

— 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 October 7, 2020 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding proposed Local Laws 7 & 8 for the year 2020. These local laws provide as follows:

Local Law 2020-07:

A. §144-49 "Approvals Required"

C. Nonresidential Districts.

Telecommunications facilities requiring construction of a new tower on nonmunicipal — or government-owned property in any nonresidential zoning district shall require a site plan review, approval by the ZBA, proof that at least two carriers will use that new tower, and the issuance of a tower permit as set forth in this article.

D. Residential Districts. Telecommunications facilities requiring construction of a new tower in a residential zoning district shall in all cases require a site plan review, approval by the ZBA, proof that at least two carriers will use that new tower, and the issuance of a tower permit as set forth in this article. Additionally, applications for such telecommunications facilities in residential districts shall be treated as a Type I actions for purposes of the State Environmental Quality Review Act and shall also require the submission of a visual environmental assessment form addendum to the ZBA.

Local Law 2020-08:

§ 144-51 Communications facility permit standards (b) Aesthetics (B)(7)

Towers are to be located in wooded areas and are to be constructed to look like trees.

September 4, 2020
Remy C. Orffeo, Town Clerk

Sept. 17

TC

— LEGAL NOTICE —

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 October 7, 2020 at 7:00 PM (local time), in the matter of "Proceedings to Remove Unsafe Buildings and Collapsed Structures on the Premises Reputedly owned by James Preiss regarding 3949 Southwestern Blvd."

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

Remy C. Orffeo, Town Clerk
September 4, 2020

Sept. 17

COPIES 300

TOWN OF ORCHARD PARK
COUNTY OF ERIE

In the Matter
of
Proceedings to Remove Unsafe Buildings
and Collapsed Structures on the Premises
Reputedly Owned by James Preiss

TO: Mr. Preiss

PLEASE TAKE NOTICE that the building inspector of the Town of Orchard Park has filed a written report with the Town Board of the Town of Orchard Park for premises locally known as 3949 Southwestern Boulevard SBL# 161.00-5-6, deeming the same to be unsafe to the public in that the dwelling on the premises is dilapidated and needs to be torn down.

The Town Board of the Town of Orchard Park, after considering said report, and pursuant to the provisions of said local law, by resolution duly adopted at its September 2nd, 2020 meeting, determined that in the opinion Town Board of Orchard Park that said structures or buildings are unsafe and dangerous and ordered that they be secured in the following manner, to wit: all unauthorized physical alterations be made code compliant, electrical alterations be made code compliant, and plumbing alterations remain code compliant all of which work must be done to the satisfaction of the Building Inspector of Orchard Park, and all of which must be commenced within 30 days of the service upon you of this notice and be completed within 60 days thereafter unless for good cause shown such time shall be extended, and

PLEASE TAKE FURTHER NOTICE that the Town Board of the Town of Orchard Park scheduled a public hearing on October 7th, 2020 at 7 pm at the Municipal Building, 4295 South Buffalo Street, Orchard Park in relation to such dangerous or defective buildings.

PLEASE TAKE FURTHER NOTICE that in the event of any neglect or refusal to comply with the order of said Town Board of the Town of Orchard Park as detailed in this notice, the Town Board of the Town of Orchard Park is authorized to provide for the demolition and removal of said structures and to assess all expenses thereof against the land on which they are located and to institute a special proceeding to collect the cost of demolition, including legal expenses.

Town of Orchard Park

by: _____
John C. Bailey, Attorney

Town of Orchard Park }
State of New York }
County of Erie } ss.:

On _____, 2020, before me, the undersigned, a Notary Public in and for the State of New York personally appeared JOHN C. BAILEY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledge to me that he executed the same in his capacity, that by his signature on the instrument, the individual, or the person on whose behalf of which the individual acted, executed the instrument.

Notary Public



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 9, 2020

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

**Re: Scheduling of Public Hearing
2021-2022 Community Development Block Grant Funds**

Dear Board Members:

In order to be eligible to continue to receive Community Development Block Grant funds through the Erie County CDBG Consortium, the Town of Orchard Park is required to conduct a public hearing to provide citizens the opportunity for input into the project selection process. Project applications are due near the end of October.

Prior to the hearing, the Engineering Department will prepare an information packet which will describe the CDBG program, a list of previous HUD funded projects in our Town, and a list of potential projects to be considered for next year's funding applications.

I, therefore, recommend that you schedule a public hearing for Wednesday, October 7, 2020 at 7:00 PM on the possible use of 2021-2022 Community Development Block Grant Funds.

