

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 15<sup>th</sup> day of February 2017 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilman
	Michael Sherry	Councilman
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
	Mark Pacholec	Chief of Police

**Supervisor Keem read into the record the following:** “If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.”

1) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on February 1, 2017, Executive Sessions: January 18, January 25 and February 1, 2017, and be it further

**RESOLVED**, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

**Old Business # 1 Town Board to Award Bid for Energy Supply for Gas & Electric \*RESCINDED\***  
\*\*\*\*\*THIS ITEM WAS RESCINDED 4/5/2017 \*\*\*\*\*

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

**WHEREAS**, bids to supply the Town owned facilities with electricity and natural gas were solicited and opened on Friday, February 10<sup>th</sup> at 2pm. Three local suppliers submitted bid packages for the Town’s energy supply (24 month term). The three bidders were School & Municipal Energy Cooperative (SMEC) – the Town’s former supplier, New Wave Energy Corporation – the Town’s current supplier and Energy Cooperative of America. According to the bid tabulation sheet, the suppliers each have their own, unique way of billing customers. Please be aware that SMEC and Energy Coop. of America are both “Not for Profit” bodies, and

**WHEREAS**, School & Municipal Energy Cooperative (since 1998 = 93 members) offers energy at 100% wholesale prices plus a small administration fee (Electric = \$0.001/kWh, Gas = \$0.10/Mcf), the members also have an option to hedge parts of the electric and gas usage for the year. SMEC requires a \$400 membership fee (waived for Orchard Park, previous member) and a fully refundable member reserve payment of \$23,646 (similar to the amount refunded in 2013). There are no early termination or late payment fees, and

**WHEREAS**, New Wave Energy Corporation (since 2009) offers fixed and variable rate options for both electricity and natural gas. The variable price for electricity is NYISO DAM plus \$0.0004/kWh and natural gas is NYMEX minus \$0.066/Ccf. These two numbers are extremely hard to lock down with the contract wording & adjustments, which is what has caused issues over the last three years with New Wave supplying energy to the Town. In addition, section four on the table outlines cost calculations. New Wave did not respond to email requesting breakdown of calculations. New Wave has also offered some fixed & variable rate options. They also have early termination and late payment fees, and

**WHEREAS**, Energy Cooperative of America (since 1997 = over 5,000 members) proposes to provide electricity at Utility Index (utility rate) plus a small administration fee of \$0.0009/kWh. Natural gas will be provided for the NYMEX monthly settlement plus a fixed basis of \$0.30/Dth @ City Gate. They have also offered variable pricing, fixed pricing and blend/block hedge pricing if requested. Energy Cooperative of America also has early termination and late payment fees, and

**WHEREAS**, The Town’s other option is to allow the utility companies of the area to supply the energy needed by the Town. The Town would revert back to NYSEG and National Fuel. Recent analysis by two different energy suppliers demonstrated that the Town would have saved money if they were supplied by the utility, NYSEG/National Fuel, instead of the current supplier; and

**WHEREAS**, with the calculation method being clearer, and a third party verifying the cost savings would be realized with SMEC, as well as the Town’s history with SMEC, it is recommended the Town use SMEC for energy needs.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign an agreement with SMEC to supply natural gas and electric to Town facilities, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #2 Town Board to appoint Alternate Member to the Zoning Board of Appeals**

**3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:**

**RESOLVED**, that Barbara Bernard, 6760 Powers Rd., be appointed as an alternate member of the Zoning Board of Appeals for the period January 1, 2017 to December 31, 2019.

**The resolution was unanimously adopted.**

**Old Business #3 Change Order #2 to contract with Wendel Architecture for Brush Mountain**

**4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:**

**WHEREAS**, the Engineering Department is requesting your approval of a Change Order #2 to the contract with Wendel Architecture for the Brush Mountain Community Activity Center Preliminary Schematic Building Design Project in the amount of \$22,507.62. If approved, this would increase the total contract amount to \$184,507.62, representing an increase of 12.12%, and

**WHEREAS**, this Change Order #2 involves the cost for Wendel Architecture to prepare a SEQR Resolution as well as perform the necessary traffic study for the above referenced project as requested by the Town Board for the bond authorization, and

**WHEREAS**, funds have been allocated with Town Ban and under Capital Account H-89 "Brush Mountain Community Activity Center",

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #2 to our original contract with Wendel Architecture, 375 Essjay Road, Suite 200, Williamsville, NY 14221 for the Brush Mountain Community Activity Center Preliminary Schematic Building Design Project in the amount not to exceed \$22,507.62, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**Old Business #4 Change Order #1 with Nova Site Co. for the Draudt Rd. Culvert Rehabilitation**

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK WHO MOVED ITS ADOPTION, SECONDED BY COUCILMEMBER SHERRY, TO WIT:

