

*Town of Orchard Park*

*Resolutions for Adoption of Budgets*

*November 3, 2021*

**Ad Valorem Budget (General, Public Safety, Town Outside Village, and Highway Funds)**

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, 2022, AND

WHEREAS, the Senior Councilman, as the Town’s Budget Officer, has caused a tentative ad valorem 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, 2022, and a public meeting was conducted on October 20, 2021 as required by Section 108 of Town Law, NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget, is hereby adopted as the annual ad valorem budget of the Town of Orchard Park for the fiscal year ending December 31, 2022.

**Benefit Basis Budgets (Special Districts)**

WHEREAS, the Senior Councilman, as the Town’s Budget Officer, has caused a tentative benefit basis budget to be prepared and filed with the Town Clerk’s Office, as provided by law, AND

WHEREAS, the Town Board has met and considered the preliminary budget for the year ending December 31, 2022, and a public meeting was conducted on October 20, 2021 as required by Section 108 of Town Law, NOW, THEREFORE, BE IT

RESOLVED, that the preliminary benefit basis budget, is hereby adopted as the annual benefit basis budget of the Town of Orchard Park for the fiscal year ending December 31, 2022.

BE IT FURTHER RESOLVED, that the adopted annual ad valorem budget and benefit basis budget of the Town of Orchard Park for the fiscal year ending December 31, 2022 represents a tax levy increase of 1.88 percent from the fiscal year ending December 31, 2021.

**Letter of Authorization**

BE IT RESOLVED, that the Town Board of the Town of Orchard Park in accordance with New York State Town Law, Section 198, does hereby adopt all special charges as outlined on the attached “Letter of Authorization”.



# 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](mailto:openg@orchardparkny.org)

TOWN ENGINEER  
WAYNE L. BIELER, P.E.

November 1, 2021

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

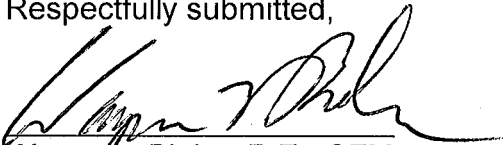
**Re: Hazel Court Sanitary Sewer Extension Phase 2 Project  
Release of the Retainage**

On July 30, 2020, a final inspection was conducted of the Hazel Court Sanitary Sewer Extension Phase 2 Project. The project included the installation of +/- 1,216 LF of 8-inch PVC sanitary sewer mainline along Southwestern Boulevard to service seven residences and two commercial businesses. All work has been satisfactorily completed in accordance with Town specifications at that time with the exception of over seeding with hydroseed and mulch along the properties when the weather permits this September. In lieu of receiving a cash security for this over seeding, we continued to retain the contract's retention in the amount of \$10,334.15 at the August 5, 2020 Town Board Meeting until such time the work is deemed complete.

The contractor has since completed establishing grass for the above referenced project. 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 retainage which was taken in lieu of escrow in the amount of \$10,334.15 to Fairway Contracting, Inc., for the Hazel Court Sanitary Sewer Extension Phase 2 Project.

Respectfully submitted,



Wayne L. Bieler, P.E., CFM

Town Engineer

cc: Remy Orfeo, Town Clerk  
Matthew Hartung, Fairway Contracting  
File #2017.011  
Timothy Gallagher, Town Attorney  
Nichol Ruf, Drescher & Malecki

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Visit the Town's website at [www.orchardparkny.org](http://www.orchardparkny.org)



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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TOWN ENGINEER  
**WAYNE L. BIELER, P.E.**

November 1, 2021

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

**RE: Release of Escrow-Landscaping  
Riley Meadows West Subdivision Phase 2; PIP #2020-02**

Dear Board Members:

On April 7, 2021 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, hydro seed and mulch along all new ROW's and in all areas of disturbance within the Town right-of-way was completed.

