

Minutes  
Village of Orchard Park  
Board of Trustees

The regular meeting of the Board of Trustees of the Village of Orchard Park was held on Monday, March 11, 2013 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Wilson called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:

Mayor John B. Wilson  
Trustee Francis T. Hogenkamp  
Trustee David A. Rood  
Trustee Joseph R. Wales  
Trustee Jo Ann Litwin

Others present:

Dir. Of Public Works Andrew J. Slotman  
Building Inspector Jeffrey Sweet  
Clerk-Treasurer Mary Beth Jensen

Mayor Wilson made the following announcement:

“Fire exits are located at the rear in the Board Room and at the doorway to the lobby. In the event of a fire, you will be notified by announcement on the public address system. If notified, please move in a calm and orderly fashion to the nearest exit.”

A public hearing was scheduled and advertised for this time hear public input on Local Law #1, 2013, overriding the tax levy limit established in General Municipal Law §3-c. Mayor Wilson opened the hearing and explained that the override was necessary in the event that the tax levy exceeded the 2% limit as defined by General Municipal Law. He asked three times if there was anyone who would like to speak in favor and three times if there was anyone who would like to speak against Local Law #, 2013. There were none.

Moved by Trustee Wales, seconded by Trustee Rood to close the hearing at 7:05PM.  
On the question:           5 voting “Aye”     0 voting “Nay”     Carried

Moved by Trustee Litwin, seconded by Trustee Hogenkamp that proposed Local Law #1, 2013 be approved as follows:

To override the tax levy limit established in General Municipal Law §3-c.

Adding the following ordinance section:

SECTION 1: Legislative Intent

It is the intent of this local law to allow the Village of Orchard Park to adopt a budget for the fiscal year commencing 2013-2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

SECTION 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3: Tax Levy Limit Override

The Board of Trustees of the Village of Orchard Park, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing 2013-2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### SECTION 4: Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5: EFFECTIVE DATE: This local law shall take effect immediately upon filing with the Secretary of State.

On the question:            5 voting "Aye"        0 voting "Nay"        Carried

Moved by Trustee Wales, seconded by Trustee Rood that the minutes of February 25, 2013 be approved as received.

On the question:            5 voting "Aye"        0 voting "Nay"        Carried

Moved by Trustee Rood, seconded by Trustee Hogenkamp that the vouchers numbering 10449 to 10472 in Abstract #15 of 2012-2013 in the amount of \$46,177.27 be paid as presented.

On the question:            5 voting "Aye"        0 voting "Nay"        Carried

Comments from the floor of items not on the agenda.

- Kevin Clough (344 Hillside Drive) spoke about the possible benefits of putting a cogeneration plant in Orchard Park. (flyer attached) He realized that it is probable a Town issue, but was asking for a recommendation from the Village.

Mayor Wilson asked that he bring information to the Village Board at an upcoming work session.

- Dave Schuster (5385 South Freeman Road) spoke in support of the Seniors' needs for an alternative Senior Center site, but is opposed to their goal of attaining the Baker Road facility. He feels the Seniors would benefit by finding a place in the Village where they could use sidewalks and resources like the library would be close by; and that the Village should be making an effort to keep them in the Village.

The Village Board members thanked Dave for his comments.

- Mike from Senator Grisanti's office reported that a representative from their office was going to be available in the Municipal Building once a month to answer questions. (flyer attached)
- Mary Ann Gravius (32 South Davis St) commented that there is no affordable housing in the Village.

Trustee Hogenkamp mentioned that the apartments on Lincoln Avenue might have Government low rate housing available.

- Howard Rost (300 S Lincoln Ave) thanked the DPW for their prompt pickup of branches.

Reports:

Moved by Trustee Rood, seconded by Trustee Hogenkamp that the reports of the Village Justice, Acting Village Justice, Water Department and Treasurer for the month of February 2013 be received and filed.

