

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, October 22, 2012 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:

Building Inspector Jeffrey Sweet  
Attorney Philip Marshall  
Deputy Clerk-Treas Kelly Stressinger

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 at this time to hear public comment on Local Law #4 of 2012. Mayor Wilson explained that a stop sign on Elmhurst Drive at Woodland Drive does not appear on registry of stop intersections in the Village Code. This Local Law would designate a stop intersection on Elmhurst Drive traveling West at intersection of Woodland Drive.

Mayor Wilson asked three times for comments in favor of the Local Law and three times for comments in opposition to the Local Law. There were none.

Moved by Trustee Wales, seconded by Trustee Litwin to close the public hearing at 7:03 PM.

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

Moved by Trustee Hogenkamp, seconded by Trustee Rood that proposed Local Law No. 4 of 2012 be approved as follows:

Amending Chapter 200 "Vehicles and Traffic" Article II Section 200-4  
"Stop Intersections" of the Code of the Village of Orchard Park.

SECTION 1:    Add to Section 200-4 "Stop Intersections", the following to be designated a stop intersection and a stop sign shall be erected:

A STOP SIGN: on Elmhurst Drive  
DIRECTION OF TRAVEL: West  
AT INTERSECTION OF: Woodland Drive

SECTION 2: EFFECTIVE DATE: This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

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

Moved by Trustee Wales, seconded by Trustee Litwin that the minutes of September 24, 2012 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 10161 to 10212 in Abstract #7 of 2012-2013 in the amount of \$97,701.83 be paid as presented.

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

Comments from the floor of items not on the agenda:

Mayor Wilson asked if there were students in the audience putting in their Government Service Requirements. The majority of the audience nodded and said they were seniors. Mayor Wilson explained to them that at a Public Meeting such as this one, anyone can come in and bring anything to the Board (questions or comments); they don't have to be on the agenda to speak.

Jackie Briggs (4391 South Buffalo Street) mentioned the Senior Council of Orchard Park will host a Meet the Candidates event from 1-3pm Saturday, Oct 27<sup>th</sup> at the Orchard Park Senior Center. There will be coffee, tea and cookies served. All the candidates that will be on the Orchard Park ballot have been invited to attend.

Reports:

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

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

- Building Inspector Sweet had nothing to report. Mayor Wilson asked if there was any movement on the 2<sup>nd</sup> floor at Mangias. Building Inspector Sweet replied no.

- Director of Public Works Slotman was not in attendance. Mayor Wilson explained he was in Canandaigua at a Public Works School for NYCOM and would be back later in the week. Mayor Wilson read the attached Public Works Report.
- Trustee Wales reported the Holiday in the Park celebration will be on Saturday, December 1<sup>st</sup> from 4-7pm at the DPW, Depot, and Library grounds. There will be tree trimming, Santa Claus, crafts in the library by the Recreation Department, horse and carriage rides and food for purchase at the DPW garage. He mentioned we will be soliciting businesses to be sponsors for this event.
- Trustee Rood reported we had four successful electronic recycling events this year in cooperation with RCR&R (Regional Computer Recycling and Recovery). RCR&R shared the revenue and the Village received close to \$500 so far.
- Trustee Hogenkamp commented that Mrs. Claus will also attend the Holiday in The Park celebration and will be reading stories to the children in the library.
- Trustee Litwin had nothing to report.
- Attorney Marshall had nothing to report.
- Deputy Clerk Stressinger had nothing to report.
- Mayor Wilson reported:
  - The Village enacted a Local Law last year prohibiting the use of Jake Brakes on tractor-trailer trucks. We received a letter from NYS Dept. of Transportation this month stating the Village did not have the authority to enact such a law. Mayor Wilson read the letter (attached). Attorney Philip Marshall explained that the State already regulates the use of brakes and a local government cannot duplicate the State law. Mayor Wilson has directed the Dept. of Public Works to remove the signs and suggested maybe police enforcement of the State Law would help. Trustee Hogenkamp suggested a “quiet zone” sign may be a possibility.
  - Mayor Wilson commented that holidays sometimes conflict with Board Meeting schedules and meetings have to be cancelled or rescheduled.

Moved by Trustee Rood, seconded by Trustee Wales that the November 12, 2012 Village Board meeting be cancelled because of the Veterans Day holiday and a Village Board meeting be scheduled for Wednesday, November 14, 2012.