**WHEREAS**, the Engineering Department is requesting your approval of a Change Order to the contract with Nova Site Company, Inc. for the Draudt Road Culvert Rehabilitation Project in the amount of \$1,788.50. If approved, this would increase the total contract amount to \$80,733.50, representing an increase of 2.27%, and

**WHEREAS**, this Change Order is requested to cover additional quantities of items necessary for construction associated with the structural paving of Span 3 of the subject culvert, and

**WHEREAS**, inspections of the work completed to date substantiate the claims for additional structural concrete, rebar materials, and unclassified excavation. The Engineering Department is satisfied with the progress and workmanship of Nova Site Company, Inc. on this project. The only outstanding work is grading & seeding which has to be completed in the spring, and

**WHEREAS**, funds have been allocated with 2015 Ban in the amount of \$270,000 under Capital Account H-03 Draudt Rd. Culvert Rehabilitation.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve Change Order #1 to our contract with Nova Site Company, Inc. for the Draudt Road Culvert Rehabilitation Project in the amount not to exceed \$1,788.50, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #1 Approve wage change for part-time Maintenance staff**

6) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize that Robert M. Benning, part-time laborer in the maintenance department, wage will be \$9.70 per hour for 2017, in line with the minimum wage for 2017.

**The resolution was unanimously adopted.**

**New Business #2 Approve Seasonal part-time Recreation Staff wage changes and appointment**

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize the following rate changes and appointments. The appointments are dependent upon the applicant providing the required certifications.

Seasonal part time Staff Appointments Rate Change effective 1/1/17.

<u>Name</u>	<u>Old Rate</u>	<u>New Rate</u>	<u>Position (Title*)</u>
Jordyn Malinowski	\$9.50	\$10.00	PT3-A (Att)
Heidi Schneider	\$9.50	\$10.00	PT3-A (Att)
Autumn Roza	\$10.00	\$11.00	PT3-E (LG)
Benjamin Shular	\$10.00	\$11.00	PT3-E (LG)

Seasonal part time Staff Appointments

<u>Name</u>	<u>Rate</u>	<u>Position (Title*)</u>
Brett Burnard	\$10.00	PT3-A (Att)

**The resolution was unanimously adopted.**

**New Business #3 Memorandum of Understanding through the Erie County Sheriff Office**

8) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize the Chief of Police to sign the Memorandum of Understanding between Erie County, acting by and through the Erie County Sheriff's Office and the Orchard Park Police Department. This will allow the Orchard Park Police Emergency Response Team to train at the Alden facility, as recommended by the Chief of Police.

**The resolution was unanimously adopted.**

**New Business #4 Approve 2017 Stable Permit**

9) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the 2017 Stable Permit for Hammersmith Farms at 6243 Benning Road, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #5 Supervisor to Sign Application w/National Grid for Bussendorfer Drainage Project**

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:

**WHEREAS**, the Engineering Department is currently preparing the necessary documents to secure permission to occupy a "Licensed Area" from National Grid for the Bussendorfer Regional Retention Basin Project. The "Licensed Area" is required to construct the proposed new conveyance ditch as well as an access road off Dorchester Rd., and

**WHEREAS**, the Application for Third Party Occupation requires a \$500.00 check payable to National Grid be submitted at the time of application. The Town has allocated funds under Capital Project H-06 Bussendorfer, Willowbrook, Forsythia Drainage Project for this project.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign the application for Third Party Occupation for National Grid, 144 Kensington Avenue Buffalo, NY 14214, along with an application fee in the amount of \$500.00, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

John Ludtka – From New Wave Energy. He wanted to know how the Town Board decided to award the Energy Supply bid to SMEC.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem stated the Town of Orchard Park has received the "Structures Award" from the American Public Works at their annual Awards Banquet, in recognition of the outstanding quality results achieved with our Green Lake Dredging and Reconstruction Project. Highway Superintendent Fred Piasecki, Town Engineer Wayne Bieler, Asst. Civil Engineer Garrett Chilson, Asst. Municipal Engineer Thomas Ostrander and Asst. Sr. Engineer Craig Wilson also attended this event. The award was a great honor the Town of Orchard Park.

Highway Superintendent outlined the current activities in Highway Department.

Town Engineer outlined some of the details that went into the Town's decision in awarding the Energy Supply Bid.

**11) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant # 7 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$29,090.00
<b>Public Safety Fund</b>	\$5,705.72
<b>Part Town Fund</b>	\$2,251.43
<b>Risk Retention</b>	--0-
<b>Cemetery Fund</b>	--0-
<b>Highway Fund</b>	\$54,367.21
<b>Special Districts</b>	\$271,724.48
<b>Trust &amp; Agency</b>	\$673.40
<b>Capital Fund</b>	\$22507.62

**The resolution was unanimously adopted.**

**16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby receive and file the Building Inspector's Report for January 2017.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 7:27 pm (local time).

**Respectfully Submitted,**

A handwritten signature in cursive script, appearing to read "Remy C. Orfeo".

**Remy Orfeo  
Town Clerk**