

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, December 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 James C. Cosgrove

Others present:

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

Members excused:

Trustee 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 Hogenkamp, seconded by Trustee Hartung to accept the minutes of November 25, 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 3228 to 3248 in Abstract #10 of 2019-2020 in the amount of \$39,708.35 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:

- Dan Hay (28 Clark Street) is the custodian at the Orchard Park Presbyterian Church. He recently received a letter from Code Enforcement Officer Gullo informing him that sandwich boards must be brought in at night. He feels this is a hardship and there are people who won't see the information at night if the sandwich board is not out, especially during commute time. He asked the Village Board to consider changing the code to either eliminate such signs or allow them to stay out at night.

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

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

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer had nothing to report.
- Deputy Mayor Hartung wished everyone Happy Holidays. He also reported that Dale Pyne of East Quaker St asked him to convey what a wonderful job the Village DPW is doing picking up brush and leaves.
- Trustee Hogenkamp reported that Holiday in the Park event was wonderful. Santa saw many happy children.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton also reported a successful Holiday in the Park event. The winner of the best decorated business window was awarded to Jack and Grays. The best decorated house was awarded to a house on Stoneybrook Drive.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp, 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 Cosgrove, seconded by Trustee Hartung authorizing Mayor Clinton to sign parking lease agreements with 6532, 6546, 6548 and 6556 East Quaker Street.

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 the following resolution be adopted:

WHEREAS, due to an increase by Erie County Water Authority (our source of supply) of the cost of water, it is necessary to increase the rates for water usage, be it  
RESOLVED, that the following water rates be effective as of January 1, 2020:

For district users - a rate of \$6.78 per one thousand gallons plus an O&M quarterly charge of \$7.50; the minimum quarterly water charge being \$54.96 for seven thousand gallons.

For non-district users - a rate of \$7.41 per one thousand gallons plus and O&M quarterly charge of \$7.50; the minimum quarterly water charge being \$59.37 for seven thousand gallons.

BE IT FURTHER RESOLVED, unpaid charges shall be enforced as provided by Chapter 210 of the Municipal Code of the Village of Orchard Park

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 Orchard Park Village Board of Trustees strongly supports Legislation S.6844 that would restore AIM Funding at 100% moving forward to Erie and Nassau Counties, as presented in the attached resolution.

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 the Orchard Park Village Board of Trustees strongly supports Legislation to halt new Criminal Justice Reform, as presented in the attached resolution.

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

Mayor Clinton announced the resignation of Jonathan McNatty as Village Trustee.

The next regular meeting is scheduled for January 13, 2020.

Moved by Trustee Hartung, seconded by Trustee Cosgrove to adjourn at 7:12.

Respectfully submitted  
Mary Beth Jensen, Village Clerk-Treasurer



WHEREAS AIM Funding is unrestricted aid provided to Municipalities by New York State and

WHEREAS, the Orchard Park Village Board of Trustees supports legislation (S.6844) introduced by Senator Patrick Gallivan related to the AIM Funding program and to ensure payments are made to dozens of towns and villages in Erie and Nassau Counties,

WHEREAS, as part of the 2019 budget process, traditional AIM funding was replaced by a portion of the State Sales Tax.

WHEREAS, the Office of the State Comptroller indicated the change did not allow sales tax funds to be distributed to municipalities in Counties with Fiscal Control Boards, such as Erie and Nassau.

NOW, THEREFORE, BE IT RESOLVED: Orchard Park Village Board of Trustees strongly supports Legislation S.6844 that would restore AIM Funding at 100% moving forward to Erie and Nassau Counties.

FURTHER RESOLVED, the AIM funding benefits all of our residents in Erie & Nassau Counties and the loss of this funding would put an unnecessary burden on the backs of local taxpayers that could result in the reduction of services, program cuts and layoffs.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Village's District Representatives.

## **RESOLUTION – SUPPORT LEGISLATION TO HALT NEW CRIMINAL JUSTICE REFORM (BAIL & DISCOVERY REFORM)**

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

WHEREAS, local governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

WHEREAS, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and



WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

BE IT RESOLVED, that the Orchard Park Village Board hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Village's District Representatives.