The developer has since installed the required landscaping along all Right-Of-Ways. 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 to Oak Orchard Development, LLC, the \$10,000 held in escrow for fine grading of topsoil, hydro seed and mulch along all new ROW's and in all areas of disturbance in the Riley Meadows West Subdivision Phase 2; PIP #2020-02.

Respectfully submitted,

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

cc: Remy Orffeo, Town Clerk  
File #2007.023.7

Visit the Town's website at [www.orchardparkny.org](http://www.orchardparkny.org)

## ACTIVE PEOPLE, HEALTHY NATION PROCLAMATION

**WHEREAS**, the Town Board of Orchard Park, NY, is committed to supporting a thriving, vibrant, and healthier community for residents of all ages and abilities;

**WHEREAS**, the government of Orchard Park, NY, recognizes the importance of providing access to safe and convenient places to be physically active for people regardless of age, race, income, socio-economic status, disability status, and geographic location;

**WHEREAS**, approximately 1 in 5 children and 2 in 5 adults in the U.S. have obesity;

**WHEREAS**, 1 in 2 adults live with a chronic disease and about half of this group have two or more chronic diseases;

**WHEREAS**, about 1 in 4 young adults (25%) is too heavy to serve in our military;

**WHEREAS**, the Physical Activity Guidelines for Americans recommend that children (ages 6-17 years) do 60 minutes or more of moderate-to-vigorous intensity physical activity each day and adults (ages 18 years and older) do at least 150 minutes a week of moderate intensity activity such as brisk walking;

**WHEREAS**, only half of adults and one quarter of youth get the recommended amounts of aerobic physical activity they need to help reduce and prevent chronic diseases;

**WHEREAS**, physical activity is vital for healthy aging and can reduce the burden of chronic diseases and prevent early death;

**WHEREAS**, physically active people generally live longer and are at less risk for serious health problems like heart disease, type 2 diabetes, obesity, and some cancers; and for people with chronic diseases, physical activity can help manage these conditions and complications;

**WHEREAS**, physical activity can benefit the workforce because physically active people tend to take fewer sick days;

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) is leading Active People, Healthy Nation<sup>SM</sup>, a national initiative to help 27 million Americans become more physically active by 2027;

**WHEREAS**, communities can support Active People, Healthy Nation by implementing 1 (or more) of 7 evidence-based strategies recommended by CDC to increase physical activity across sectors and settings;

**WHEREAS**, building active and walkable communities can help increase levels of retail economic activity and employment, increase property values, support neighborhood revitalization, and reduce health care costs;

**WHEREAS**, walkable communities can improve traffic safety for people who walk, ride bicycles, and drive;

**WHEREAS**, individual effort alone is insufficient to improve opportunities for people to be physically active and significant policy, systems, and environmental changes are needed to support and protect individual efforts to make healthier choices;

**WHEREAS**, the government of the Town of Orchard Park recognizes its ability to expand achievable, measurable, and sustainable efforts to increase physical activity across the community by supporting Active People, Healthy Nation strategies;

**WHEREAS**, it is important to ensure that long-time residents have the opportunity to benefit from increased community investment and that community improvement projects do not result in community displacement;

**WHEREAS**, reducing barriers in access to safe and equitable public spaces for people of color to be physically active is important to addressing existing health disparities;

**WHEREAS**, every Active People, Healthy Nation strategy can be designed to support the goal of equitable and inclusive access to opportunities for physical activity;

**THEREFORE**, Effective November 3, 2021, The Town of Orchard Park, led by Councilmember Conor Flynn, recognizes that physical activity is one of the best things adults, children, and families in the Town of Orchard Park can do to improve their health. And in light of the foregoing considerations, the Town of Orchard Park hereby commits to supporting Active People, Healthy Nation strategies by implementing the following strategies:

- **Activity-Friendly Routes to Everyday Destinations:** This strategy will help to make it safe and easy to walk, bicycle, or wheelchair roll for people of all ages and abilities by improving the design of Town of Orchard

Park to connecting routes such as sidewalks, trails, bicycle lanes, and public transit to destinations such as grocery stores, schools, worksites, libraries, parks, or health care facilities.

