

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, September 9, 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 Jonathan E. McNatty  
Trustee James C. Cosgrove

Others present:

Manager of Public Works Emery Wittmeyer  
Clerk-Treasurer Mary Beth Jensen  
Code Enforcement John Gullo

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.”

A public hearing was scheduled and advertised for this time regarding the use of the 2020-2021 Community Development Block Grant funds.

Mayor Clinton opened the Community Development Block Grant hearing at 7:05 and explained that the CDBG was a grant that the Village has an opportunity to apply for each year. She explained that water line replacements on Carrow St and ADA sidewalk ramps were two projects being considered.

Mayor Clinton then allowed for public comment. She asked 3 times for positive comments and 3 times for comments in opposition. There were no comments.

Moved by Trustee Hartung seconded by Trustee McNatty to close the hearing at 7:06 p.m.

On the question:           4 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp to authorize Mayor Clinton to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG.

1. Waterline on Carrow Street
2. ADA Sidewalk Ramps
3. Rural Transit Service, Inc.

On the question:           4 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Mayor Clinton opened the public hearing for proposed Local Law #7, replacing Chapter 225, Article VIII of the Village of Orchard Park code entitled “Telecommunication Towers” at 7:07, noting that a copy of the proposal was on the rail. She explained that 5G technology is becoming available and new installations will be required.

Mayor Clinton then allowed for public comment. She asked 3 times for positive comments and 3 times for comments in opposition. There were no comments.

Moved by Trustee Hartung, seconded by Trustee McNatty to close the hearing at 7:09 p.m.

On the question:           4 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp that Local Law #7 of 2019 be adopted, replacing Chapter 225, Article VIII of the Village of Orchard Park code, entitled “Telecommunication Towers”, as presented.

On the question:           4 voting “Aye”                   0 voting “Nay”                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

A public hearing was scheduled and advertised for this time to hear public comment on a special use application by Cambria Property Group to establish a short term rental establishment at 6728 East Quaker Street.

Mayor Clinton opened the hearing at 7:10. She asked that letters of support be added to the record from Jennifer Zeitler (6714 E Quaker St), Tim Graber (100 Franklyn St), Brian and Molly Schmidt (6750 E Quaker St) and Kellie Crane(6846 E Quaker St). Mayor Clinton then asked representatives of the Cambria Property Group to give a brief explanation of their request.

John Canna, one of the owners, spoke. He explained that they have been operating the short term rental out of 6728 E Quaker Street without any complaints. A majority of the renters have moved out of Orchard Park and are back visiting.

Trustee Cosgrove asked if they have a minimal stay requirement. Mr. Canna explained that there is a 3 day minimal rental in hopes of avoiding situations like someone in town for the Bills game. They also push to find out why the renter is interested, trying to circumvent situations that would be disruptive to the neighbors.

Mayor Clinton then asked three times for positive comments:

- Jim Vail (34 Chauncey Ln) spoke in favor of the special use, explaining that his children often stay there when they are back in Orchard Park. Another point that he mentioned was

that maintenance and upkeep on the property should not be an issue because it is important to the success of their business.

Mayor Clinton asked three times for comments in opposition. There were none.

Moved by Trustee Hartung, seconded by Trustee McNatty to close the hearing at 7:15 p.m.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp to approve the special use request by the Cambria Property Group authorizing a special use permit to allow a short term rental use at 6728 East Quaker Street.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee McNatty, seconded by Trustee Hartung to accept the minutes of August 12, 2019 as presented.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Hartung, seconded by Trustee McNatty that the vouchers numbering 3031 to 3093 in Abstract #5 of 2019-2020 in the amount of \$245,035.02 be paid as presented.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

There were no comments from the floor of items not on the agenda.