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

Moved by Trustee Litwin, seconded by Trustee Hogenkamp that the General Village Election be scheduled for Tuesday, March 19, 2013 to elect one (1) Village Mayor for a four year term and two (2) Village Trustees for four year terms. The election will take place at the Orchard Park Municipal Building at 4295 South Buffalo Street from the hours of 12:00 noon to 9:00 p.m.

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

Moved by Trustee Hogenkamp, seconded by Trustee Rood that Deputy Clerk-Treasurer Stressinger be authorized to attend the Municipal Clerk's Institute at Cornell July 14-18, 2013, with all expenses incidental to the school to be paid by the Village.

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

The next meeting is scheduled for Wednesday, November 14, 2012 at 7:00 p.m.

Moved by Trustee Wales, seconded by Trustee Hogenkamp to adjourn at 7:35PM.

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

Respectfully submitted

Kelly Stressinger  
Village Deputy Clerk-Treasurer

## Public Works Report

October 22, 2012

- 1) We Started picking up leaves in the end of September, we are currently operating one truck unit and able to pick up everyone's leaves at least once per week, as the season picks up we will start operating our second truck to continue being able to pick leaves up as quickly as possible. We ask that leaves be placed at the curb free of debris, no grass clippings. Also make separate piles for leaves and brush because they are collected with different equipment. Please try and put your leaves on your lawn not the street to prevent our storm sewer system from being polluted and causing drainage issues.
- 2) We are finishing up hydrant check for the water distribution system, we are in the last section of the village, the Elmhurst and Armor road section. This section is having all of the hydrants pressurized during this process which may create turbulence in the system. Residents may notice dirty water, if they do flush the water for 10 to 15 minutes out of a laundry sink and it will clear. If it does not please contact the public works office at 662-3866.
- 3) We have collected all the GPS data for the storm sewer mapping project. Currently we are working with Erie county's GIS department to generate the maps from the data.
- 4) The parking restrictions go into place November 1<sup>st</sup> to allow for Snow Plowing operations.
- 5) We are scheduling our annual leak detection program with New York Rural Water Association. Once per year we perform a leak audit on the entire water distribution system to look for underground leaks in the system.



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
REGION FIVE  
100 SENECA STREET  
BUFFALO, NEW YORK 14203  
www.dot.ny.gov



DARRELL F. KAMINSKI, P.E.  
ACTING REGIONAL DIRECTOR

JOAN McDONALD  
COMMISSIONER

October 9, 2012

Honorable John Wilson, Mayor  
**VILLAGE OF ORCHARD PARK**  
4295 South Buffalo Street  
Orchard Park, NY 14127

Dear Mayor Wilson:

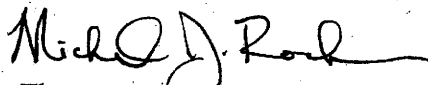
During a recent traffic engineering investigation in the village, we observed signs posted on northbound and southbound Route 240/277 (Buffalo Street) at the Village line, reading *Use of Engine Brake Prohibited, Village of Orchard Park Ordinance Sec. 154.3 (l)*.

In 1999, the Village of Greenwich, New York requested a legal opinion from the New York State Attorney General in regard to enacting a local law prohibiting the use of "jake" brakes. Assistant Attorney General Siobhan S. Cray rendered an opinion that the Village did not have the authority to enact such a law.

In light of the above information, we suggest that your police department enforce the provisions of Section 375 of the *New York State Vehicle and Traffic Law* dealing with mufflers, and Section 386 dealing with excessive noise. It is our understanding that a commercial vehicle equipped with a properly operating exhaust system equipped with a muffler(s) will not emit noise in excess of the same vehicle also equipped with a "jake" brake. Thus, it is the Department's position that the real issue is excessive noise emitted from an un-muffled exhaust, not a vehicle equipped with a compression brake. Therefore, we request that the Village remove these signs from state right-of-way as soon as possible.

If you have any questions or need additional information, please contact me at (716) 847-3268 or Angelo Borgese, of my staff, at (716) 847-3262.

Sincerely,

  
for Thomas S. Messana, P.E.  
Regional Traffic Engineer

TSM/AB/CEW/paf

cc: A. Borgese, P.E., Regional Traffic Operations Engineer