuant to Section 1625 of the Vehicle and Traffic Law shall supersede any other provisions of the Vehicle and Traffic Law where inconsistent or in conflict with respect to the following enumerated subjects:

1. Establishment of maximum and minimum speed limits at which vehicles may proceed along any such restricted highway.
2. Weights and dimensions of vehicles.
3. Use of such restricted highway by pedestrians, equestrians, and animals.
4. Parking, standing, stopping and backing of vehicles.
5. Control of persons and equipment engaged in work on such highway.

The provisions of the Vehicle and Traffic Law with respect to registration shall not apply to vehicles and equipment engaged in work on such restricted highways.

When used on such restricted highways, all traffic control devices shall be considered as official traffic control devices and shall conform to the manual and specifications for a uniform system of traffic control devices adopted by the Department of Transportation.

Marie Therese Dominguez
Commissioner

Original Signed By:
F.P. Cirillo

BY: _____
FRANK P. CIRILLO, SR/WA
Regional Director, Region 5
New York State Department of Transportation
100 Seneca Street
Buffalo, New York 14203

2/8/2020
Date

County Clerk: Erie
Town Clerk: Eden and Orchard Park ✓
Contractor: D & H Excavating
Engineer-in-Charge: Kevin Struebel
Regional Construction Engineer: Daniel W. Paskie, P.E.
Regional Permit Engineer: John Billittier
Regional Traffic Engineer: Michael Roche
Contracts & Estimates Engineer: Karen Beller
New York State Department of State (4 copies required)
New York State Police, Troop A
Resident Engineer: Amme Carson

Title 17 NYCRR Part 155

Traffic Regulations on Restricted Highways
(Statutory authority: Vehicle and Traffic Law, Section 1625.)

Section 155.1 Definition. The term *restricted highway* when used in this part shall mean any highway or portion thereof under construction or reconstruction under the supervision of the Commissioner of Transportation and which is designated by the Commissioner as a restricted highway pursuant to Section 104a of the Highway Law.

155.2 Traffic control devices. Unless otherwise posted, traffic control devices used on restricted highways shall conform to the requirements of the Vehicle and Traffic Law.

155.3 Flagmen. Operators of vehicles on restricted highways shall follow the directions of any flagman with respect to movement of such vehicles.

155.4 Control of persons and equipment. Construction personnel and equipment engaged in work on such restricted highway shall be afforded the widest latitude in operating within the restricted highway consistent with the safety of the traveling public. This shall include, but not be limited to, the crossing of the highway and the mall; the shutting-off of lanes of travel consistent with the contract and the orders of the Commissioner of Transportation or his duly authorized agent; the loading, unloading and manipulation of material; the movement and direction of vehicles and equipment; and other similar operations necessary to the reasonable and practical performance of the contract.

155.5 Other requirements. The other provisions of the Vehicle and Traffic Law relating to motor vehicles shall not apply to special purpose construction equipment, such as described in section 401, subdivision 7, paragraph (f) of the Vehicle and Traffic Law, while engaged in work on a restricted highway, except that all such vehicles and equipment shall be kept in safe, mechanical operating condition at all times and reasonable caution shall be used to protect the traveling public. However, such other provisions shall apply to those vehicles that normally operate on public highways to transport persons and/or material and are ordinarily considered commercial vehicles.

155.6 Emergency or unusual conditions. The Commissioner of Transportation may, by the erection of signs, signals or other traffic control devices, alter or modify the provisions of this Part to adequately protect the public at locations where emergency or unusual conditions occur or exist as a result of the construction or reconstruction on a restricted highway. These alterations or modifications shall have the same force and effect as though they were specifically set forth in this Part and shall remain in force until the condition is considered by the Commissioner to be safe and the erected signs, signals or other traffic control devices have been officially removed.

155.7 Effective date. The provisions of this Part shall be effective with respect to a specific restricted highway from the date the highway is designated a restricted highway by an official designation of the Commissioner of Transportation. The provisions of this Part shall also be effective with respect to all restricted highways which have theretofore been designated as restricted highways by the Commissioner of Transportation and on which the restriction has not been removed by a notice of cancellation issued by the Commissioner of Transportation.

155.8 Restricted highway designations. The following locations are hereby designated as *restricted highways*, as defined by Section 155.1 of this Part.