

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 25, 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 Jeff 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.”

Mayor Wilson explained that due to advertising complications we are holding a public hearing for Local Law #1, 2013, as a precautionary measure. He opened the public hearing at 7:00 PM. He explained that the budget is in order and there are no plans to exceed the 2% tax cap.

Mayor Wilson asked three times if there was anyone who would like to speak in favor of overriding the tax levy limit. There were no comments.

Mayor Wilson asked three times if there was anyone who would like to speak against overriding the tax levy limit. There were no comments.

Moved by Trustee Wales, seconded by Trustee Rood to close the Public Hearing at 7:03 PM.

On the question: 5 voting “Aye” 0 voting “Nay” Carried

Moved by Trustee Rood, seconded by Trustee Wales 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 Rood, seconded by Trustee Hogenkamp that the minutes of March 11, 2013 be approved as received.

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

Moved by Trustee Rood, seconded by Trustee Wales that the vouchers numbering 10473 to 10502 in Abstract #16 of 2012-2013 in the amount of \$25,249.86 be paid as presented.

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

Comments from the floor of items not on the agenda.

- Jacqueline Briggs (4391 S Buffalo St) reported that the Senior Council recently had a meeting, but there is nothing to report regarding Baker Road. She also reported that they are holding a pancake breakfast fundraiser April 6<sup>th</sup> at Zebbs.
- James Auman (6167 Berkley Dr) asked what is happening with the Don Tequilla building.
  - the Building Inspector is hoping to meet with the owner of the restaurant soon, as they are hoping to reopen.
- Dave Schuster (5385 S Freeman Rd) was following up on his inquiry last meeting – does the Village Board have plans to keep the Seniors in the Village?
  - The Village is not involved with where the Senior Center is located, it is a Town issue.

#### Reports:

- Building Inspector Sweet was asked about the old Citizen's Building. He reported that the new owner is making envelope improvements (new windows, new roof...) and waiting for a tenant to remodel the inside.
- Director of Public Works Slotman reported that the DPW is cleaning up the benches and garbage receptacles, transitioning into Spring. They are also cleaning a portion of the storm sewers, asking for traffic to be cautious around the work crews.
- Trustee Wales had nothing to report.
- Trustee Rood reported that April 20 is the first scheduled electronic recycling event of 2013. It will be at the DPW garage from 10AM to 1PM.
- Trustee Hogenkamp expressed his appreciation for being re-elected.
- Trustee Litwin had nothing to report.
- Clerk-Treasurer Jensen had nothing to report.

- Mayor Wilson
  - reported that he is working on updates to Village Infrastructure; looking for state/local funding and bonding to replace waterlines on East and West Quaker Street. There were 6 waterbreaks along that road this year, each break costing about \$3500 to repair.
  - reported that there is engineering work to be done on Forest Avenue and the Village will soon be sending out an RFQ.
  - has been in touch with NYSEG regarding additional street lighting in two neighborhoods, Sunset and North Lincoln.

Moved by Trustee Litwin, seconded by Trustee Hogenkamp to approve the following RESOLUTION in opposition to Governor Cuomo's proposals to impose limitations on the adjudication of speeding tickets:

Whereas, the Governor has as part of his Executive Budget, provisions that would restrict the adjudication and disposition of speeding tickets in local courts, and

Whereas, the Governor's proposals would unduly infringe on the long established process of prosecutors and courts exercising discretion on a case by case basis, and

Whereas, the Governor's proposals if adopted, would increase costs to municipal taxpayers with respect to the operation of local courts, and

Whereas, the Governor's proposals would seek to impose surcharges payable to State of New York on motorists for even minor offenses, and

Now, Therefore, Be It Resolved that the Village Board of the Village of Orchard Park does hereby oppose the aforesaid provisions of the Governor's Executive Budget, and

Be It Further Resolved, that a certified copy of this Resolution be forwarded to: Honorable Andrew M. Cuomo, Honorable Majority Leader Dean Skelos, Minority Leader of Independent Democratic Caucus Jeff Klein, Honorable Senate Minority Leader Andrea Stewart-Cousins, Honorable Speaker of the Assembly Sheldon Silver, Honorable Leader of the Assembly Joseph Morelle, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Legislatures.

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

Moved by Trustee Hogenkamp, seconded by Trustee Litwin that Clerk-Treasurer Jensen be authorized to attend a presentation by the NYSDOT regarding Special Use Permits on March 28, 2013 in Rochester; expenses incidental to the meeting to be paid by the Village.

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

Moved by Trustee Wales, seconded by Trustee Litwin that the Orchard Park Chamber of Commerce be authorized to close North Buffalo Street

- on the east side from Rt. 20A to the north edge of Key Bank's (formerly HSBC) exit (between the bank and NOCO); and
- on the west side from 20A to the south edge of the entrance to the Stovroff Plaza (adjacent to Runners Roost); and
- potentially extend the closure further north, with the understanding that the entrances to Stovroff Plaza, NOCO and the Village Center Apartments will not be blocked.

on Wednesday July 24, 2013 from 5:00PM to 10:30PM for the 9th annual Caribbean Night event. The street must be kept clear for emergency vehicles and the Chamber of Commerce will be responsible for all barricading and coordinating the closure with the

police department. Contingent upon receipt of insurance and a permit from the NYS DOT.

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

Moved by Trustee Hogenkamp, seconded by Trustee Rood that the Orchard Park High School Cancer Awareness Club's Step for a Cure be granted permission to walk Village sidewalks on April 28, 2013, beginning at noon. Permission contingent upon proper insurance certificates. The police have been notified of the walk.

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

Moved by Trustee Rood, seconded by Trustee Litwin that the bid for the purchase of a 2013 Ford F250 4x4 Regular Cab be awarded to DeLacy Ford in the amount of \$28,500.00 as recommended by Director of Public Works Slotman. The cost for the purchase to be expended from the Reserve for Equipment Fund after a permissive referendum.

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

Moved by Trustee Wales, seconded by Trustee Hogenkamp that the following resolution be adopted:

WHEREAS, it is necessary to increase the rates for water usage, be it

RESOLVED, that the following water rates be effective as of April 1, 2013:

For district users - a rate of \$4.98 per one thousand gallons, the minimum quarterly water charge being \$34.86 for seven thousand gallons.

For non-district users - a rate of \$5.61 per one thousand gallons, the minimum quarterly water charge being \$39.27 for seven thousand gallons.

BE IT FURTHER RESOLVED, unpaid charges shall be enforced as provided by Chapter 45 of the Municipal Code of the Village of Orchard Park.

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

Moved by Trustee Wales, seconded by Trustee Rood to authorize Code Enforcement Officer Jeff Sweet to attend the Introduction to National Flood Insurance Program at the Adam's Mark Hotel on April 9, 2013 at 9AM. All expenses incidental to be paid by the Village.

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

The next regular meeting is scheduled for April 8, 2013.

Moved by Trustee Hogenkamp, seconded by Trustee Wales to adjourn.

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

Respectfully submitted

Mary Beth Jensen  
Village Clerk-Treasurer