Respectfully submitted,

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

Attachment

cc: Town Clerk
File

S:\Town Projects\CD Funds\2021-2022\Letter TB re. 2021-2022 Public Hearing.doc

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

PUBLIC NOTICE

A special public hearing will be held on October 7, 2020 at 7:00 P.M. at the Town of Orchard Park Municipal Building, S-4295 South Buffalo Street, Orchard Park, New York regarding the use of Federal Community Development Funds in the Town of Orchard Park.

The Town of Orchard Park is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income areas in the Town of Orchard Park.

Citizens are urged to attend this meeting to make known their views and / or written proposals on the Town of Orchard Park's selection of potential projects to be submitted for possible funding by the Federal Community Development Block Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Clerk at 662-6410.

Orchard Park, New York

Remy Orffeo
Town Clerk

RESOLUTION

WHEREAS, Paul Pepero has been hired IT Network Administrator for the Town of Orchard Park effective October 1st, 2020, and

WHEREAS, Mr. Pepero's rate/salary will be \$52.89 per hour, and

WHEREAS, his job range is Group 3 - non-union, and

WHEREAS, Mr. Pepero has been a part-time employee for four years and seven months, and

WHEREAS, the Town of Orchard Park wishes that this service be counted toward benefits and paid time off when years of service determine eligibility in compliance with plan documents,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) Paul Pepero's service as a part-time employee for four years and seven months will be counted toward benefits and paid time off when years of service determine eligibility in compliance with plan documents.



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.

October 1, 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
Final Payment/Release of Retention, Closeout***

Dear Board Members:

On 12/17/2019, a preliminary inspection was conducted, punch-list generated, and the contractor has completed the outstanding items necessary to fulfill the contract requirements. Javen is continuing to work on warranty related items within the building and will do so in conformance with the specifications and contract documents.

The change orders for the project were as follows:

A two-year maintenance bond in the amount of \$12,776,236.40 and all other maintenance, warrant documents and legal documents have been received by the Town from the Contractor.

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 (+4.41%)

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
C/O #16 – Additional blocking required for \$16,515.50
C/O #17 – Additional conduit painting and exterior blocking for \$11,271.03
Total = \$147,908.40 (+1.22%)

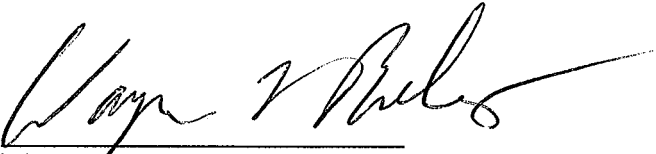
S:\Town Projects\CAC - Construction\General Contract\Letter to TB Release of Retention Javen.doc

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

The final contract amount is \$12,776,236.40. Seventeen change orders with alternates added for the project resulted in an increase of \$680,908.40. This represents an increase of 5.63% from the original amount bid.

I, therefore, recommend that you authorize the final payments and release the retention for Javen Construction, 2575 Baird Road, Penfield, NY 14526 in the amount of \$681,615.45 for the Brush Mountain Community Activity Center Project General Contract.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne L. Bieler", written over a horizontal line.

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

Attachments

cc: Town Clerk

Town Attorney

File #15.007.2

TC

Whereas, Amy Glende has served the Town of Orchard Park as the Records Management Supervisor and LGRMIF Grant Project Director; and

WHEREAS, Amy Glende has been instrumental in helping the town obtain grants from the New York State Archives for records management: and

WHEREAS, Amy Glende has demonstrated expertise in the area of records management; and

WHEREAS, the Town of Orchard Park has a continued need for records management expertise,

NOW, THEREFORE be it

RESOLVED, that Amy Glende is appointed to the position of full-time Records Management Supervisor at a rate of \$20.00 per hour for the period January 1, 2020 to December 31, 2020.



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.

October 5, 2020

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

**Re: *Brush Mountain Community Activity Center
Grading, Seeding, & Landscaping Contract
Release of Retention, Final Payment and Closeout***

Dear Board Members:

I am pleased to inform you that the Brush Mountain Community Activity Center Grading, Seeding, & Landscaping Contract is complete. On 8/26/2020, an inspection was conducted and final punch-list generated. The contractor has completed the outstanding items necessary to fulfill the contract requirements. Pinto has also submitted pricing on additional work as requested. These items were adding a parking area near California Road, placing mulch under the overhangs of the Gymnasium for better aesthetics, as well as placing additional rip-rap along the entrance road to protect from erosion and reduce the mowing area to ease maintenance. Per the capital projects meeting, no additional work was authorized and Pinto has requested that contract closeout and the retention for the project be released.

