

**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, July 22, 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 Jo Ann Litwin
Trustee Joseph R. Wales

Others present:

Dir. Of Public Works Andrew J. Slotman
Attorney Philip Marshall
Clerk-Treasurer Mary Beth Jensen
Code Enforcement Officer 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 Hearing was scheduled and advertised for this time to hear comments on the special use permit to establish more than one (1) principle building on a lot of record at 75 Bank Street, Orchard Park, NY.

Mayor Wilson opened the hearing and asked Code Enforcement Officer Sweet to give a brief explanation of the request being considered. B.I. Sweet explained that the existing building on the property is being demolished and replaced; no other variances are needed.

Paul Ernst, applicant’s Architect, described the plans.

- Moving his business offices to 75 Bank St.
- Demolishing existing building and replacing it with a similar building with a warehouse look.
- Building will utilize natural lighting.

Mayor Wilson asked three times for any positive comments:

- Richard Stiller (11 Regalwood Drive) commented that the old building was an eye sore, so any improvement is better. He asked if there would be any impact on the Town and Mayor Wilson responded no, it will be utilized mainly for offices, so traffic should be minimal.

Mayor Wilson asked three times for any negative comments:

- Alex Gorczynski (1 Winterhall) asked if there was an estimated cost of the building. Paul Ernst responded that preliminary costs are estimated at \$400,000 - \$600,000.

Moved by Trustee Hogenkamp, seconded by Trustee Litwin that the Public Hearing be closed at 7:15.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

Moved by Trustee Wales, seconded by Trustee Litwin to approve a special use permit for more than on (1) principle building on a lot of record at 75 Bank Street, Orchard Park, NY.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

Moved by Trustee Wales, seconded by Trustee Litwin that the minutes of July 8, 2013 be approved as received.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

Moved by Mayor Wilson, seconded by Trustee Hogenkamp that the vouchers numbering 10710 to 10738 in Abstract #4 of 2013-2014 in the amount of \$57,295.80 be paid as presented.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

Comments from the floor of items not on the agenda.

Students taking a A/P Government class in the summer were in attendance.

Reports:

Moved by Mayor Wilson, seconded by Trustee Wales that the reports of the Treasurer for the month of June 2013 be received and filed.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

- **Building Inspector Sweet**
 - announced that Klash and Klatter Kazoo Band has a book available thru Mary Ann Gravius on S Davis St.
 - reported that there is more restoration necessary because of water damage than smoke damage at Don Tequillas.
 - reported that plans for Spot Coffee are moving along.
- **Director of Public Works Slotman reported**
 - most street work is done, except for the micro surface work that will be completed next week.
 - preparing for the weekend events.
 - Annual Health Department inspection went well.
 - County authorized the contract for the Cistern Grant. Projects should start in December.
- **Trustee Wales reported on the Summer in the Park Events, noting the times on Friday and Saturday evening. Friday at 6:00pm there will be a ceremony to unveil the Southtown Scenic Byways sign. Trustee Wales also asked that beverages not be brought into the event as the beer sales offset the cost of expenses.**
- **Trustee Hogenkamp noted that Saturday is also the Lion's Club Car Show.**
- **Trustee Litwin had nothing to report.**
- **Attorney Marshall mentioned that he had been referred to as "heavy handed" when serving the chocolate ice cream last year.**
- **Clerk Jensen had nothing to report.**
- **Mayor Wilson reported**

- Wednesday is Caribbean Night, also known as the Taste of Orchard Park.
- the Southtown Scenic Byway sign is installed and invited all to stop and take a look.
- thanked the merchants and everyone who has done business in the Village; we are fortunate to have a thriving Village.

Moved by Trustee Hogenkamp, seconded by Trustee Litwin that

WHEREAS, a project to provide a Safer Environment for Children who walk or bicycle to school known as the Village of Orchard Park Safe Routes to School Project in the Village of Orchard Park, Erie County, Pin 5760.69, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

WHEREAS, the Village of Orchard Park desires to advance the Project by making a commitment of 100% of the Non Federal share of the costs of the Preliminary Engineering and Educational phases of the Project.

NOW, THEREFORE, the Board of Trustees of the Village of Orchard Park, duly convened does hereby

RESOLVE, that the Board of Trustees of the Village of Orchard Park hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Board of Trustees of the Village of Orchard Park hereby authorizes the Village of Orchard Park to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Educational phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$97,850 is hereby appropriated from the Capital Fund and General Fund and made available to cover the cost of participation in the above phases of the Project; and further

RESOLVED, that in the event 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering and Educational phases exceeds \$97,850, the Village of Orchard Park shall convene its Board of Trustees as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that Mayor John B. Wilson of the Village of Orchard Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Village of Orchard Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

On the question: 4 voting "Aye" - Mayor Wilson
 -Trustee Wales
 -Trustee Hogenkamp
 -Trustee Litwin

0 Voting "Nay"

Moved by Trustee Wales, seconded by Trustee Litwin that a Public Hearing be scheduled and advertised for August 12, 2013 at 7PM to review a special use permit application by MCW Properties, LLC to establish an eating and drinking establishment at 6519 East Quaker Street.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

The next regular meeting is scheduled for August 12, 2013 at 7PM.

Moved by Trustee Wales, seconded by Trustee Hogenkamp to adjourn at 7:37PM.

On the question: 0 voting "Aye" 4 voting "Nay" Carried

Respectfully submitted

**Mary Beth Jensen
Village Clerk-Treasurer**