

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 6th day of May 2020 at 7:10 PM, the meeting was called to order by Supervisor Keem and there were:

PRESENT AT ROLL CALL:	Patrick J. Keem	Supervisor
	Eugene Majchrzak	Councilmember
	Conor Flynn	Councilmember
	Remy Orffeo	Town Clerk
	John C. Bailey	Town Attorney
	Steve Bremer	Building Inspector
	E. Joseph Wehrfritz	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

ALL PRESENT PARTICIPATING VIA WEBX.

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 COUNCILMEMBER MAJCHRZAK, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: April 15, 2020 Executive Session: April 22, 2020, Special Session: April 22, 2020 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.

PUBLIC COMMENT ON OLD BUSINESS

No written comments were received.

Old Business #1 Final Payment & Release of Retention to Wm. T. Spaeder for Brush Mountain CAC

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

WHEREAS, all construction work related to the Fire Protection Contract for the Community Activity Center Project has been completed. On 12/17/2019, a preliminary inspection was conducted, punch-list generated, and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, a two-year maintenance bond in the amount of \$202,253.30 has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents. The change orders for the project were as follows:

Alternates Awarded:

C/O #1 — Award of Alt. #5, Senior Area Fit-Out for \$2,800.00
C/O #3 — Award of Alt. #6, Recreation Area Fit-Out for \$3,400.00
Total= \$6,200.00

Other Change Orders of Work Scope:

C/O #2 — Sprinkler revisions for \$14,697.14
C/O #4 — Condensate Drain Relocation for \$833.93
C/O #5 — Additional Sprinkler Heads in Gymnasium for \$3,022.23
Total = \$18,553.30

WHEREAS, the final contract amount was \$202,253.30. Five change orders for the project resulted in a net increase of \$24,753.30. This represents an increase of 13.95% from the original amount bid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the release of retention and final payment in the amount of \$20,225.33 to Wm. T. Spaeder and further authorize the Town Clerk to release Wm. T. Spaeder's performance security for the Brush Mountain Community Activity Center Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #2 Final Payment & Release of Retention to Numarco Inc. for Brush Mountain CAC

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

WHEREAS, all construction work related to the Plumbing Contract for the Community Activity Center Project has been completed. On 12/17/2019, a preliminary inspection was conducted, punch-list generated, and all of the work has since been satisfactorily completed in accordance with the contract documents and specifications, and

WHEREAS, a two-year maintenance bond in the amount of \$642,000.00 (the original contract amount) has been submitted along with the Affidavit of Release of Liens, Affidavit of Subcontractor Payment, and necessary legal documents. The change orders for the project were as follows:

Alternates Awarded:

C/O #2 — Award of Alt. #4, Gymnasium Fit Out for \$0.00

Other Change Orders of Work Scope:

C/O #1 — Cost Savings to utilize PVC Pipe for -\$14,063.19
C/O #3 — Installation of floor drains in locker/shower areas for \$2,876.08
C/O #4 — Fixture relocation in Kitchen for \$1,589.41
C/O #5 — Installation of Kitchen equipment for \$0.00
C/O #6 — Child size toilet, correction of roof drains and drain cover for \$6,212.21
Total = \$3,389.49

WHEREAS, the final contract amount was \$638,614.51. Six change orders for the project resulted in a net decrease of \$3,385.49. This represents a decrease of 0.53% from the original amount bid.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the release of retention and final payment in the amount of \$63,861.45 to Numarco Plumbing and further authorize the Town Clerk to release Numarco's performance security for the Brush Mountain Community Activity Center Project, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business #3 Final Payment & Release of retention to Javen Const. for Brush Mountain CAC

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

WHEREAS, on 12/17/2019, a preliminary inspection was conducted, punch-list generated, and the contractor continues to complete the outstanding items necessary to fulfill the contract requirements, and

WHEREAS, Javen has submitted a payment request to release 47% of the retention withheld for the project totaling \$596,370.03. The remaining retention of \$672,502.37 is far in excess of the value of the outstanding punch list items left to be completed. Wendel confirmed in a meeting on April 23rd they are in agreement with the partial release of retention.

The change orders for the project were as follows:

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

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
- Total = \$208,411.39

WHEREAS, the final contract amount to date is \$12,748,449.87. Fifteen change orders for the project resulted in an increase of \$653,121.87. This represents an increase of 5.40% from the original amount bid. The final contract amount has not yet been calculated as there are some outstanding items left to be completed.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release a portion of Javen Construction's retainage in the amount of \$596,370.03, as recommended by the Town Engineer.

