

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, April 12, 2021 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  
Trustee Francis T. Hogenkamp  
Trustee James C. Cosgrove  
Trustee Lauren A. Kaczor

Others present:

Clerk-Treasurer Mary Beth Jensen  
Manager of Public Works Wittmeyer

Members excused:

Trustee Matthew J. Hartung

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.”

Mayor Clinton opened the organizational meeting and made the following Trustee/Mayoral duty designations:

- Mayor Clinton
  - Chief Fiscal Officer
  - Budget Director
  - Personnel Officer
  - Business Community Liaison
  - Insurance
  - Town Board Liaison
  - Railroad Bridge Painting Project
- Trustee Hartung
  - Deputy Mayor
  - Planning Board Liaison
  - Public Works
  - Street Lights, Sidewalks and Signals
  - Public Safety
- Trustee Hogenkamp
  - Beautification
  - Senior Projects
  - NYSEG
  - State & County Liaison
  - Town Tree conservancy Liaison
  - WNY Railway Restoration Project
  - Rails to Trails Liaison
- Trustee Cosgrove

- Website Review
- Franchises
- Solid Waste & Recycling
- Revenue from outside the Village
- Policy and Procedure Review
- Trustee Kaczor
  - Master Plan Update
  - Zoning Board Liaison
  - Building Department Liaison
  - Village Code Review
  - Village Events and Celebrations
  - Youth Court / Youth Liaison

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that the Mayor's Trustee Duty Designations be approved.

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

Mayor Clinton made the following five-Year Appointment:

Member of the Planning Board – Stephen Bray

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that the Mayor's five-year appointment be approved.

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

Mayor Clinton made the following one-Year Appointments:

Attorney – Philip M. Marshall

Prosecutor – Nancy Hart

Code Enforcement Officer – John Gullo

Chairman - Zoning Board of Appeals – Steve Snyder

Chairman - Planning Board – Ronald G. Tronolone

Secretary - Zoning Board of Appeals – Christine Hanavan

Alternate members of the Planning Board – Monica Bruce

Dog Control Officers –Kevin Masterson and Thomas McCarthy

Registrar – Remy Orffeo

Deputy Registrar - Kathy Swarbrick

Associate Village Justice – Sean O'Brien

Clerk to Village Justice – Marie Falzone

Clerk (Court) – Cynthia Jondle

Disaster Coordinator – Rich Mrugalski

Assistant Disaster Coordinator – John Gullo

Economic Development Committee – John Capriotto

Moved by Trustee Kaczor seconded by Trustee Hogenkamp that the Mayor's one-year appointments be approved.

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

Trustee Kaczor

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that the regular Village Board meeting for the fiscal year 2021-2022 be scheduled for 7:00 PM on the second and fourth Monday of each month, with the following exceptions:

- July, August & December 2021 the Village Board will only meet on the second Monday.

Be it further moved that a work session for the Board of Trustees be scheduled on each Monday of the month as needed.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that the Planning Board Meetings be scheduled the first Tuesday of each month at 7:00 PM.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the Zoning Board Meetings be scheduled for the fourth Wednesday after the first Tuesday of the month at 7:00 p.m. The meeting times and dates can also be found on the Village Website calendar.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that Community Bank be designated as the official depository for the Village of Orchard Park for the fiscal year 2021-2022.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that the Orchard Park Bee be named the official newspaper and the Buffalo News and Orchard Park Sun be named the alternate official newspaper for the Village of Orchard Park for the fiscal year 2021-2022.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the mileage rate be set for the fiscal year 2021-2022 at 56 cents per mile.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that the Village Justice be authorized to hire a stenographer when necessary, at a cost up to \$100.00 per hour for the fiscal year 2021-2022.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that representatives of the Village be authorized to attend Erie County Village Officials meetings, the Erie County Governments meetings, the N.Y.S. Conference of Mayors meetings and the Annual Southern Tier West Conference, with all expenses incidental to the meetings to be paid by the Village.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the Administrator and Deputy Clerk be authorized to attend Erie County Municipal Administrative Officers Association meetings and the NYCOM and OSC Fall Training School with all expenses incidental to the meetings to be paid by the Village.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that an employee of the Village Department of Public Works be authorized to attend the Erie County Town Highway Superintendents Association meetings and the Village Public Works and Streets Superintendents meetings with all expenses incidental to the meetings and schools to be paid by the Village.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that two Department of Public Works employees be authorized to attend NYCOM Public Works School to be held in the fall, the Western New York Stormwater Conference and the N.Y.S. Rural Water School with all expenses incidental to the schools to be paid by the Village.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the Code Enforcement Officer be authorized to attend the Niagara Frontier Building Officials meetings with all expenses incidental to the meeting to be paid by the Village.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that the Pandemic Operations Plan be adopted as submitted.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that the Code of Ethics of the Village has been reviewed and there will be no revisions.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the following policies of the Village have been reviewed and there will be no revisions:

- Procurement Policy
- Time Keeping Policies
- Vehicle Policy
- Sexual Harassment Policy

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

This concludes the Organizational Meeting.