On the question:            5 voting "Aye"        0 voting "Nay"        Carried

- Building Inspector Sweet reported that he is meeting with the owner of the property where Don Tequilas was to get information on their course of action.
- Director of Public Works Slotman reported
  - the DPW has started spring clean-up.
  - EC Sewer Authority has hired United Survey, Inc. to clean and camera the lines. Their trucks should be well labeled, but if anyone has concerns they should feel free to call.
  - he attended a seminar on the Emerald Ash Borer. The Borer has been identified in Lancaster, NY. Private tree owners should contact an expert if they hope to save their ash trees. The DEC is also running a campaign to limit burning the trees to within 50 miles of their origin.
- Trustee Wales reminded the public of the upcoming Village Election on March 19<sup>th</sup> from Noon to 9PM.
- Trustee Rood reported that the Village has scheduled two Electronic Recycling Events in 2013, April 20 and September 14 from 10AM to 1PM.
- Trustee Hogenkamp thanked the DPW for cleaning up the area around Don Tequilas and encouraged Village Residents to Vote on March 19<sup>th</sup>.
- Trustee Litwin had nothing to report.
- Clerk Jensen had nothing to report.
- Mayor Wilson reported
  - that he is working on funding for waterline replacements on East and West Quaker. There have been many water breaks along that stretch of road, some of the pipes being almost 100 years old. The State audit two years ago targeted water line loss and a plan of action was established. Mayor Wilson is working with Albany for funding as well as bonding.
  - The budget is close to completion.

Moved by Trustee Wales, seconded by Trustee Rood that the Annual Organizational Meeting be scheduled for April 8, 2013.

On the question:            5 voting "Aye"        0 voting "Nay"        Carried

Moved by Trustee Hogenkamp, seconded by Trustee Wales that a public hearing be scheduled and advertised for April 8, 2013 following the annual organizational meeting to review the 2013-2014 tentative budget.

On the question:            5 voting "Aye"        0 voting "Nay"        Carried

Moved by Trustee Rood, seconded by Trustee Litwin that

WHEREAS, the Western New York Southtowns Scenic Byway (WNYSSB), a legally authorized byway in New York State, with the purpose of promoting the culture, history, and scenery of the area surrounding its 70 mile route, is sponsoring an interpretive sign program, under the administration of the New York State Department of Transportation, and,

WHEREAS, the Village of Orchard Park is located within the limits of the Byway, and has been duly notified by the WNYSSB that it is entitled to receive one interpretive sign as part of this program.

NOW, THEREFORE BE IT RESOLVED, THAT the Village of Orchard Park agrees to accept the interpretive sign, to own it, and to reasonably maintain it for its lifetime, under the following conditions:

- That the WNYSSB, as part of a grant for its interpretive sign program, has agreed to pay for the design, fabrication, and installation of the sign.
- That the Village of Orchard Park, together with the WNYSSB, has agreed to its content;
- That the Village of Orchard Park has agreed to its location, to be located at the Orchard Park Train Depot.
- That the Village of Orchard Park agrees not to remove the sign at any time in the future.
- That if the sign should become damaged, the Village of Orchard Park agrees to repair the sign, if it is reasonable with its own forces; or if the damage is such that it cannot be reasonably repaired, to consult with the WNYSSB regarding a means to repair the sign. The payment of such repair would be as agreed to by the Village of Orchard Park and the WNYSSB at that time.
- AND the Village of Orchard Park understands that WNYSSB has entered into contract with a sign fabricator and installer, and will have the site clear for the installation of the sign, expected to be in April 2013.

On the question:            5 voting "Aye"      0 voting "Nay"      Carried

The next regular meeting is scheduled for March 25, 2013.

Moved by Trustee Hogenkamp, seconded by Trustee Wales to adjourn at 7:45M.

On the question:            5 voting "Aye"      0 voting "Nay"      Carried

Respectfully submitted

Mary Beth Jensen  
Village Clerk-Treasurer