

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 20<sup>th</sup> day of May 2020 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	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 FLYNN, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Meeting Minutes: May 6, 2020 Executive Session: May 6, 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 INFORMATIONAL HEARING  
Storm Water Phase II Annual Report for 2019-2020**

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

At this time Supervisor Keem opened the meeting and Town Engineer, Wayne Bieler, stated the informational meeting is held in accordance with the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II Regulations and NYSDEC requirements of the “State Pollutant Discharge Elimination System – SPDES”, General Permit for Stormwater Discharge. This meeting is to allow the public to comment on the draft Stormwater Phase II Annual Report.

Mr. Bieler stated that per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the NYS Department of Environmental Conservation, a Stormwater Management Program, and an Annual Report outlining the Town’s progress in meeting the Notice of Intent (NOI) goals. The Annual Report must be submitted to the NYSDEC each year by June 1<sup>st</sup>.

Supervisor Keem stated that no one sent in any questions.

2) 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 close the Public Informational at 7:06pm.

**The resolution was unanimously adopted.**

**PUBLIC INFORMATIONAL HEARING**

**Proposed Local Law 3-2020 Peddling & Soliciting, Transient Business and Mobil Food Vending**

At 7:07PM (local time) Supervisor Keem called for the Public Informational Hearing to hear all interested parties regarding

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Keem said he received two emails regarding this Public Hearing.

Paul Barnas questioned the stipulations on charitable organizations.

John Bernard sent in a letter in opposition because of the restrictions on charitable organizations.

3) 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 close the Public Hearing at 7:12pm.

**The resolution was unanimously adopted.**

Supervisor Keem stated that they are not going to vote on this Local Law this evening.

Town Clerk Orffeo stated that in the interim the Town should operate under the current provisions, and the next resolution sets the fees, and we operate under that resolution until the Board feels comfortable opening up for the food trucks.

**PUBLIC COMMENT ON NEW BUSINESS**

No written comments were received

**New Business #1 Town Board to set Fees for the Authorization of Mobil Food Truck Permits**

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

**WHEREAS**, the Orchard Park Town Board has reviewed the revised New York State Regulations for the operation of Food Trucks; and

**WHEREAS**, after a public hearing revised New York State Regulations for the operation of Food Trucks has been incorporated in the Orchard Park Town Code; and

**WHEREAS**, Food Trucks now need to be inspected by the Code Enforcement Office, and **WHEREAS**, Inspection and permit fees will be collected by the Town Clerk's office, and

**WHEREAS**, dates, times and location of Food Truck activities shall be filed by Food Truck operators with the Town Clerk and Code Enforcement offices when applying for a permit and updated two weeks prior to any new event; and

**WHEREAS**, approval of the dates, times and locations of Food Truck activities shall be approved by the Orchard Park Police Department and Town Board, and

**WHEREAS**, a certificate of liability insurance acceptable to the Town of Orchard Park shall be provided; and

**WHEREAS**, failure to provide any of the above information may result in a fine of up to \$250; and

**THEREFORE NOW be it**

**RESOLVED** that the Orchard Park Town Board sets the following fees for the year 2020:

- Inspection of Food Trucks - \$75.00
- Operating Permit - \$25.00.

**The resolution was unanimously adopted.**

**New Business #2 Compost Agreement with Village of Orchard Park for 2020**

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

**WHEREAS**, the parties to this agreement are: The Village of Orchard Park, with offices at S4295 South Buffalo Street, Orchard Park, New York, and the Town of Orchard Park, with offices at S4295 South Buffalo Street, Orchard Park, New York; and

**WHEREAS**, the Town of Orchard Park operates a compost site at 6909 Milestrip Road in the Town of Orchard Park; and

**WHEREAS**, the Village of Orchard Park wishes to utilize the services of the compost site; and the parties hereby agree as follows:

- (1) The Village of Orchard Park shall be authorized to deliver to the compost sites at 6909 Milestrip Road, Orchard Park, New York, brush and leaves. All materials delivered must be cleaned. No grass will be accepted. The compost manager will make the final determination as to whether any materials may be accepted in the compost site.
- (2) The Village of Orchard Park shall pay to the Town of Orchard Park, upon execution of this Agreement, the sum of Seven thousand (\$7,000.00) dollars.
- (3) This Agreement shall be in effect from June 1<sup>st</sup>, 2020 through May 31<sup>st</sup>, 2021.
- (4) During the term of this Agreement, all benefits afforded the residents of the Town, shall also be afforded to the residents of the Village, including any special deals on mulch or compost.

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to sign this agreement.

**The resolution was unanimously adopted.**

**New Business #3 Advertise for Bid for Collection of Municipal Waste and Recyclables**

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

**WHEREAS**, bid documents were developed for the bidding of the Collection, Hauling and Disposal of Mixed Municipal Solid Wastes, Bulky Wastes and White Good, and Collection, Hauling and Processing of Recyclables Contract in an attempt to secure the recommended contract changes. In the event the bids are not acceptable to the Town Board, per the Town Attorney, the Town still has the option to renew the existing contract in writing before July 31, 2020.