- **Access to Places for Physical Activity:** This strategy will create or enhance access to places for physical activity and provides information to encourage their use. Places will include public parks and trails, including the Orchard Park section of the Erie Cattaraugus Rail Trail, fitness and recreational facilities, schools and universities, malls, senior centers, and worksites. Information may involve training, incentives, and teaching about healthy behaviors.
- **Community-wide Campaigns:** This strategy will promote physical activity by combining a variety of strategies, such as media coverage and promotions, risk factor screening and education, community events, and policy and programmatic initiatives, such as walking trails or social supports. The Town of Orchard Park's community-wide campaign will be large-scale, high-visibility, high-intensity, and sustainable.
- **Social Supports:** This strategy will provide supportive social networks, friendships, and actions that can help people in the Town of Orchard Park start, maintain, or increase physical activity. Social supports will include buddy systems, challenges, and walking or other activity groups.
- **Individual Supports:** This strategy will support individuals in the Town of Orchard Park to incorporate physical activity into their daily routines by teaching behavioral skills such as goal setting and problem-solving that are tailored to a person's individual interests and needs.
- **Prompts to Encourage Physical Activity:** This strategy will inform and motivate people to make active choices in places such as worksites and walkable community environments through prompts such as signs or reminders.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(also signed by department heads as appropriate)

WHEREAS, Robert Benning Maintenance Supervisor, has recommended rate increases for Gary Fisher, P/T Caretaker, Alexander Melendez, P/T Caretaker, Loida Faliero, P/T Cleaner and Cheryl Gasiorowski, P/T cleaner; and

WHEREAS, the Town Board is in agreement with his recommendations;

NOW, therefore be it

RESOLVED, that the following rate changes shall become effective January 1, 2022:

Gary Fisher, P/T Caretaker increased from \$13.50/hour to \$14.60/hour; Alexander Melendez, P/T Caretaker increased from \$13.50/hour to \$14.60 hour; Loida Faliero P/T Cleaner increased from \$13.50/hour to \$14.10/hour; and Cheryl Gasiorowski, P/T Cleaner increased from \$13.00/hour to \$14.10/hour.

TC

RESOLVED, that the Town Board does hereby change the status of Brian Gehring from Patrol Lieutenant, (Provisional) to the position of Patrol Lieutenant (Probationary), effective November 4, 2021, as recommended by the Chief of Police.

RESOLVED, that the Town Board does hereby change the status of Brian Lukowski from Patrol Lieutenant, (Provisional) to the position of Patrol Lieutenant (Probationary), effective November 5, 2021, as recommended by the Chief of Police.

TC

WHEREAS, due to the resignation of Court Clerk to the Town Justice, Cindy Jondle; and

WHEREAS, the Orchard Park Court is in need of a full-time Court Clerk; and

WHEREAS, Elaine Yingling is qualified and willing to accept the position of Court Clerk;

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Elaine Yingling to the non-union hourly position of full-time Court Clerk, effective November 15, 2021, at a rate of \$19.50/hour; and

BE IT FURTHER RESOLVED that this appointment is contingent on the successful completion of a background check.



TC

**Town of Orchard Park**  
**Recreation, Parks, and Forestry Department**  
**4520 California Rd**  
**Orchard Park NY 14127**  
leake@orchardparkny.org (716) 662-6450 ext.1

11/3/21

To: Town Board

From: Ed Leak

Director of Recreation

**Item 1:** Appt. to the staff of the Town of Orchard Park Recreation Department PT fall 2021 retroactive 10/23/21.

Emberly Burnard	\$15.00	PT6-D (Att)
Jane Carroll	\$15.00	PT6-D (Att)
Alannah Mastroiani	\$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

## ENGINEERING DEPARTMENT

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

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**TOWN ENGINEER**  
**WAYNE L. BIELER, P.E.**

November 1, 2021

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

**Re: Advertisement for Bids**  
**Bussendorfer Road Overlay Paving Project**

Dear Board Members:

The Orchard Park Engineering Department, as directed, finalized design plans, specifications, and bid documents for a separate bid for the milling and paving of the above-mentioned project. With the replacement of the watermain and services on the northwest half of Bussendorfer Road, the pavement is going to be open cut in one driving lane for the mainline and cross cut for laterals. Asphalt binder Type-3 will be installed temporarily with the waterline project and then be milled with the rest of the work area roadway and overlaid as requested by the Orchard Park Highway Superintendent.

