

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, February 10, 2020 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
Trustee Lauren A. Kaczor

Others present:

Manager of Public Works Emery Wittmeyer
Clerk-Treasurer Mary Beth Jensen
Code Enforcement John Gullo
Attorney Philip M. Marshall

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 to hear public input on proposed Local Law #2, 2020, amending the Village of Orchard Park Municipal Code, Chapter 187 entitled, “Streets and Sidewalks”. Mayor Clinton opened the hearing and explained that this involves streets, sidewalks and snowplowing. The snowplowing permit requirements will not be enforced until next season. She mentioned that a copy of the proposed code was on the rail.

Mayor Clinton asked three times for positive remarks regarding the proposed Local Law. There were none.

Mayor Clinton asked three times for comments in opposition of the proposed Local Law.

- Lou Campieri (14 Westview Pl) would like to see snowplow insurance required.
 - Mayor Clinton responded that the Board will take his comment into consideration.

Moved by Trustee Kacaor, seconded by Trustee Hogenkamp to close the hearing at 7:06 pm.

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

Moved by Trustee Hartung, seconded by Trustee Cosgrove that Chapter 187, “Streets and Sidewalks” of the Code of the Village of Orchard Park be amended to read as presented.

SECTION 1: Amending Chapter 187 of the Municipal Code of the Village of Orchard Park, entitled, "Streets and Sidewalks", to read as follows:

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

VEHICLE

Any vehicle, as defined in the Vehicle and Traffic Law of the State of New York, licensed to operate on the highways of the State of New York and used to plow snow; but the term shall not include a vehicle used solely by a person, firm or corporation to plow snow within the confines of his or its own property, whether owned or leased or for no consideration.

Permit required.

No person, firm or corporation shall plow snow or cause or allow same to be plowed by the use of any vehicle within the Village of Orchard Park unless a permit therefor as hereinafter prescribed, issued by the Manager of the Department of Public Works of the Village of Orchard Park, is in full force and effect and such permit is prominently displayed by affixing to the vehicle so as to be readily visible from the exterior thereof.

Permit application, fee and conditions.

A.

Application for such permit shall be made to the Village Clerk-Treasurer of Orchard Park by the owner of the vehicle, in writing, upon forms to be furnished by said Village Clerk-Treasurer, which forms shall contain the owner's name and address, the vehicle identification number, the New York State license number attached thereto and such additional information as the Village Clerk-Treasurer shall require. The Village Clerk-Treasurer may require such documents and information as may be reasonably necessary to verify the facts stated in such application.

B.

The applicant shall, at the time of the filing of his application, pay a permit fee of \$15 for each vehicle.

C.

If such application or applications shall be approved by the Village Clerk-Treasurer, a permit shall be issued by the Village Clerk-Treasurer to the applicant.

D.

Such permit shall commence July 1 and expire June 30 in each year and shall be in such form as the Village Clerk-Treasurer shall prescribe.

E.

Such permit shall not be transferable to another owner.

Interference with public thoroughfares prohibited.

No person shall plow, shovel, sweep or pile snow, ice or other materials in or beyond the right-of-way of any street, public highway, sidewalk, placed on any Village-owned property, or cause such to be done so as to interfere with the safety and convenience of public travel.

Enforcement.

This chapter shall be enforced by the members of the Orchard Park Police Department, the Manager of Public Works of the Village of Orchard Park and such other persons as he shall designate.

Penalties for offenses.

A.

The Village Board may revoke the permit granted to any person, firm or corporation under the authority of this chapter or any law, ordinance, rule or regulation relating to snowplowing or snow removal.

B.

In addition to any other penalties that may be invoked under this chapter, any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article III, Penalties for Offenses, of the Code of the Village of Orchard Park.

C.

Any person who takes part in or assists in any violation of this chapter shall also be subject to the penalties provided herein.

Failure to comply; enforcement procedures.

In case the owner or occupant of real property located within the Village of Orchard Park shall fail to comply with this article, the Village Clerk-Treasurer-Treasurer, upon direction of the Board of Trustees, shall cause to be served upon such owner or occupant, by mail, or by personal service a written notice requiring such owner or occupant to comply with the provisions of this article. If such owner or occupant fails, neglects or refuses to so comply within five days of the date of this notice, or if personal served within two days, the Director of Public Works shall cause removal of snow. In any such case, the owner or occupant of such real property shall pay to the Village all costs in connection with such removal with a service charge of 50% thereof to cover supervision and administration within 30 days after completion thereof. Upon failure of such owner or occupant to pay such costs, the Director of Public Works shall report same to the Board of Trustees, who shall certify such costs to the Assessor, and thereupon such costs shall become a lien upon the real property involved and shall be added to and become a part of the taxes next to be assessed and levied upon such real property and shall bear interest at the same rate as and be collected and enforced in the same manner as taxes.

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.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to accept the minutes of January 27, 2020 as presented.

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

Moved by Trustee Hartung, seconded by Trustee Kaczor that the vouchers numbering 3331 to 3350 in Abstract #13 of 2019-2020 in the amount of \$47,851.73 be paid as presented.

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

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

Reports:

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 January 2020 be received and filed.

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

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer had nothing to report.
- Trustee Kaczor had nothing to report.
- Deputy Mayor Hartung reported that the Village Board is working on the replacement of the decorative street lights and the project should be ready to put out to bid soon.
- Trustee Hogenkamp had nothing to report.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Attorney Marshall had reviewed the statute regarding Local Law #2, 2020, to address Mr. Campieri's concern. The way it reads, the Clerk is permitted to request information, allowing enough latitude in his opinion, to assure that the proper insurance information is obtained.
- Mayor Clinton had nothing to report.

