

A Work Session of the Clarence Town Board was held on September 3, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 9:04 A.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Town Attorney Steven Bengart and Town Engineer Joseph Latona and Recycling Committee Chairman Chuck Eckert.

#### **Supervisor Scott Bylewski**

Supervisor reminded everyone that departmental budgets are due September 10<sup>th</sup>, meetings with department heads are being scheduled.

Supervisor Bylewski will be meeting with Senior Building Inspector David Metzger and representatives from ISO regarding the Building Department.

To date, Supervisor Bylewski has received one written comment relative to the IDA budget.

At the September 10<sup>th</sup>, 2008 Town Board meeting, Supervisor Bylewski will make a motion in support of legislation increasing freight rail hauling capacity.

At the next Town Board meeting, Supervisor Bylewski will make a motion amending the Town Policy Manual regarding Breast Cancer and Prostrate Cancer screening. Paid time has to be allowed for these procedures.

The Town is in the process of canvassing for the Youth Bureau Program Coordinator position.

Supervisor Bylewski received an update from Vince Delgato regarding the bike path. Some of his recommendations include grass cutting and tree trimming.

#### **Councilman Joseph Weiss**

Councilman Weiss met with Conservation Advisory Council Chairman Peter Wolfe. The Conservation Advisory Council will review their budget and see if there is anything they can pursue this year that would have a positive impact on the town's environment.

Animal Control Officer Jerome Schuler is looking to expand the animal shelter building and has submitted several proposals. Supervisor Bylewski will review them with Town Engineer Latona before he circulates them to the rest of the Town Board, this would be a Capital Improvement Project.

#### **Councilman Bernard Kolber**

Councilman Kolber had no report.

#### **Councilman Patrick Casilio**

Town Attorney Bengart is working on finishing up the contract regarding the video cameras.

Councilman Casilio met with NYSEG regarding the Willow Brook gas light district. One of their biggest concerns is utility easements. Because this could take over a year, Councilman Casilio feels he must take care of the three lights that are currently not working. He will continue to work with NYSEG to get the district converted from gas to electric. Currently, each tax payer in this district pays approximately \$400 annually; Councilman Casilio feels he could get a better price by changing to electric and have a maintenance friendly system and much better lighting.

Councilman Casilio suggested the Town consider a Sign Law for right of ways to try and control political signs. Councilman Casilio will work with Town Attorney Bengart to see what can be done and possibly look at the Sign Law the Town of

Amherst has in place. Councilman Kolber questioned who determines where a property line begins and where it ends. Supervisor Bylewski stated that if you eliminate political signs you also eliminate not-for-profit signs as well. Councilman Casilio submitted for the record, pictures of numerous political signs at the intersection of Sheridan Drive and Harris Hill Road. These signs are up for three months prohibiting anyone from cutting the grass and blocking drivers view. Town Attorney Bengart will obtain a copy of the Town of Amherst Sign Law and review the legality of it. Supervisor Bylewski stated that if we have a public hearing, he would like to make sure that all not-for-profit service organizations registered with the Town are notified so that the Board can get their input.

Councilman Weiss has received a request from a resident requesting a Noise Ordinance and he suggested town officials carry decibel meters around with them. Councilman Weiss informed him that he will bring his request to the Town Board but questioned how this would be policed.

#### **Councilman Peter DiCostanzo**

The Historical Society has submitted their budget request for next year. Supervisor Bylewski relayed his thoughts about the budget to Doug Kohler.

The ZBA received a request from a resident on Hedgewood Drive for an 8' fence. The applicant's yard backs up to Roxberry Subdivision.

At the August 27<sup>th</sup> Town Board meeting, Milherst Construction presented their request for a fill permit in advance of a future industrial site on County Road. Councilman DiCostanzo felt the applicant was not happy with the Board's decision and questioned whether the Board has heard back from him. Councilman Casilio questioned whether anyone has ever driven by Milherst Construction facility on Millersport Highway – they store a lot of equipment on site. If Milherst is allowed to build a new facility on County Road, they should be required to install berms and plant trees.

#### **Modern Disposal Services, Inc. - Joe Hickman**

Mr. Hickman contacted Councilman Weiss regarding the creation of a garbage district in the Town of Clarence. Modern Disposal would have an interest in seeing the Town go with one garbage provider. For all the reasons the Recycling Committee had expressed, it would make sense for the town to do this. Twenty of the twenty-two municipalities in WNY have either their own solid waste pickup or contract out to one provider.