The project includes the milling of 1-1/2" to 2" of existing roadway surface. The work will start at the intersection of Abbott Road and head east for approximately 3,100' +/- with a typical width of 23' +/-, or as directed by the Town Engineer. After sweeping and prepping the surface for paving the engineer will approve the roadway before any new paving begins. Pavement shall be installed a minimum of 1-1/2" Type 7F Top course of hot mix asphalt as specified.

In order to keep the Watermain Project on schedule, the Advertisement for Bids should be authorized to be published on November 3rd, 2021. Plans and specifications were available for purchase on October 28th, 2021 with the bid opening to be held on November 10th, 2021 at 11:00 am in the 1<sup>st</sup> floor conference room.

I, therefore, recommend that you accept the plans and specifications for the Bussendorfer Road Overlay Paving Project prepared by the Town of Orchard Park Engineering Department, and authorize advertisement in the Orchard Park Bee for sealed bids for the 2022 Bussendorfer Road Overlay Paving Project.

Respectfully submitted,

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

Attachment

cc: Remy Orfeo, Town Clerk  
Timothy Gallagher, Town Attorney  
Andrew Slotman, Highway Superintendent/SW&L  
File # 2002.030.3

**Visit the Town's website at [www.orchardparkny.org](http://www.orchardparkny.org)**

# NOTICE TO BIDDERS

*TOWN OF ORCHARD PARK*

## Bussendorfer Road Paving Project

Sealed bids are requested for the Milling and Paving of Bussendorfer Road within the Town of Orchard Park, New York. Project scope is as follows: Furnish equipment and labor to mill 1-1/2" to 2" of roadway surface on Bussendorfer Road starting at the intersection of Abbott Road for a distance of approximately 3100' +/- with a typical width of 23' +/-, or as directed by Town Engineer. Pavement shall be installed a minimum of 1-1/2" Type 7F Top course of hot mix asphalt as specified in these documents.

Bids shall be received at the office of the Town Clerk in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York until **November 10, 2021 at 11:00AM** (Local Time) at which time they will be opened publicly and read aloud in the 1<sup>st</sup> Floor Conference Room. **Each bid must be prepared and submitted in accordance with the Bidding and Contract Documents. Each bid must also be accompanied by a Bid Security in the form of a Certified Check, Bid Bond, or Bank Check in the amount of 10% the Bid Price.**

Plans, specifications, bid documents and instructions for submitting bids will be available at the office of the Town Clerk beginning on **October 28, 2021** in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York Monday through Friday during business hours from **8:30 A.M. to 4:30 P.M.** (Local Time), with payment of **\$75** for each set.

Any non-successful Bidder, upon returning such plans, specifications, and bid documents in good condition subsequent to the opening of bids will be refunded the sum of **\$50.00**, and any non-bidder upon so returning such plans, specifications and bid documents will be refunded the sum of **\$25.00**. No refunds will be made for plans in condition not fit for further use or returned later than 10-days after the bid opening date.

Copies of the proposed contract documents, plans and specifications may be examined at the office of the Engineer, 4295 South Buffalo Street, Orchard Park, New York.