Moved by Trustee Hartung, seconded by Trustee McNatty that the reports of the Village Justice, Associate Village Justice, Water Department and Treasurer for the month of August 2019 be received and filed.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

- Legislator Mills reported on the state of the County
  - He represents 15 Towns and Villages in District 11
  - He is a big fan of Villages
  - He complimented the Village Board on approving the Air b&b – it’s just what the area needs
  - Nancy Heath was introduced, she resides in the Village and runs his office
  - North and South Freeman were paved this year
  - There is no tax increase in the County budget
  - He opposes windmills in Lake Erie, they will contaminate it
  - There is a Rabies Clinic 9/11/19
  - He dropped off brochures for the public
    - Scenic Byways
    - Fishing Map
    - Sheriff’s Yellow Sticker program
- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer had nothing to report
- Trustee McNatty had nothing to report.
- Deputy Mayor Hartung asked drivers to be mindful of children now that school has started up. He also reported on the sales at the Ice Cream Social.
- Trustee Hogenkamp had nothing to report.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen welcomed Marcia Nickerson to the Village as Deputy Clerk-Treasurer. After reviewing over 200 applications the Village is happy to have Marcia join our office staff.
- Mayor Clinton wished Deputy Mayor Hartung a Happy Birthday. Mayor Clinton reported that the filming of Quiet Place 2 went smoothly and she wasn’t aware of any hold ups.

Moved by Trustee Hartung, seconded by Trustee McNatty that the following addition be made to the Fee Schedule § A232-1:

Chapter 225, Zoning

Article VIII, Wireless Telecommunications Facilities

Applications and Renewals

Small Wireless Facilities	\$500 for up to five (5) small wireless facilities
	\$100 for each small wireless Facility thereafter

Any New Utility Pole or structure to support a small wireless facility inside the public right of way. \$1,000

Large Wireless Facilities	\$5,000.00
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Annual Fees

Large Wireless Facilities (inside Right of Way)	\$6,500.00
Small Wireless Facilities (inside Right of Way)	\$ 270.00

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp to amend Section 123-17 and 123-22 of Chapter 123 of the Village of Orchard Park Municipal Code to read as follows:

- "§123-15" shall read "§123-15A" and
- "§123-21D" shall read "§123-21D 1-12"

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

The first bid opening for Street Light replacement resulted in one bid submittal which was higher than expected; therefore the Village is requesting bids a second time.

Moved by Trustee Hartung, seconded by Trustee McNatty to authorize Clerk Jensen to advertise a second time to request bids for the Village Street Light Replacement project.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp that the meeting scheduled for October 14, 2019 be cancelled for the Columbus Day Holiday.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee McNatty, seconded by Trustee Hartung that a Village Board meeting be scheduled for Monday, September 30, 2019 at 7:00 pm.

On the question:           4 voting "Aye"                   0 voting "Nay"                   Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that Mayor Clinton be authorized to sign the Special Event Contract with the Orchard Park County Club authorizing a Fireworks Show on September 14, 2019.

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

Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee McNatty, seconded by Trustee Hartung that Deputy Clerk Treasurer Nickerson be authorize to attend an Employer Education Seminar by the New York State and Local Retirement System on October 11, 2019 in the Town of Hamburg; and all incidentals pertaining to the seminar be paid by the Village.

On the question:           4 voting "Aye"           0 voting "Nay"           Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that Deputy Clerk Treasurer Nickerson be authorized to attend a Notary Training

On the question:           4 voting "Aye"           0 voting "Nay"           Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee McNatty, seconded by Trustee Hartung that a Public Hearing be scheduled and advertised for September 23, 2019 at 7:00 to review a special use application requesting permission to operate an architectural business at 6264 West Quaker Street.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that the Xerox Work Center 3325 printer (s/n CNM1JC9001065BDS4YC4D0576) be declared surplus and Manager Wittmeyer be authorized to dispose of it.

On the question:           4 voting "Aye"           0 voting "Nay"           Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Moved by Trustee McNatty, seconded by Trustee Hartung authorizing the following budget adjustments for fiscal year 2019-2020:

    Increase budget for personal service Central Garage by \$4,500.00

    Increase budget for personal service Sidewalks by \$1,700.00

    Decrease budget for personal service Street Maintenance by \$6,200.00

On the question:           4 voting "Aye"           0 voting "Nay"           Carried  
Trustee Hogenkamp  
Trustee Hartung

Trustee McNatty  
Trustee Cosgrove

The next regular meeting is scheduled for September 23, 2019.

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

On the question:           4 voting "Aye"           0 voting "Nay"           Carried  
Trustee Hogenkamp  
Trustee Hartung  
Trustee McNatty  
Trustee Cosgrove

Respectfully submitted

Mary Beth Jensen  
Village Administrator / Clerk-Treasurer