



TOWN OF AMHERST

ERIE COUNTY, NEW YORK

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SUSPENSION ITEM TOWN BOARD AGENDA : NOVEMBER 20, 2017

TO: Town Board

FROM: Stanley J. Sliwa, Esq., Town Attorney *SJS*

DATE: November 20, 2017

RE: Request for Approval : Fees For Experts On Westwood Matter

Kindly adopt the following resolution with regard to the above matter:

WHEREAS, by Resolution #2017-773, the Town Board approved the use of Hancock Estabrook, LLP as special counsel for matters related to Westwood and to provide expert legal services and advise the Town Attorney in relation to issues raised by the development of the former site of the Westwood County Club; and

WHEREAS, the Town Board has determined, based upon input and advice provided, that it will serve the best interest of the residents of the Town of Amherst to obtain additional expert advice relating to Westwood; and

WHEREAS, the Town Board, by Resolution #2017-907, authorized the retention of a consultant to obtain expert input involving SEQR related issues involved with the development of the 170 acre Westwood site located at 772 North Forest Road, 385 Maple and 391 Maple Road, in which project the owner presently proposes a mixed-use neighborhood which will require multiple rezonings including from Recreational Conservation to Traditional Neighborhood Development, Multi-Family Residential District and General Business District; and

WHEREAS, the Town Board authorized Hancock Estabrook, LLC to retain the services of Stantec Consulting Services, Inc., 61 Commercial Street, Suite 100, Rochester, New York to assist them in reviewing the Draft Generic Environmental Impact Statement (DGEIS), and to review and/or preparing the Final Generic Environmental Impact Statement (FGEIS); and

WHEREAS, as reflected in Resolution #2017-908, the Town Board received proposals from Stantec Consulting Services and Hancock Estabrook to provide assistance with the Town's review of a Rezoning and Planned Unit Development application ("Westwood Project") and to prepare the FGEIS with the estimated fees being \$100,000.00, with the Town Board charging the actual costs of preparing the FGEIS to Mensch Capital Partners, LLC ("Applicant") as well as the costs for the actual expert assistance required to help the Town in its review of the Project and the Town Board being apprised that due to the enormous amount of work associated with the review of the Project; and

THEREFORE BE IT RESOLVED, that the Town Board hereby mandates that the Westwood Neighborhood Project Escrow Account be increased from \$100,000.00 to \$150,000.00 to account for additional work required by Stantec and Hancock Estabrook, LLP and that the same be funded by the Applicant and said escrow fund shall be used for the payment of the actual costs of preparing the FGEIS and in providing expert assistance to the Town, and, the Town Board will provide the Applicant with copies of the invoices for the costs to prepare the FGEIS and assist the Town in its review of the Project before making payment from the escrow account.

Thank you.

SJS:msl