

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, March 14, 2022 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

Others present:

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

Members excused:

Trustee Lauren A. Kaczor  
Trustee Dale T. Pyne

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 comment on a proposed Local Law amending Chapter 200 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the Public Hearing at 7:01 p.m.

Copies of the proposed Local Law were available on the railing.

Mayor Clinton asked 3 times for comments in favor of the proposed local law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed local law. There were none.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to close the public hearing at 7:03 p.m.

On the question:	3 voting “Aye”	0 voting “Nay”	Carried
	Mayor Clinton		
	Trustee Hogenkamp		
	Trustee Hartung		

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adopt the following Local Law Amending Chapter 200 of the Code of the Village of Orchard Park:

**SECTION 1:** Amending the Vehicles and Traffic Ordinance, Article IV Parking, Standing and Stopping, Section 200-11 Parking Prohibited in designated locations:

Argyle Place - on the South side - starting at the eastern end point of Argyle to a point 200 feet west of that end point; from November 1 of each year through April 1 of the following year.

Sunset Lane - on the West side - starting at a point 335 feet south of Sunset Terrace to a point 468 feet north of East Quaker Street.

Sunset Lane – on the East side – starting at a point 382 feet north of East Quaker Street to a point 579.5 feet south of Sunset Terrace.

**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.

On the question: 3 voting “Aye”                      0 voting “Nay”                      Carried  
Mayor Clinton  
Trustee Hogenkamp  
Trustee Hartung

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to accept the minutes of 2/28/22 as presented.

On the question: 3 voting “Aye”                      0 voting “Nay”                      Carried  
Mayor Clinton  
Trustee Hogenkamp  
Trustee Hartung

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the vouchers numbering 4521 to 4554 in Batches 140-143 of fiscal year 2021-2022 in the amount of \$86,835.67 be paid as presented.

On the question: 3 voting “Aye”                      0 voting “Nay”                      Carried  
Mayor Clinton  
Trustee Hogenkamp  
Trustee Hartung

Comments from the floor of items not on the agenda.

- Lauren Weber (5 Edgewater Drive) – Council for ECRT review some of the concerns she overheard during the work session:
  - The Trail in Orchard Park is closed, only authorized persons allowed on the trail.
  - A salvage operation is underway:
    - Removing railroad ties and track, which are then removed from the area.
    - Saplings are being cut. A subcontractor is being used. (the Village asked for a certificate of insurance from subcontractor)
  - Questions she addressed:
    - Root rake has left piles of debris – they will be removed.
    - No ROW is marked.
    - The Federal Government has jurisdiction over the corridor.
    - Equipment that is being purchased is for maintenance.
      - It will be stored in a shed by the Railroad Caboose.
      - Persons using equipment are trained.
    - Liability does not lie on the municipality, but realistically if there is a lawsuit, everyone usually gets named.
  - Code Enforcement Officer Gullo requested Lauren’s contact information.
- Paul Kramer (165 Curley Drive), Managing Director of ECRT reiterated that the corridor is Federally regulated and municipalities cannot require environmental review, permits, etc.

- The last train that rode the rails was in May, 2010. The growth being removed only dates back to then, and as few trees as possible are being removed.
- Mayor Clinton requested better communication, stating that the Village is only asking for a working relationship with ECRT.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the reports of the Village Justice, Water Department and Treasurer for the month of February 2022 be received and filed.

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

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer reported that the DPW has begun brush pickup.
- Trustee Hogenkamp reported that the ECRT has requested a letter of support for a grant and asked if the Village Board was willing to sign one.
- Deputy Mayor responded that the Village should review the grant application before signing a letter of support.
- Mayor Clinton reminded Trustee Hogenkamp that the Village has submitted a letter of support for a grant already.
- Clerk Treasurer Jensen had nothing to report.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that a public hearing be scheduled and advertised for March 28, 2022 at 7:00 p.m. to hear public comment on a Local Law, overriding the tax levy limit established in General Municipal Law §3-c.

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

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that the Annual Organizational Meeting be scheduled for April 11, 2022 at 7:00 p.m.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that a public hearing be scheduled and advertised for April 11, 2022 following the annual organizational meeting, to review the 2022-2023 tentative budget.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that three Department of Public Works employees be authorized to attend the N.Y.S. Rural Water School May 23 - May 25, 2022 with all expenses incidental to the school to be paid by the Village.

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

Trustee Hogenkamp  
Trustee Hartung

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that Mayor Clinton be authorized to sign a special events contract with the Cystic Fibrosis Foundation to organize a Great Strides Walk in the Village on May 14, 2022.

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

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that it has been reported to the Village Board of Trustees that the owner of real property located at 4468 S. Buffalo Street (SBL 173.05-1-27) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$1,299.50 pursuant to Section 169-3 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$1,299.50 shall become a lien upon the aforesaid real property and shall be added to and become a part of the taxes 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.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that it has been reported to the Village Board of Trustees that the owner of real property located at 170 Sunset Terrace (SBL 162.17-5-34) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$72.72. pursuant to Section 169-3 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$72.72 shall become a lien upon the aforesaid real property and shall be added to and become a part of the taxes 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.

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

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that it has been reported to the Village Board of Trustees that the owner of real property located at 5 Jolls Lane (SBL 162.18-1-43) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$36.36 pursuant to Section 169-3 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$36.36 shall become a lien upon the aforesaid real property and shall be added to and become a part of the taxes 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.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that it has been reported to the Village Board of Trustees that the owner of real property located at 10 N Lake Drive (SBL 172.12-1-33.2) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$359.53 pursuant to Section 210.21 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$359.53 shall become a lien upon the aforesaid real property and shall be added to and become a part of the taxes 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.

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

The next regular meeting is scheduled for March 28, 2022.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to adjourn at 7:37 p.m.

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

Respectfully submitted,

Mary Beth Jensen  
Village Administrator / Clerk-Treasurer