**The Town of Orchard Park has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprises (MWBE) suppliers, contractors and/or businesses will be afforded equal opportunity without discrimination because of race, color, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veteran status.**

Remy Orffeo  
Town Clerk  
Town of Orchard Park

Dated: \_\_\_\_\_

**NB - 1**

TC

**Resolution for Budget Amendment –  
Building and Codes Enforcement Software Program**

WHEREAS, the Building Inspector Department would like to purchase Building and Codes Enforcement Software as described in the attached software proposal, and

WHEREAS, the Town Outside Village Fund has fund balance within unrestricted fund balance available,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorize the amending of the 2021 adopted budget to authorize additional appropriations in the amount of \$81,549:

Increase Appropriations:

B01680 50205	Town Outside Village Computer Software	\$81,549
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Utilize Fund Balance:

B00000 30912	Town Outside Village Unrestricted Fund Balance	\$81,549
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TC

**Resolution for Budget Amendment/Transfer**  
**Increase in CHIPS Funding - 2021**

WHEREAS, the Town has received notification of Consolidated Highway Improvement Program aid of \$228,821.29 and an additional appropriation of \$76,692.70 (PAVE NY) and \$48,442.59 (Extreme Winter Recovery) totaling \$353,956.58.

WHEREAS, the Town's adopted budget and amendments to date for 2021 included funding in the amount of \$228,290.67 for CHIPS and \$28,298 for PAVE NY totaling \$256,588.67, and

WHEREAS, the Town needs to adjust the budget to the level of aid awarded in order to appropriately authorize the expenditure of Town funds and the receipt of such State aid,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following transfer and amendment of the Town's 2021 budget to appropriately adjust the amount of aid to be received and authorize additional appropriations for road improvement purposes:

**Highway Fund Amendment:**

Increase estimated revenues:

DB0000 43501	State Aid – CHIPS Program	\$ 48,973.21
DB0000 43502	State Aid – PAVE NY. Program	\$ 48,394.70

Increase appropriation account:

DB5112 50475	Highway – Improvement Program	\$ 97,367.91
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TC

## **NOTICE OF PUBLIC HEARING**

### **PROPOSED MODIFICATION TO AGRICULTURAL DISTRICTS**

At the direction of Erie County Legislative Chair, April N.M. Baskin, Notice is hereby given that a virtual public hearing will be held by the Legislature of the County of Erie, on the 9th of November 2021 at 6:00 PM via Zoom, to consider the following requests for the inclusion of predominantly viable agricultural lands within existing agricultural districts that have been submitted in accordance with sec. 303-b of NYS Agricultural and Markets Law.

- 2 parcels in the Town of Alden totaling 24.13 acres
- 2 parcels in the Town of Amherst totaling 15.66 acres
- 2 parcels in the Town of Aurora totaling 77.7 acres
- 1 parcel in the Town of Boston totaling 26.61 acres
- 2 parcels in the Town of Brant totaling 41.4 acres
- 1 parcel in the Town of Colden totaling 12.89 acres
- 8 parcels in the Town of Eden totaling 80.87 acres
- 2 parcels in the Town of Elma totaling 21 acres
- 3 parcels in the Town of Evans totaling 39.39 acres
- 1 parcel in the Town of Grand Island totaling 5.36 acres
- 6 parcels in the Town of Orchard Park totaling 171.4 acres
- 13 parcels in the Town of Sardinia totaling 61.2 acres
- 1 parcel in the Village of Farnham totaling 5.9 acres
- 4 parcels in the Village of Springville totaling 196.1 acres

The hearing shall consider the requests and recommendations of the County Agricultural and Farmland Protection Board (AFPB). All applications submitted and the Erie County AFPB report to the Legislature on recommended parcel inclusions are available at: [erie.gov/afpbreport](http://erie.gov/afpbreport)

Questions may be directed to Sarah Gatti, Senior Planner at [sarah.gatti@erie.gov](mailto:sarah.gatti@erie.gov).

Meeting number: 982 7607 7570

Join by phone: 1-646-558-8656

Dated: Buffalo, New York, October 28 2021

BY ORDER OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF ERIE, NEW YORK

By Robert M. Graber  
Clerk, Erie County Legislature