The resolution was unanimously adopted.

Old Business # 4 Change order for Telco Construction for Highway, Sewer, Water & Lighting Proj.

Tabled

PUBLIC COMMENT ON NEW BUSINESS

No written comments were received

New Business #1 Brush Mountain Community Activity Center Fee Structure

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

RESOLVED, that the Town Board does hereby adopt the following fee schedule for Brush Mountain Activity Center.

Community Activity Center Rooms				Rev. 4/27			RES	RES	NR	NR.	
Room Name	Room #	Sq feet	Max capacity	Sink	TV	Res/hr	Addtl Hour	NR/hour	Addtl Hour	Notes (best used for...)	
Game Room	150	1220	61		x	\$50	\$40	\$65	- \$55	birthday parties, small gatherings	
Flexible Classroom (aux gym)	156	3639	179		x	\$50	\$40	\$65	\$55	pickleball, meetings, large groups	
Billiard Room	110	1065	31		x	\$50, \$40		\$65	\$55	adult billiards	
Arts and Crafts Room	106	899	45	x	x	\$50	\$40	\$65.	\$55	arts and crafts classes	
Dance Room	154	2098	43		x	\$50	\$40		\$55	dance and fitness classes	
Conference	133	381	25		x	\$25	\$ 5	\$35	\$35	very small meetings (limited)	
Classroom	106	899	45	x	x	\$40	\$25	\$55	\$40	meetings, small gatherings	
Café	112	675	44	x	x	\$40	\$25	\$55.:	\$ 0	meetings, small gatherings	
Classroom	126	979	49		x	\$40	\$25	\$55....:	\$40	meetings, small gatherings	
Classroom	127	992	49		x	\$40	\$25	\$55		meetings, small gatherings	
Classroom	128	896	45		x	\$40	\$25..	\$55	\$40	meetings, small gatherings	
Multipurpose (dining room)	118 rm C	2459	168		x	\$120	\$ 0	\$140	\$100	2 hour minimum	
large group meetings	119 rm B	1313	89		x	\$60	\$40	\$75	\$55....n	mi	
caters must be pre approved	120 rm A	1274	87		x	\$60	\$40	\$ 5	\$55	no min	
	A+ B	2587	239		x	\$120	\$80	\$140	\$100	2 hour mM	
	A+ B + C	5046	344		x	\$200	\$100	\$240	\$130	4 hour min	
Gym	Court 1	6156	123			\$60	\$50	\$85	\$70	sports, recreation, trade shows	
Gym	Court 2	6156	123			\$60	\$50	\$85	\$70	sports, recreation, trade shows	
Gym	Full Gym	12313	246			\$110	\$90	\$160	\$130	sports, recreation, trade shows	
										"	
Miscellaneous	\$30 bounced check fee										
	*\$100 outside concession (up to 4 hours) + \$25 ea additional										
	*mobile white boards available upon					* Televisions have HDMI ports to connect to laptop for					
	*10% discount for seniors, active military and										
	*Bulk Discount: Reserve 12 meetings for the price of										

The resolution was unanimously adopted.

New Business #2 Supervisor to sign the NYSDEC SPDES General Permit & Schedule Public Hearing

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

WHEREAS, per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department Environmental Conservation, a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (N01) goals, and

WHEREAS, the 2019-2020 copy of the draft annual report will be placed in the Town Clerks Office for public review and comments. A draft copy will be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby Authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification, and be it further

RESOLVED, that the Town Board does hereby schedule a public informational meeting for Wednesday, May 20, 2020, at 7:00 pm, to receive public comment on the draft Stormwater Phase II annual report, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #3 Advertise for Testing & Maintaining Backflow Prevention Devices

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

WHEREAS, the Town is required to test the Town owned backflow prevention devices to keep in compliance with the New York State Health Department and the Erie County Water Authority regulations. Currently, the Town has 13-backflow prevention devices; two located in the Municipal Center, one each located in the Library, Orchard Meadows Playground and Honey Crest Playground, two for the Compost Facility, two for Green Lake Park / Little League, and three for the Brush Mountain Community Activity Center, and

WHEREAS, the scope of work includes testing each of the 13-backflow prevention devices during the course of the year and to perform any maintenance that may be needed if the backflow prevention device does not pass the test, and

WHEREAS, the Town has appropriated funding for contracted building repair and maintenance,.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize advertisements in the Orchard Park Bee for sealed bids to be opened for the Testing Backflow Prevention Devices 2020 at 2:00 pm, on May 28, 2020, in the Supervisor's Conference Room at the Orchard Park Municipal Center, as recommended

The resolution was unanimously adopted.