**WHEREAS**, the Town is in the final stages of updating bid documents packets with alternates for the Town Board's review on May 21, 2020, with the final Bid documents available June 15, 2020, for bidders to pick up, and

**WHEREAS**, there is presently funding allocated within the Town Consolidated Garbage District Budgets.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Collection, Hauling and Disposal of Mixed Municipal Solid Wastes, Bulky Wastes, and White Goods 2020 at 10:00 A.M. on July 9, 2020, in the Supervisor's Conference Room.

**The resolution was unanimously adopted.**

**New Business #4 2020 Seasonal Recreation Appointments.**

**Tabled.**

**BUSINESS FROM THE FLOOR**

Supervisor read the emails from residents.

Tom Pieczynski lives in Eagle Heights and his property is adjacent to Pawtucket Park where the Food Trucks conduct their business and he strongly objects to the presence of food trucks for the following reasons: people drive over his lawn, block his driveway and mailbox; there is trash left behind and bicycles are throw all over; teenagers abuse the park equipment; and social distancing will be hard to manage.

John Bernard had questions regarding the State's widening of NYS Rt. 179/Milestrip Road. They have put in sidewalks and he would like to know how the Town, as property owner, is going to handle the clearing of snow on these in the winter.

Howie Holmes wanted to know why there was a signing bonus for the new Town Assessor.

David Schuster, regarding the fee schedule at the new Community Activity Center, wanted to know if meetings in the Municipal Center will still be available at no charge as in the past. He stated that the Town should continue Town wide trash pickup as opposed to individuals having to contract out the service.

**ELECTED OFFICIALS & DEPARTMENT MANAGERS**

Supervisor Keem stated that the new Assessor received a signing bonus as part of the wage negotiations, to limit the amount of raises every year. Regarding the food trucks at Pawtucket Park, the Supervisor said he drives by there after the events and things seem to be pretty well cleaned up, and the Park is still in good shape. Supervisor Keem stated that the parties that meet in the Municipal Center, at no charge, will still be able to hold their meetings there. Businesses will be asked to use the Activity Center. Regarding trash pickup, the Town Board wanted to look at all angles, and decided to stay with the Town wide pickup.

Councilmember Flynn said he was asked by a few residents to look at what other Towns do for garbage pickup, and it was decided that the current Town wide pick up best serves the residents.

Councilmember Majchrzak, regarding trash pickup, that the Town could continue the current contract for up to five years with increases tied to the Cost of Living. They are currently put out for bid to see what other options are out there. The Town Board will not do anything that will cost the taxpayers more than what it costs now.

Supervisor Keem stated that the plan for the next Town Board meeting is to hold it in the Town Board Room, possibly opening it to the public. If it is open to the public, there will be a 20 person maximum to maintain social distancing. Everyone will have to wear a mask. The Town will open up in Phase One, and he asked that everyone follows the regulations with face masks, good hygiene and social distancing so we do not go backward.

Councilmember Majchrzak echoed the Supervisor regarding keeping up the standards and not relaxing because we do not need a relapse. Be careful and be responsible.

Councilmember Flynn thanked everyone for their input on the proposed Social Media Policy. He is going to revise it and resubmit it to the Town Board and hopes that it will be approved at one of the upcoming meetings. He stated that he would like to see the Town Board meetings to remain live steamed for the residents.

Police Chief Wehrfritz stated that the police have to do what is necessary to uphold the law, and he stated people need to follow the rules.

Highway Superintendent Piasecki said that the Highway Department has road sweepers out, are focusing on drainage work and will start road work on May 26<sup>th</sup>. They will be milling and overlaying Pine Terrace, Edward Drive, Metzger Drive, Hawthorn Drive, Birch Run, Locust Drive and they will oil and stone Benning Road.

7) 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 #10 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$142,731.26
<b>Public Safety Fund</b>	\$6,048.27
<b>Part Town Fund</b>	\$58.96
<b>Risk Retention</b>	-0-
<b>Cemetery Fund</b>	-0-
<b>Highway Fund</b>	\$13,418.46
<b>Special Districts</b>	\$152,675.65
<b>Trust &amp; Agency</b>	(\$680.00)
<b>Capital Fund</b>	\$684.96

**The resolution was unanimously adopted.**

8) 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:

- Comprehensive Annual Financial Report for Year 2019
- Compost Facility for the 2020 Season will issue the Free Mulch Coupon on Monday, Tuesday and Friday during normal business hours.

Town Clerk Orffeo stated that this year the compost coupons will be issued at the compost site.

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:42 pm (local time).

**Respectfully Submitted,**

**Remy C. Orffeo  
Town Clerk**