

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, August 12, 2019 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:

Mayor Jo Ann Litwin Clinton  
Deputy Mayor Matthew J. Hartung  
Trustee Francis T. Hogenkamp  
Trustee James Cosgrove - after appointment

Others present:

Manager of Public Works Emery Wittmeyer  
Attorney Philip M. Marshall  
Code Enforcement John Gullo

Members excused:

Trustee Jonathan E. McNatty

Mayor Clinton 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.”

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to approve Mayor Clinton’s appointment of James Cosgrove as Village Trustee to fill the vacancy on the Village Board until a special election is held in March 2020.

On the question:           3 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Mayor Clinton

Ceremonial swearing in by Judge Pace and Trustee Cosgrove then joins the Village Board at the dais.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to accept the minutes of July 8, 2019 as presented.

On the question:           3 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the vouchers numbering 2983 to 3030 in Abstract #4 of 2019-2020 in the amount of \$ 140,616.07 be paid as presented.

On the question:           3 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Comments from the floor of items not on the agenda.

- Anthony Pacella (4142 California Road) had many jobs in the film industry such as gaffer, best boy, lighting, etc. Said film industry is important and brings in outside money. Said we should have been in contact with the “Film Commission” and thought permit fees were “outlandish”.
  - Mayor Clinton explained the services being provided to Paramount such as the DPW and street closings and the average cost of the fee would be \$85 per day.
  - Attorney Marshall advised of history of the actual wording of the Filming and Photography law.
  - Mr. Pacella apologized for misinformation provided by media.
- Mike Criscione (39 Carrow St), Donna Marie Vaughan (306 Hillside), Scott Patrick Sellitto (1234 Delaware Ave), Tracey B Wilson (21-51 36 St #2 Astoria, NY) all felt the need for the Village to revisit Type I permits. Ms. Vaughan requested a committee be formed to re-write the code so that each production would be considered separately as to fee etc.
  - Attorney Marshall responded that a permit is not required unless the filming is for commercial purposes and that money or an item of value changes hands for the use of the property.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the reports of the Village Justice, Associate Village Justice, Water Department and Treasurer for the month of July be received and filed.

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer had nothing to report.
- Deputy Mayor Hartung
  - thanked the sponsors of the Street Dance and Ice Cream Social. A special thank you to Polymer Conversions as a major sponsor.
  - Bidding specifications for street light replacement should be ready August 19, 2019.
- Trustee Hogenkamp gave plaudits to DPW for work done at the Four Corners and said the events (Street Dance and Ice Cream Social) were wonderful.
- Trustee Cosgrove is looking forward to working with the Board of Trustees.
- Attorney Marshall had nothing to report.
- Mayor Clinton informed that Quiet Place 2 will be filming in the Village on 8/26 & 8/27 or 8/27 & 8/28.
- Mayor Clinton welcomed Trustee Cosgrove to the board.

Mayor Clinton appointed Marcia Nickerson Deputy Clerk Treasurer.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to approve Mayor Clinton's appointment of Marcia Nickerson as Village Deputy Clerk Treasurer, beginning August 14, 2019 until the next organizational meeting in April 2020.

On the question:           3 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hartung that a public hearing be scheduled and advertised for September 9, 2019 for the purpose of hearing public input for the use of 2019-2020 Community Development Block Grant funds in the Village of Orchard Park.

On the question:           3 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that a public hearing be scheduled and advertised for September 9, 2019 following the CDBG Public Hearing to hear public comment on proposed Local Law #7 of 2019, adding a section to the Village Code entitled "Wireless Telecommunications Facilities".

On the question:           3 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the 1997 International Sweeper was declared surplus on June 24, 2019 and Manager Wittmeyer is authorized to sell it to the Village of Alfred for \$9,000.00.

On the question:           3 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hartung to authorize the following budget adjustments for the fiscal year 2019-2020:

- Increase budget for Unemployment Insurance General fund by           \$6100.00
- Increase budget for Unemployment Insurance Water fund by           \$1200.00
- Increase payroll budget FF-68310-100 by                                       \$ 902.31
- Decrease payroll budget AA-61325-110 by                                       \$4090.00
- Decrease payroll budget AA-65010-110 by                                       \$1005.00
- Decrease payroll budget AA-63620-100 by                                       \$1005.00
- Decrease payroll budget FF-68310-110 by                                       \$2102.31

On the question:           3 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee Cosgrove

Moved by Trustee Hogenkamp , seconded by Trustee Cosgrove, that because there is no second meeting this month Clerk-Treasurer Jensen be authorized to pay all vouchers submitted prior to the end of the month, after review by Deputy Mayor Hartung or Mayor Clinton.

On the question:            3 voting "Aye"                      0 voting "Nay"                      Carried  
   Trustee Hogenkamp  
   Trustee Hartung  
   Trustee Cosgrove

Moved by Trustee Hartung, seconded by Trustee Hogenkamp , authorizing the Orchard Park High School to parade on Village streets on Saturday, September 28, 2019 from 10:00-10:30 am for their annual Homecoming celebration. The parade will begin from the Middle School parking lot and head north on South Lincoln to Route 20A where they will parade east to Freeman Road, ending at the Orchard Park Athletic Field.

Authorization contingent on permit from the NYSDOT.

On the question:            3 voting "Aye"                      0 voting "Nay"                      Carried  
   Trustee Hogenkamp  
   Trustee Hartung  
   Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hartung that a public hearing be scheduled and advertised for September 9, 2019, after the public hearing for Local Law #7, for review of a Special Use Application to operate a Bed & Breakfast establishment at 6728 E Quaker St.

On the question:            3 voting "Aye"                      0 voting "Nay"                      Carried  
   Trustee Hogenkamp  
   Trustee Hartung  
   Trustee Cosgrove

The next regular meeting is scheduled for September 9, 2019.

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

On the question:            3 voting "Aye"                      0 voting "Nay"                      Carried  
   Trustee Hogenkamp  
   Trustee Hartung  
   Trustee Cosgrove

Respectfully submitted

Philip M. Marshall  
Acting Secretary