New Business #4 Proceed with Dedication for PIP 2019-01

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

WHEREAS, on March 20, 2020, a final inspection was conducted of the public improvements installed in the Shadow Lane Extension. The project included the construction of the public road extension of Shadow Lane with connection with California Road as shown on the attached location map. This public road extension will allow a 150-unit commercial apartment complex to be developed, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when the weather permits:

- Cover placing and fine grading topsoil, and hydroseeding and mulching along the new ROW the Shadow Lane Extension. \$10,000
- Install the public stoned sanitary mainline easement access road per plan on the north side of Shadow Lane. \$90,000.

WHEREAS, the Town is in receipt of the \$100,000 cash securities for the items noted above. A two-year maintenance bond in the amount of \$450,000 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the public improvements in the Shadow Lane Extension 1 constructed under PIP #2019-01, and authorize the Town Clerk to release the performance security in the amount of \$90,000.00, as recommended by the Town Engineer.

Town Engineer stated that there are problems with the easements, and property boundaries. Once they are squared away the Town Attorney can file them and they can proceed.

Town Councilmember Majchrzak stated that the Performance Security should not be released until this paper work is finalized.

The resolution was unanimously adopted.

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

WHEREAS, required by NYSDOT and will allow these new roadways to be included into the Local Highway Inventory (LHI) program, which is used to calculate Chips funding, and

WHEREAS, Shadow Lane public road extension were constructed as a Town street in accordance with plans and specifications prepared by Carmina Wood Morris, P.C.; and

WHEREAS, the two lane streets are 0..26-miles in length and consist of a new drainage system, sanitary sewers, waterline, gutters, asphalt pavement, landscaping and street signage; and

WHEREAS, construction of the Shadow Lane public road extension has been completed in accordance with as-built drawings and has been accepted for maintenance by the Town and is currently open to vehicular traffic for the public.

NOW THEREFORE, be it

RESOLVED, that Shadow Lane public road extension shall be included in the 2020 Town Local Highway Mileage Inventory of Town Streets; and, be it further

RESOLVED, that New York State Department of Transportation is requested to include the Shadow Lane public road extension in the Town of Orchard Park's 2020 Inventory of Streets.

The resolution was unanimously adopted.

New Business #5 Traffic Order for Shadow Lane

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

WHEREAS, upon the recommendation of the Police Chief, Town Engineer and Highway Superintendent, and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York, and

WHEREAS, upon dedication Shadow Lane Extension

NOW, THEREFORE, it is hereby

- **ORDERED**, that stop signs be erected at the following intersection: **STOP SIGN** on Shadow Lane at the intersection of California Road

The resolution was unanimously adopted.

New Business #6 Approve Hydrant fee for Shadow Lane Extension - PIP 2019-01

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

WHEREAS, as requested by the Erie County Water Authority (ECWA), (per the lease management agreement between the Town of Orchard Park and ECWA), the Town of Orchard Park is required to pass a resolution to authorize payment of the hydrant fee amount upon dedication of the various phases of the subdivision or road extension, and

WHEREAS, the total construction of the above referenced subdivision will result in four hydrants in service.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the payment of the four hydrant fee amounts upon dedication of the Shadow Lane public road extension and associated hydrants per the lease management agreement between the Town of Orchard Park and ECWA.

The resolution was unanimously adopted.

New Business #7 Sign Agreement with Aqua Tech for Professional Services

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER FLYNN, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

WHEREAS, similar to previous years, to complete the management and maintenance of various ponds/lake including Green Lake; it is necessary to hire an environmental consulting firm that is familiar with non-pesticide aquatic vegetation control (grass carp) and water quality (microbes and water aeration), general consultation and fish stocking, and

WHEREAS, the Town Engineer solicited services and received a proposal from a local environmental consultant firm, AquaTech Environmental, Inc., which is qualified and more than capable of completing lake management work for Green Lake and other various Town owned ponds. Fish stocking in thirteen (13) Town owned lakes/ponds would also be completed in the necessary timeframe and appropriate season (spring & fall), and