A public hearing was scheduled and advertised for this time to allow public comment on proposed Local Law #1, 2021 to override the tax levy limit established in General Municipal Law §3-c.

Mayor Clinton opened the Public Hearing 7:12 pm.

Mayor Clinton stated that the Village Board did not intend to override the tax cap, but is using this as a parliamentary step in case of an error in the calculation or another unintentional circumstance.

Mayor Clinton asked three times for comments in support of the proposed Local Law. There were none.

Mayor Clinton asked three times for comments in opposition of the proposed Local Law. There were none.

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove to close the hearing at 7:12 pm.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that proposed Local Law #1, 2021 be approved as follows:

To override the tax levy limit established in General Municipal Law §3-c.

Adding the following ordinance section:

**SECTION 1: Legislative Intent**

It is the intent of this local law to allow the Village of Orchard Park to adopt a budget for the fiscal year commencing 2021-2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**SECTION 2: Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**SECTION 3: Tax Levy Limit Override**

The Board of Trustees of the Village of Orchard Park, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing 2021-2022 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**SECTION 4: Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5: EFFECTIVE DATE:**

This local law shall take effect immediately and will be filed with the Secretary of State.

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

A Tentative Budget Hearing was scheduled and advertised at this time to hear public comment on the Village Tentative Budget for the fiscal year 2021-2022.

Mayor Clinton opened the budget hearing and highlighted some of the important aspects of the tentative budget. Revenues included in the budget are a proposed tax rate of \$4.42 per thousand-dollar assessment and a CDBG award of \$50,000. Capital projects included in the budget are road work on Lockwood, Carrow, Park, Forest and Meadow. Water line projects in the budget include replacement of lines on Carrow and Lockwood. Other capital expenses Mayor Clinton cited were a vehicle purchase, DPW Garage roof replacement, Salt Barn maintenance and a new Pole Barn.

Mayor Clinton asked three times for comments in support of the proposed budget. There were none.

Mayor Clinton asked three times for comments in opposition of the proposed budget. There were none.

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the tentative budget hearing be closed at 7:18 p.m.

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

At this time the Village Board could adopt the budget, but due to Trustee Hartung's absence, the Board decided to wait until the next Village Board meeting.

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove to accept the minutes of March 22, 2021 as presented.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that the vouchers numbering 3944 to 3974 in Abstract #17 of 2020-2021 in the amount of \$88,014.09 be paid as presented.

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

Comments from the floor of items not on the agenda:

- Howard Rost was in attendance now that he is fully vaccinated. He asked when the benches would be out and Manager of PW Wittmeyer responded that they will be out within 2 weeks, after next week's forecasted snow.

Moved by Trustee Kaczor, seconded by Trustee Cosgrove that the reports of Water Department and Treasurer for the month of March be received and filed.

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

- Manager of Public Works Wittmeyer had nothing to report.
- Trustee Kaczor had nothing to report.
- Trustee Hogenkamp reported that Schichtels Nursery has donated 7 Cherry trees to plant around Freeman's Pond with the assistance of 4H.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton has nothing to report.

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that Manager of Public Works Wittmeyer be authorized to order a new Wacker WL32 Articulated Wheel Loader and that

the cost for the purchase be expended from the Reserve for Equipment, after a permissive referendum, not to exceed \$54,000.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp that Mayor Clinton be authorized to sign a Special Events Contract with the Orchard Park Lions Club for their annual Car Show on July 31, 2021. Permission is contingent upon NYS restrictions on that date and with the stipulation that the event is in compliance with all NYS COVID 19 gathering restrictions.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove that Mayor Clinton be authorized to sign a Special Events Contract with the Orchard Park Presbyterian Church for outdoor church services under a tent in their parking lot from May through August 2021. Permission is contingent upon NYS restrictions at the time of the event and with the stipulation that the event is in compliance with all NYS COVID 19 gathering restrictions.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that Mayor Clinton be authorized to sign a Special Events Contract with the Orchard Park VFW Post #6247 to parade on May 31, 2021. Permission is contingent upon NYS restrictions on that date and with the stipulation that the event is in compliance with all NYS COVID 19 gathering restrictions.

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

Moved by Trustee Kaczor, seconded by Trustee Hogenkamp to authorize Mayor Clinton to sign the Employee Memorandum of Understanding and Administrative Policy for the fiscal year 2021-2022.

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

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove authorizing the annual Newsletter and Water Quality Report to be mailed to property owners with their 2021-2022 Village Tax Bill.

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



Trustee Kaczor

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that the Department of Public Works Roof Replacement Project be awarded to Grove Roofing Services, Inc, in the amount of their base bid of \$70,200.

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

The next regular meeting is scheduled for April 26, 2021.

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove to adjourn at 7:27 pm.

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

Respectfully submitted,  
Mary Beth Jensen, Village Clerk-Treasurer