The final contract amount is \$373,672.00. There were no change orders issued for this project and the contractor was able to complete the project prior to the contractual completion date. The contractor has also submitted all necessary closeout documents and maintenance bonds.

I, therefore, recommend that you authorize to release the retention and final payments for Pinto Construction Services, 132 Dingens Street, Buffalo, NY 14206 in the amount of \$18,683.60 for the Brush Mountain Community Activity Center Grading, Seeding & Landscaping Project.

Respectfully submitted,

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

Attachments

cc: Town Clerk Town Attorney File #15.007.3

S:\Town Projects\CAC - Construction\Landscape Contract\Letter to TB Release of Retention Pinto.doc

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



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.

October 5, 2020

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

**Re: Proposed Change Order #1 – Replacing Asphalt on Shared Driveway
Brenner Drive – Lexington Avenue Reconstruction Project**

Dear Board Members:

The Engineering Department is requesting your approval of a Change Order (attached) to the contract with Union Concrete & Construction Corporation for the Brenner Drive – Lexington Avenue Reconstruction Project in the amount of \$8,000.00 as discussed at the Work Sessions. If approved, this would increase the total contract amount to \$677,669, representing an increase of 1.19%.

The Change Order requested is to revise the work scope under their contract to remove the asphalt of the shared driveway for 141 Brenner Drive and 9 Lexington Avenue for an additional distance of 100-feet by 20-feet wide, and to repave this driveway with 2.5-inches of binder course and 1-inch of top course. The intent of this work is to repair property owned by private residents damaged by agencies using it as a turn around and used by Municipal and commercial services mistakenly over the years. The Town Board authorized just driveway asphalt replacement work during a special session on August 12, 2020.

I, therefore, recommend that you approve Change Order #1 to our original contract with Union Concrete & Construction Corp. for the Brenner Drive – Lexington Avenue Reconstruction Project in the amount of \$8,000.00.

Respectfully submitted,

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

Attachment

Cc: Town Clerk File # 2014.008.1

S:\Town Projects\Brenner Dr - Lexington Ave reconstruction job 2014.008\Payments Union Concrete\Letter to TB to Approve CO#1 Union Concrete.doc

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



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.

October 5, 2020

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

**Re: 2020-2021 CDBG Funds
Project Priority**

Dear Board Members:

As discussed at the 2020 public hearing on the use of 2021/2022 Community Development Block Grant Funds, the Supervisor must be given authorization to sign, submit, and execute the contracts with the Erie County Community Development Block Grant (ECCDBG) program. The proposed Community Development projects must be ranked in order of priority by the Town. In addition, Rural Transit Service has asked for a letter of support from the Town.

I, therefore, recommend the following resolutions be authorized:

- Authorize the Supervisor to sign, submit, and execute applications/contracts for the ECCDBG program with the following priorities.
- Priority #1 = Various Senior Center Brush Mountain Community Activity Center Items, Senior Van Purchase, seven additional automatic doors openers and handicap improvements, Senior Main Entrance sign and directional signage, and #20 senior laptops, etc.
- Priority #2 = Rural Transit Service.
- Authorize the Supervisor to issue a letter of support for the Rural Transit Service – Van Program.

Respectfully submitted,

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

Attachment/CD Block Grant Handout

cc: Town Clerk
File

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

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

10/7/20

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 and fall/winter/ spring seasonal for 2020.

RE: Item 1 2020 Seasonal Part Time Staff Appointments and Fall/Winter/ Spring Retro Active 9/8/20

Jim Guzzino	\$15.00	PT6-D (Att)
-------------	---------	-------------

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

TOWN OF ORCHARD PARK

Resolution of Opposition to the conversion of the Abandoned Buffalo & Pittsburgh Rail Bed for use as a Recreational Trail.