WHEREAS, the environmental services to be provided for the maintenance of Town ponds/lake are proposed as an annual maintenance service agreement and will include: Non-Pesticide Aquatic Vegetation Control (grass carp stocking), Initial Walkthrough (Biological, Chemical and Physical Analysis), Water Quality Analysis, Aeration Assessment, Installation and Adjustment, Stocking Permit Procurement, Fish Stocking, Fishery Assessment/Management and General Consultation Services. Aqua Tech Environmental, Inc. will provide these services on an as-needed basis. A \$2,500.00 deposit will be due in April/May and will be later subtracted from the stocking costs, and

WHEREAS, the Birdsong Subdivision Retention Pond is being stocked with 10 grass carp this spring to maintain healthy populations that can deal with the rooted plants. The additional grass carp pose no negative side effects and are a cost effective measure to control plant populations and improve the overall quality of the pond. No treatment was needed in 2019 for the Birdsong Retention Pond, except for the grass carp which were added, and

WHEREAS, the total anticipated pond treatment (weather dependent) cost for 2020 is \$0.00 for the year (attachment 2.0). Ten Town owned water bodies are listed with costs in case any microbial treatment is needed this year. The 2020 pond and lake maintenance proposal includes \$3,000.00 towards possible water treatment options along with 50% cost sharing opportunities from existing drainage districts (1-2, 1-3, 2-2 & 3-2). The \$3,000.00 could also be applied towards the stocking of 125 grass carp in Green Lake pending spillway modifications and NYSDEC approval/permitting. The 125 grass carp would aid in the aquatic vegetation control in the lake and are offered by AquaTech at a reduced cost of \$1,875.00 (\$15/grass carp) due to quantity discounts, and

WHEREAS, the continuation of the Town of Orchard Park Fish Stocking Program recommendations are attached (Attachment 3.0 Fishery Management Agreement) for 2020. Mr. Adrian recommends continuing the feeder fish stocking (fathead minnows & golden shiners), game fish stocking (large mouth bass, crappie & yellow perch) and increasing grass carp stocking to aid in weed control. The 2020 proposed stocking cost is \$4,998.00 (attachment 3.1) less the \$2,500.00 deposit, and

WHEREAS, the entire projected cost for Town Pond/Lake maintenance, possible water quality treatment and stocking for calendar year 2020, is not to exceed \$10,000.00 (excluding aeration improvements). There are presently funds (\$15,000.00+/-) allocated under Orchard Park Engineering Department "Water Quality Consultants" A01440 50541 for this work, and

WHEREAS, the Town Board must be aware, as previously discussed with AquaTech, that this natural means of aquatic vegetation control and water quality management is not a perfect science and is heavily influenced by outside factors such as weather, nutrient loading, oxygen levels, etc. Another factor to highlight is that, other than Green Lake, no aeration projects are funded under this agreement, which are also a major component of improving water quality. Lastly, this amount of funding would not cover all microbial treatments in a single year if they were, for some reason, required for all proposed waterbodies, which is highly unlikely. All involved parties must know there will be a learning curve with these natural methods. The true benefit for the environment comes with eliminating pesticides.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby Authorize the Supervisor to sign an agreement with AquaTech Environmental, Inc., 45 Kent Avenue, Blasdell, New York 14219, for an amount not to exceed \$10,000.00 to provide the following, as recommended by the Town Engineer:

- Professional consultation for yearly environmental services for Town-Owned Ponds & Lake (\$2,500.00 deposit due in April/May).
- Non-Pesticide water quality treatment services (excluding aeration) for various Town-Owned Ponds & Lake; including Lyrica North & South, Holley Ridge, CRV East & West, Milestrip Reclamation, Birdsong, Pleasant Acres & Knoche ponds, also Green Lake.
- Complete NYSDEC permitting & fish stocking in specified Town-Owned Ponds/Lake

The resolution was unanimously adopted.

New Business #8 Set PH for LL 2020-3, Peddling, Soliciting Transient Business/ Mobile Food Vending

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

RESOLVED, that the Town Board does hereby set a Public Hearing in the matter of Local Law 3-2020, Peddling & Soliciting, Transient Businesses and Mobil Food Vending, for May 20, 2020, and be further

RESOLVED, that the Town Clerk publish due notice thereof.

The resolution was unanimously adopted.

