

A Special Meeting was called by the Town Board of the Town of Orchard Park, Erie County, New York, held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 2nd day of March, 2011 at 7:18 PM, (local time) and there were:

PRESENT: Janis Colarusso	Supervisor
Eugene Majchrzak	Councilmember
Nan Ackerman	Councilmember
David M. Kaczor	Councilmember
Edward Graber	Councilmember
Leonard Berkowitz	Town Attorney
Wayne Bieler	Town Engineer
Fred Piasecki	Highway Superintendent

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER ACKERMAN, TO WIT:

RESOLVED, that at 7:18 p.m. the Town Board does hereby move to open a Special Meeting of the Town Board.

The resolution was unanimously adopted.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

WHEREAS, the Town Board does hereby authorize the Highway Superintendent to attend a seminar in Albany, New York on March 8th and 9th to meet with the legislators concerning CHIPS Funding, and

WHEREAS, the Highway Association is picking up the cost of hotel and travel costs.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize a meal allowance of \$65.00 per day.

The resolution was unanimously adopted.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER ACKERMAN, TO WIT:

WHEREAS, Brian Young had been granted a Proposed SR Designation for Orchard Grove Senior Apartments, located on California Road, and

WHEREAS, the Town Board referred the above project to the Planning Board for a recommendation on Senior Residential (SR) Zoning. The Planning Board will have a recommendation at its March 9, 2011 meeting.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize to set a Public Hearing, Wednesday March 23, 2011, at 7:00 pm at the Orchard park Municipal Center in the matter of a Proposed SR Designation for Orchard Grove Senior Apartments, and be it further

RESOLVED, that the Town Clerk shall publish due notice in the Orchard Park Bee, the official newspaper of the Town.

The resolution was unanimously adopted

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER GRABER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

WHEREAS, the Chief of Police would like Detective Lt. Pat McMaster and Detective John Payne to attend the MAGLOCEN 2011 Annual Business Meeting & Law Enforcement Conference, April 4-7, 2011 in Pittsburg, PA, and

WHEREAS, if they are registered by March 7th the fee is \$135.00 each and most of the hotel bill will be paid by MAGLOCEN so most of the cost, to the Town, will be limited to transportation and food.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize Detective Lt. Pat McMaster and Detective John Payne to attend the MAGLOCEN 2011 Meeting, and the total expense for the Town should not exceed registration fees plus \$470.00, as recommended by the Chief of Police.

The resolution was unanimously adopted

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

WHEREAS, the consultant selection process for the Library HVAC and Insulation Improvement Project has been completed. Three professional firms responded to the Town's Request for proposals. Wendel, Advanced Architecture and Critoph Engineering all have sufficient experience with projects of this size and scope, and

WHEREAS, after review of the proposals submitted, the consultant selected was Advanced Architecture and Planning. They demonstrated the most interest in the project and immediately tried to understand our current concerns and the best way to solve them, and

WHEREAS, the Town Engineer has met with representatives of Advanced Architecture to review contract language, refined the scope of services to determine, in advance, the need for additional services or optional service elements for the possible new digital/electronic controls (bidding alternate), and

WHEREAS, the Town Engineer does believe that the proposed scope of services and agreement by Advanced Architecture and Planning is satisfactory and will accomplish the goals of the project that were set forth by the Town and Library. The engineering services provided during construction include responses to technical questions from the contractor, pre-construction meeting, progress/inspection meetings, and final walk meeting. The lump sum fee for above professional services is \$21,950.00, and

WHEREAS, there is presently \$20,612.00 plus interest allocated under Capital Project H-81 O.P. Library Renovation. In addition, the Orchard Park Library Board will forward this week approximately \$126,000 for the grant related projects which included the HVAC and insulation work. Additional amounts will be sent after the accountant determines final Town amount.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an agreement with Advanced Architecture and Planning, 2801 Long Road, Grand Island, New York, 14072, to provide professional services for the Orchard Park Library HVAC & Insulation Improvement Project in an amount not to exceed \$21,950.00.

The resolution was unanimously adopted

6) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER ACKERMAN, TO WIT:

WHEREAS, the Engineering Department has pursued funding opportunities for energy upgrades in Town owned buildings. The latest program identified was the NYSEG – Small Business Energy Efficiency Program, under this program NYSEG will fund 70% of interior lighting upgrades for small buildings under 100kw. This benchmark qualifies all of our buildings except the Municipal Center. This program upgrades existing fixtures with new bulbs and ballasts only; there are no new complete replacements of fixtures in this initiative, and

WHEREAS, Engineering pursued this program in July 2010 and even started the energy assessments, when it was identified that the program was not bid with prevailing wage rates. This bidding process eliminated all public agencies from participating in the SBEEP. We worked back and forth with EnerPath (the firm hired to run this program for NYSEG) over the next few months trying to change the program so all levels of government could participate. Finally on February 23, 2011 EnerPath contacted this department and said the work was re-bid with the correct wages and everyone was now eligible, in fact Lockport was the first Municipality to take advantage of this change. EnerPath stated that the problem was corrected by the Town covering the additional wages on their portion of the project; NYSEG pays the same amount whether it is a private job or a wage job. Once prevailing wage rates are used the program is no longer a 70% & 30% cost match, it is more like a 50/50 match +/-, and

WHEREAS, there is a spreadsheet that identifies each eligible building, the projected yearly energy savings, project costs, NYSEG contributions and the Town's required contribution with an approximate payback period. The normal required contributions under the 70/30 program are also revealed to show the difference that prevailing wage rates change the project cost and make some of the smaller buildings not very attractive to complete under this program. The four projects that are highly recommended to complete immediately are the Sewer & Grounds, Highway, Senior Center and Green Lake Recreation Buildings. The remaining smaller buildings are open to discussion and have benefits and drawbacks. One large benefit is the hired contractor removes all hazardous materials from the proposed lighting upgrades that could cost the Town a considerable amount if they must hire the disposal out. One large drawback is that when prevailing wages are included into a job, in some instances the Town portion is more than the entire project would have cost in a private business setting. Completing the small projects with town forces may be an option, but disposal could possibly be an issue, and

WHEREAS, the funding started at 35 million and is very rapidly drying up, currently +/- 5 million; the program will likely be terminated shortly.

- Town Engineer would need to know which buildings the Town Board would want to enter into the program.
- The funding must be in place for the start of work (2 – 4 weeks after authorization).
- The Supervisor must be authorized to execute the agreements immediately.

WHEREAS, Funding has been provided under H-85 Municipal Center Roof & Renovations (\$381,030.85) a \$60,000.00 energy portion of the \$710,000.00 bonded in 2010.