Mr. Hickman stated that he has been with Modern Disposal for twenty-eight years; he began as a driver then moved into dispatch, from there he went into sales and sales management. He has had the benefit of starting in this business from the ground up. When he started in 1980, Modern Disposal had a small fleet of nine trucks. With the recent acquisition of NEI, Modern Disposal has grown to approximately 350 pieces of equipment and over 500 employees in WNY. Modern Disposal is a family owned business very entrenched in WNY and are here to stay.

Modern Disposal feels that going with one service provider would be a very good move for the Town of Clarence. Modern has approximately 3,500 residential units on subscription service. Supervisor Bylewski stated that according to the quarterly report ending March 31, 2008, they indicate there the number of residential units collected are approximately 1,300. Supervisor Bylewski stated that in looking at the permits that have come in, we need to add a line regarding the license permit and quarterly reports be submitted under the penalty of perjury.

Councilman Kolber said he appreciates Mr. Hickman coming before the Board to give us his perspective. He did not feel it was right for the Town Board to be chastising him and putting him "in the hot seat" for this if someone else is responsible for submitting the quarterly reports. Supervisor Bylewski stated that

he to appreciate Mr. Hickman being here as well however, this is an opportunity to let Mr. Hickman know his concerns and take this information back to the appropriate parties and find out if this information is accurate. If the information is incorrect Supervisor Bylewski asked that an amended report be submitted. Councilman Weiss suggested reviewing the quarterly reports from the other vendors to see if their numbers are accurate. Allied Waste did not provide any information as to number of units collected. For the quarter ending June 30, 2008 Waste Management reported 1,935 residential units collected. The Master License is \$100 and an additional \$25 per truck.

Supervisor Bylewski stated that whether the town goes with one provider or stay with the current system, either way we are still dealing with a private company.

Mr. Hickman stated that the last time there was talk of creating a garbage district and was voted down; a lot of propaganda was distributed by Modern Disposal competitor indicating that the creation of a garbage district is wrong. A lobby group for waste haulers contacted Modern Disposal asking them to submit a certain dollar amount to contribute to a smear campaign and Modern Disposal declined stating that they could not do this in good faith because this is the right thing to do for the community; it is not a bad thing. It is not about government taking away tax payer rights to select their own garbage contract so they did not participate in the campaign. Mr. Hickman was of the opinion that the reason Waste Management did what they did is because they feared they would lose a major share of the business in Clarence.

Rock Oaks Homeowners Association submitted a petition with 50 signatures against a garbage district even though the creation of a district would not affect them.

There is a very vocal group that is concerned about government action and has spread misinformation.

Councilman Casilio stated that if you are not using a waste hauler, that means that you are not recycling – everyone has a responsibility to recycle.

If Modern Disposal were to collect solid waste for the Town, they would break the town into manageable quadrants. Realistically, three solid waste and recyclable trucks 5 days a week could handle the town. It would be based on the availability of equipment at the time and whether they choose to do it 5 days a week or 2 days a week.

Councilman Kolber stated that our last bid came in \$157. Vacant property owners were charged a \$5.00 fee for pickup of old tires. In order to form the district the town had to charge each parcel under this district a minimal fee. You can not tax someone and not provide some type of service.

If you want to encourage recycling, you have to set limits as to the amount of garbage that can be put to the curb in one week. The limit should be set to 4 – 5 cans to encourage recycling.

The Village of Orchard Park uses garbage carts for normal to low generators of solid waste. The normal generator gets a 95 gallon cart and a low generator gets a 65 gallon cart. They get charged differently. During the public hearing, several residents spoke up saying they don't generate a lot of waste and will lose their senior discount. This would not be the case; the bid would be structured so that you would have a high generator and a low generator.

It would be up to the town to have the residents that qualify as a low generator come in and submit documentation that they are a low generator, that information would then be provided to the disposal company and they will bill the town based on the information provided. If a family of four (high generator) has two children that go off to college and do not produce as much solid waste, they could drop

down to a low generator status. They would then go to the Town Clerk's office and file documentation, the Town Clerk would then forward this information to the disposal company and the town would be billed accordingly. It would have to be done annually because the taxes are billed annually.

Town Attorney Bengart stated that the Town Clerk's office is over-burdened as it is and could not handle processing 10,000 applications. Councilman Kolber stated that the Board did not want to have anyone in town having to administer this process. That is why they had previously come up with a flat rate.

The Village of Akron and the Village of Orchard Park supply the disposal company the monthly total units serviced on a monthly basis. They monitor when residents are leaving for the winter and going south which means the original 9,500 stops are reduced to 9,000 stops. The number of units billed for are based on the number of units serviced based on the information provided by the Town Clerk's office. Councilman Weiss stated that was too much of a burden for the Town Clerk's office.