WHEREAS, on August 17, 2019 under New Business #21, the Orchard Park Town Board adopted a resolution expressing maintaining its interest in the Erie-Cattaraugus Rail Trail Inc. initiative to convert the Buffalo-Pittsburgh Railway to a pedestrian trail, but will not take a further stance until such time as a satisfactory plan is presented, and

WHEREAS, ECRT has opened the right-of-way (ROW) without presenting any plan to the Orchard Park Town Board as requested, and

WHEREAS, the Town Board of Orchard Park elects to pass an updated resolution, and

WHEREAS, while this property has been Rail-Banked, it traverses through several established neighborhoods with close proximity to many homeowner's backyards, and

WHEREAS, such a trail will create safety and privacy problems for adjacent or homeowners with property exposed to a trail, and property valuation concerns for both homeowners and the Town, and

WHEREAS, the Town of Orchard Park recommends this ROW be left undeveloped for greenspace, wildlife habitat, and a natural buffer to protect adjacent homeowners from the general public access to and viewing into their private areas,

NOW, THEREFORE, be it

RESOLVED, that the Town Board opposes the use or any development of the ECRT ROW as a public trail until such time consent is obtained from property owners whose properties border or are exposed to the ROW.

10

Resolution for Budget Amendment –
Police IT Equipment

WHEREAS, the Town has received a National Incident Based Reporting System (NIBRS) grant in the amount of \$26,345 for the purchase of various software and equipment, and

WHEREAS, the proceeds and purchase of equipment were not included in the 2020 budget.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2020 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$26,345:

Increase Appropriations:

PS3120 50440	Public Safety - Software	\$26,345
--------------	--------------------------	----------

Increase Estimated Revenues:

PS0000 44389	Fed Aid – PS Equip	\$26,345
--------------	--------------------	----------

TC

RESOLVED, that the Town Board does hereby schedule a Public Hearing for the 2021 Preliminary Budget and Benefit Basis Special District to be held October 21, 2020 at 7 PM in the Orchard Park Municipal Center.

RESOLUTION

WHEREAS, Section 32-1 of the Orchard Park Town Code directs that the Town of Orchard Park Recreation Commission be comprised of nine members with staggered terms, and

WHEREAS, through clerical error not all of the positions on the Town of Orchard Park Recreation Commission were filled at the 2020 Re-Organization Meeting for the Town of Orchard Park Board, and

WHEREAS, terms of office for members of the Town of Orchard Park Recreation Commission were not properly set at the 2020 Re-Organization Meeting for the Town of Orchard Park Board, and

WHEREAS, the Town of Orchard Park wishes to correct those errors,

NOW THEREFORE BE IT RESOLVED that:

1. The Town of Orchard Park Board hereby appoints the following people to the following terms to the Town of Orchard Park Recreation Commission:
 - A. To expire December 31st, 2020: Susan Parzymieso, Jill Jordan, and Lauren Kaczor.
 - B. To expire December 31st, 2021: Tom Roward, Gerard Cappelli, and Audrey Ramage.
 - C. To expire December 31st, 2022: Thomas Tobies, Tim Winterhalter, and Robert Fortenbaugh.



TOWN OF ORCHARD PARK

S 4295 Buffalo Street □ Orchard Park, New York 14127

MEMORANDUM

WLB

To: Supervisor Patrick Keem
From: Wayne L. Bieler, P.E., CFM Town Engineer
Date: October 2, 2020
Subject: Budget Transfer – Engineering Department

I request that you authorize the following budget transfer within the 2020 Budget due to the vehicle repairs needed:

\$ 398.04

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code: A01440 50445
(Vehicle Repair)

cc: Remy Orffeo, Town Clerk
Tricia Jurek, Accounting
Drescher & Malecki LLP
File



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.

October 5, 2020

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

Re: Advertisement for Bids
Green Lake Maintenance Dredging Project

Dear Board Members:

The Orchard Park Engineering Department received the permit from NYSDEC and is finalizing bid documents and specifications and maps for the Green Lake Maintenance Dredging Project. This project includes the maintenance removal of sediment from the inlet weir of Green Lake as well as an alternate for the dredging of the Acorn Circle Pond.

In order to utilize the remainder of the available construction season, the Advertisement for Bids should be authorized to be published on October 7, 2020. Construction Plans and Bids Documents will be available for purchase on October 1st at the Town Clerks office with the bid opening to be held on October 19, 2020 at 10:00 AM.

I, therefore, recommend that you authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Green Lake Maintenance Dredging Project on October 19, 2020 at 10:00 AM in the basement meeting room at the Orchard Park Municipal Center.

Respectfully submitted,

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

Attachment

cc: Town Clerk Town Attorney File # 2020.015

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

TC

RESOLVED, that the Town Board does hereby refer to the Conservation Board the following applications for Conservation Easements:

Henry Lewandowski, 6106 Cole Road, 34.66 acres (extension of easement #60) – 14 years

Don & Jennifer Brady, 6215 Scherff Road, 29.868 acres – Perpetual easement