

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, May 13, 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
Attorney Philip Marshall
Clerk-Treasurer Mary Beth Jensen
Building Inspector Jeffrey Sweet

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 meeting was scheduled at this time to offer opportunity for public comment on the MS4 Annual Report. The report is in the Village Office for review. Mayor Wilson asked if there was anyone present who would like to make a comment. There were none.

Moved by Trustee Wales, seconded by Trustee Litwin that the MS4 Annual Report be filed as it reads.

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

Moved by Trustee Rood, seconded by Trustee Hogenkamp that the minutes of April 22, 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 10555 to 10593 in Abstract # 19 of 2012-2013 in the amount of \$55,106.06 be paid as presented.

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

Comments from the floor of items not on the agenda.

Howard Rost (S Lincoln Ave) noticed that there is a fire hydrant in the Village with bushes planted on three sides. It seemed to him that the plantings might be a public safety issue.

Mayor Wilson responded that there is no ordinance prohibiting plantings around a hydrant and the Fire Company has not requested one be enacted.

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 April be received and filed.

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

- Building Inspector Sweet reported
 - that quite a few fence permits have been submitted; perhaps because the underground fencing used to contain pets in a yard does not keep other animals from entering.
 - The owner of 4226 N Buffalo St is waiting for the restaurant owner to sign a lease.
- Director of Public Works Slotman reported
 - he has been working with a contractor who is working on weed control of Freeman’s Pond.
 - he is scheduling road work for this year.
 - if a homeowner puts grass clippings to the curb they are notified that the DPW won’t pick them up.
- Trustee Wales reported
 - the Garden Club will be planting the Village Garden next week.
 - the Village is soliciting sponsors for Summer in the Park Events.
- Trustee Rood had nothing to report.
- Trustee Hogenkamp mentioned how fortunate we are to have a Garden Club and extended his thanks.
- Trustee Litwin had nothing to report.
- Attorney Marshall checked a provision in Town Law that gives authority to fire districts to make fire hydrants accessible.
- Clerk-Treasurer Jensen had nothing to report.
- Mayor Wilson reported that the Village is getting ready for the new fiscal year.

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

RESOLVED, that there be and hereby is levied for the fiscal year 2013-2014 a tax against all taxable properties within the Village of Orchard Park, Inc., as shown upon the last completed tax roll, and

BE IT FURTHER RESOLVED, that Mayor Wilson be authorized to sign the tax warrant for the 2013-2014 tax levy and charges as follows:

Taxes	\$ 536,747.15
Gaslights	\$ 2,750.00
Prior Exemptions Removed	\$ 613.08
Refuse & Recycling	\$ 166,749.00
Water District	\$ 164,671.99
Stormwater Management Fee	\$ <u>44,100.00</u>
	\$ 915,631.22

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

Moved by Trustee Litwin, seconded by Trustee Rood that the meeting scheduled for May 27, 2013, Memorial Day, be canceled.

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

Moved by Trustee Hogenkamp, seconded by Trustee Wales that the Village Clerk-Treasurer be authorized to pay all vouchers submitted until May 31, 2013, the end of the fiscal year, upon review by Deputy Mayor Rood or Mayor Wilson.

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

Moved by Trustee Wales, seconded by Trustee Rood, that the Orchard Park Veterans of Foreign Wars Post #6247 be granted permission for a parade and ceremony on Memorial Day, Monday, May 27, 2013. The parade to assemble at 8:30 a.m. at the Orchard Park Library and proceed at 9:00 a.m. The route to be north on South Buffalo Street, west on West Quaker Street to Veterans' Park where there will be a memorial ceremony.

Permission contingent on receipt of proper insurance certificates, approval of a State Permit by the DOT, and the Police Department is to be notified of the parade and route.
 On the question: 5 voting "Aye" 0 voting "Nay" Carried

Moved by Trustee Hogenkamp, seconded by Trustee Litwin, that the Village of Orchard Park establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records of activities maintained and submitted by these officials to the clerk of this body:

Clerk to Vlg Justice	Brigid Lavelle	6 hour work day	Term: 4/8/13 - 4/14/14	1.25 days per month	
Part Time Clerk	Cynthia Jondle	6 hour work day	Term: 4/8/13 - 4/14/14	1 day per month	
General Crew Chief	Andrew Slotman	8 hour work day	Term: 4/8/13 - 4/14/14	20 days per month	
Deputy Clerk Treasurer	Kelly Stressinger	7 hour work day	Term: 4/8/13 - 4/14/14	20 days per month	
Code Enforcement Officer	Jeffrey Sweet	6 hour work day	Term: 4/8/13 - 4/14/14	According to time keeping system	
Village Trustee	Francis Hogenkamp	6 hour work day	Term: 4/1/13 - 4/3/17	3.71 days per month	
Clerk-Treasurer	Mary Beth Jensen	7 hour work day	Term: 4/8/13 - 4/13/15	20 days per month	

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

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

BE IT RESOLVED to support the Erie County Assessor's Association regarding the proposed amendment to RPTL section 102(i).
 WHERE AS, Fiber optic cable located on private property has been part of the Outside Plant roll section 6 assessment under Section 102(i) of Real Property Tax since the 1980's. Which is consistent with the valuation of fiber optic cable located within the public right of way defined as Special Franchise property and,

WHERE AS, Amendments to Section 102 (i) of Real Property Tax in 1985 and 1987 were never intended to exclude fiber optic cable or other emerging technology from Outside Plant roll section 6 and,

WHERE AS, Until a recent decision by the Appellate Division, First Department removing fiber optic cable from Outside Plant roll section 6, fiber optic cable had been part of the Outside Plant assessment for over 25 years, and

WHERE AS, Across New York State hundreds of millions of dollars in tax base are in jeopardy of being lost creating a significant impact on Town, County and School tax,

NOW THEREFORE, BE IT RESOLVED That the Village of Orchard Park hereby supports the Erie County Assessor's Association and respectfully request the New York State Legislature to amend Section 102 (i) of Real Property Tax Law to defining, include and memorialize fiber optic cable as part of Outside Plant for tax assessment purposes consistent with the intent of a 1986 amendment to Section 102. And which is consistent with the valuation of fiber optic cable as Special Franchise property.

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

The next regular meeting is scheduled for June 10, 2013

Moved by Trustee Hogenkamp, seconded by Trustee Rood to adjourn at 7:35 pm.

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

Respectfully submitted

Mary Beth Jensen
Village Clerk-Treasurer