Recycle Committee Chairman Chuck Eckert asked what town would be the model town to be able to answer some of the Board's questions. Mr. Hickman suggested calling the Supervisor of Orchard Park.

Councilman Casilio asked if Modern Disposal along with other licensed disposal companies district the town. Mr. Hickman stated that Modern Disposal would not be interested in that, the biggest problem with that would be dividing the town into equitable portions.

Mr. Hickman stated that Modern Disposal does not mind the subscription business however; he would like the opportunity to make 9,000 stops and send one bill to the municipality.

In light of the estimated consumer price index rate and rising fuel costs, Chuck Eckert asked for an estimated bid Modern Disposal would bring forward. Depending on the size of the municipality and the level of service, bids have been between \$175 a year per unit and up to \$210 per unit.

Municipalities that purchase carts and supply them to the residents provide not only a benefit to the residents but to the municipality as well. It is a way of keeping trash contained and measure how much trash you will allow a resident to put out. From collectors stand point the overhead associated with Modern Disposal or any collection company buying – in the case of Clarence 9,500 carts, it is a big expense because there is no guarantee that the town will renew their contract after the first initial term so they could be out those carts.

Some municipalities have paid for refuse collection with revenue from sales tax. If you did pay for it out of sales tax, the amount of money spent on refuse per month is going to depend on the number of units serviced - based on the number of "snowbirds" or residents going on extended vacations (1 month or more).

Mr. Hickman suggested talking to the Town of Orchard Park to see just how much time the Town Clerk puts into managing this operation. Once it is up and running, the phone calls go directly to the disposal company.

Councilman Casilio suggested that as part of the relicensing process, restricting the time a disposal company can begin trash pickup, namely front-end loaders. Councilman Kolber stated that it would be easier to license the hours of operation for pickup.

Modern Disposal has formed Buffalo Recycling Partnership with a company out of Michigan. They are jointing investing money to retrofit what was a solid waste transfer station on the corner of Tift and Hopkins Street in the City of Buffalo. This will be the first state of the art recycling facility in WNY. It will be an

independent facility as they encourage others to use it. They will be leaving the current co-mingled recycling process. Beginning next year, one truck will pick up recycling, they tip the entire bin in the back of the truck (it looks like a garbage truck) it increases efficiency and reduces the number of vehicles on the road. This new system will increase the amount of items that can be recycled, large boxes will not have to be cut down. The facility is set up to separate the material.

Modern Disposal does not have signed agreements with their customers.

Chuck Eckert asked why there is such a difference in pricing between the three haulers licensed in the town. Mr. Hickman stated that he can only speak for Modern Disposal. If a customer calls and says another disposal company will provide refuse service for \$10 less, customer services has been instructed to take whatever action to get that customer for \$10 less. Seasonality of pricing can be done; low generator/high generator can be adjusted. Mr. Hickman requested a copy of the minutes of the July 23<sup>rd</sup> meeting – he will respond to some of the questions and concerns the residents brought forward at the public hearing.

Mr. Hickman stated that over time, the weight of the garbage trucks will damage the roads. When Modern Disposal had the contract with the Town of Grand Island, the Highway Supervisor called many times asking them to keep their trucks off the shoulder of the road. Over time the heavy weight of the garbage trucks will have an impact on the roads. An empty garbage truck weighs approximately 36,000 lbs. and will pack approximately 14 tons. Even if the roads are designed for this type of weight, over time six trucks every day of the week will cause damage over time.

Residents need to know that with every municipal contract there is a 100% Performance Bond so in the event that the disposal company fails, the Town can hire another service provider to replace them.

White goods can be picked up on either a weekly basis or a monthly basis. Mr. Hickman would recommend it be done on a weekly basis. It is the responsibility of the resident to remove the Freon from all appliances before putting them out to the curb.

Mr. Hickman would be willing to go through the July 23<sup>rd</sup> minutes and draft a letter to the Editor of the Clarence Bee with his perspective on the formation of a garbage district in the Town of Clarence and also address some of the issues brought up at the public hearing. The Town Board was in agreement with this especially since Waste Management sent out misinformation.

Supervisor Bylewski suggested Chuck Eckert contact the other waste disposal companies and set up meetings with them.

Councilman Casilio stated that new 45MPH speed limits are being installed on Strickler Road. Parking signs are also being changed in front of the high school.

Councilman DiCostanzo commented that a group of parents with children in the Middle School are forming a car pool to drive kids to and from the Middle School everyday. Some of the parents are concerned with some of the activity taking place on the school bus and in some instances the bus ride is almost an hour ride.

There being no further business, the Work Session adjourned at 10:55 A.M.

Darcy A. Snyder  
Deputy Town Clerk

