

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, October 25, 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
Deputy Mayor Matthew J. Hartung
Trustee James C. Cosgrove
Trustee Lauren A. Kaczor

Others present:

Clerk-Treasurer Mary Beth Jensen
Manager of Public Works Wittmeyer

Members excused:

Trustee Francis T. Hogenkamp

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 allow public comment on a proposed Local Law to revise Chapter 210 of the Code of the Village of Orchard Park.

Mayor Clinton opened the public hearing. She announced that there are copies of the revisions being considered to the water code on the railing.

She asked 3 times for positive comments regarding the revisions. There were none.

She asked 3 times for comments opposing the revisions. There were none.

Moved by Trustee Hartung, seconded by Trustee Cosgrove to close the public hearing at 7:02 p.m.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor that the following Local Law of 2021 be adopted, amending Chapter 210 of the Village of Orchard Park Code entitled “Water” as presented:

SECTION 1: Replacing the words “Director of Public Works” with “Manager of Public Works or Village Representative”

SECTION 2: Replacing the words “consumer” and “customer” with “property owner”

SECTION 3: Deleting Section 210-5 Application for Permit

SECTION 4: Amending Section 210-17 Use of Village water for special work to read:
No person shall use Village water without first making arrangements with the Department of Public Works.

A. West Highland Filling Station

- a. Consumption: Water Consumption from the West Highland Filling Station shall be documented and reported to the Village of Orchard Park Department of Public Works on a form provided by said DPW.
- b. Usage shall be billed to consumer at a rate per gallon established by the Orchard Park Board of Trustees.

SECTION 5: Amending Section 210-19 Meters

H. Nonresident consumers – delete

J. To read:

The Village of Orchard Park will supply and install a five-eighths or one-inch meter. Larger meters must be purchased and installed by the property owner under the regulations of the Village of Orchard Park.

K. To read:

Meters larger than one-inch must be repaired, upgraded or replaced at the property owner’s expense, if the Village of Orchard Park determines such a meter is defective.

M. Amending the last two sentences to read:

Existing accounts are required to upgrade within one year to a meter pit at the time of a transfer of title or as determined by the Village of Orchard Park. Meter pits must be approved by the Manager of Public Works or Village Representative.

N. Add:

The Village Department of Public Works will perform work on meters up to 1-inch. Meters larger than 1-inch will be the responsibility of the property owner and inspected by the Village Department of Public Works.

SECTION 6: Amend Section 210-25 termination of service for violation and nonpayment.

Add to 210-25(A) Notice of violation and hearing.

Additionally, notice will be posted on the entry of building(s) where water is scheduled to be terminated, except for one-family dwellings.

SECTION 7: EFFECTIVE DATE: This local law shall take effect immediately upon filing with the Secretary of State.

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

Moved by Trustee Kaczor, seconded by Trustee Hartung to accept the minutes of September 27, 2021 as presented.

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

Moved by Trustee Hartung, seconded by Trustee Cosgrove that the vouchers numbering 4265 to 4312 in Abstracts # 121 and 122 of fiscal year 2021-2022 in the amount of \$116,086.59 be paid as presented.

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

Trustee Kaczor

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

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

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

- Manager of Public Works Wittmeyer reminded residents to separate their brush and leaf piles at the curb, it will help the crew to collect through the Village faster.
- Trustee Kaczor asked what trick or treating hours are in the Village.
 - 6-8pm
 - Sunday, October 31
- Deputy Mayor Hartung asked drivers to be especially cautious on Halloween as the trick or treaters will be out when it is dark. He also reminded voters that November 2 is election day. He mentioned there is early voting at the Community Center.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton reported on the 100 Year Anniversary Celebration of the Village. There will be a gala at the Orchard Park Country Club November 26. Tickets are \$75. Anyone interested should contact the Village Office.

Moved by Trustee Kaczor, seconded by Trustee Hartung that the Village of Orchard Park Code, Chapter A232, fees, be amended as follows:

Removal and testing of meters	ACTUAL COST OF TESTING
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On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

Moved by Trustee Hartung, seconded by Trustee Cosgrove, that pursuant to Village Law §4-408(e) the Village Board has completed an audit of the records and annual report of the Village Treasurer and found them to be properly accounted for and in order.

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

Moved by Trustee Kaczor, seconded by Trustee Cosgrove, that pursuant to the Uniform Justice Court Act §2019(a) the Village Board has completed an audit of the records of the Village Justice and found them to be properly accounted for and in order.

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

Moved by Trustee Cosgrove, seconded by Trustee Kaczor to authorize Mayor Clinton to sign a special events contract with Suzy Benzinger to hold a 99th birthday celebration at the Orchard Park Train Depot on November 13, 2021 at 3:00 p.m.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

Moved by Trustee Kaczor, seconded by Trustee Hartung to authorize Mayor Clinton to sign a Settlement and Release Agreement with New York State Electric and Gas Corporation. This agreement concludes a long running dispute regarding the company's policy of excluding "delivery only" revenue from local Gross Receipts Tax payments.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

The next regular meeting is scheduled for November 8, 2021.

Moved by Trustee Hartung, seconded by Trustee Cosgrove to adjourn at 7:08 pm.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

Respectfully submitted,
Mary Beth Jensen, Village Clerk-Treasurer