New Business #9 Award Town 2020 Mowing Contract

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

WHEREAS, the Town of Orchard Park mows grass along Town highways, in cul de sacs, and on subdivision entrances, and

WHEREAS, the Town of Orchard Park has solicited responses to its Request for Proposal for providing mowing services for these parcels for the period beginning May 1, 2020 and extending through the first week in October, 2020 and

WHEREAS, after careful consideration of the responses to the Request for Proposal, the Town of Orchard Park has determined that the response from Jensen Lawn & Yard Care is most acceptable,

NOW THEREFORE, be it

RESOLVED that the Town of Orchard Park awards its 2020 mowing contract to Jensen Lawn & Yard Care, and Service is to begin under that contract on May 1, 2020 and extend through the first week in October, 2020 at the weekly rate of \$565.00 and All the other terms and conditions of the Request for Proposal response of Jensen Lawn & Yard Care are hereby accepted and incorporated herein.

The resolution was unanimously adopted.

New Business #10 Appoint Town Assessor

15) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

WHEREAS, the Town of Orchard Park Assessor position is presently vacant, and

WHEREAS, the Town of Orchard Park has conducted a search for a candidate to fill this vacancy, and

WHEREAS, the Town of Orchard Park has determined the candidate of choice is Daniel Stanford of 110 Victor Lane, Hamlin, NY and

WHEREAS, Daniel Stanford is ready, willing and able to become the Town of Orchard Park Assessor,

NOW THEREFORE BE IT RESOLVED THAT

- The Town of Orchard Park hereby appoints Daniel Stanford to the Group 3 non-union position of Town Assessor, and
- The effective date of this appointment is May 4, 2020, and
- The starting salary for this position is \$86,000.00 per year with one-time signing bonus of \$4,000.00.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Letters/emails sent to the Town Board

Patrick O'Brien questioned how the Town Board was going to handle the current COVID 19 shutdown. He also stated that he is not in favor of a five man board.

Sharon Pomeroy, regarding the upcoming Local Law related to mobile food vending, stated that she is strongly opposed to give permits to mobile food vendors/food trucks in 2020 if they are located or adjacent to any residential neighborhoods and town parks. In Eagle Heights, at Pawtucket Park where the food trucks park, — there are multiple cars parking in front of the adjacent homes and down the streets and people congregating around the truck. Ms. Pomeroy also sent another email regarding Town Board and other meetings. She feels the residents should have the opportunity to respond live during the online meetings.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Keem stated the Town Board is conducting the online meetings without the residents being able to respond in real time because during the previous meeting where people could call in there were absences and interruptions. The Board does not want to have that kind of incident to happen again.

Supervisor Keem addressed the State Sales Tax report that he just received from the Association of Erie County Government, which shows a 23.14 % (\$6,689,495) drop for the month of April, as compared to last year.

Councilmember Flynn stated that he posted a social media plan for the Town to his Facebook page, and he sent it to the other Town officials for their review. He is looking for comments from the Town officials and the public regarding his plan. Councilmember Flynn said Assemblyman Pat Burke and the NYS Department of Transportation have reached out to him regarding a "shared service agreement", as 97% of the Towns in Erie County currently have this shared services agreement. He is of the opinion that this would be beneficial for the residents during snow emergencies. Councilmember Flynn said he is in favor of livestreaming the meetings.

Town Clerk Orffeo said the Town Board has to make a decision about allowing Food Trucks in 2020. A public hearing on the new code will be held at the May 20, 2020 Town Board meeting.

Town Attorney Bailey stated that the "shared service agreement" has been around for about 10 years. He is strongly opposed to it. The State has written an indemnification clause in the document that requires the Town of Orchard Park to indemnify the State for its actions under the agreement, but does not provide for a counter balancing representation by the State. If the Town makes a mistake, it is to indemnify the State absolutely, but if the State makes a mistake, the Town is on its own. The State has unreasonably refused to make the modification to mutual indemnification. He feels it is too great a risk for the Town and would be a bad deal for the Town.

Police Chief Wehrfritz stated with the nice weather, and the Covid restrictions, there are a lot of people out walking, biking and driving around. He advised everyone to take the proper precautions.

Highway Superintendent Fred Piasecki stated that the Highway Department, is back to full crews, and they are working on snow plow damage, drainage work and some brush pickup.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant # 23 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$119,521.63
Public Safety Fund	\$21,211.48
Part Town Fund	\$800.01
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$16,440.53
Special Districts	\$11,471.61
Trust & Agency	\$2,054.40
Capital Fund	\$927,468.92

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board dose hereby receive and file the following:

- Government Insurance Disclosure Statement
- First Quarter Tonnage Report from Republic Services

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:50 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**