

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 28, 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
Trustee Lauren A. Kaczor

Others present:

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

Members excused:

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 meeting was scheduled and advertised for this time to allow public comment on a proposed local law to override the tax cap.

Mayor Clinton opened the public hearing. A copy of the proposed local law was available on the front railing.

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

Mayor Clinton asked 3 times for comments opposing the local law. There were none.

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor to close the hearing at 7:02 p.m.

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

Moved by Trustee Kaczor, seconded by Trustee Hartung that proposed Local Law #3, 2022 be approved as follows:

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

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 2022-2023 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 2022-2023 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" Trustee Hogenkamp Trustee Hartung Trustee Kaczor	0 voting "Nay"	Carried
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Moved by Trustee Hogenkamp, seconded by Trustee Kaczor to accept the minutes of March 14, 2022 as presented.

On the question:	3 voting "Aye" Trustee Hogenkamp Trustee Hartung Trustee Kaczor	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Kaczor that the vouchers numbering 4555 to 4579 in Batch #144 of fiscal year 2021-2022 in the amount of \$105,020.08 be paid as presented.

On the question:	3 voting "Aye" Trustee Hogenkamp Trustee Hartung Trustee Kaczor	0 voting "Nay"	Carried
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Comments from the floor of items not on the agenda:

- Josh Repp (112 Thorn Avenue) had concerns with capital projects being planned by the schools and felt the projects have not been well vetted with the public. Among his concerns are greenspace, annual fireworks and the Pavilion.
- Jeff Bonerb (106 Thorn Avenue) was not pleased with the school's proposed plans. He is concerned about the increase in traffic on Thorn Avenue and the impact it will have on the properties. He feels the input of area residents should be considered.

Moved by Trustee Hartung, seconded by Trustee Kaczor that the report of the Associate Village Justice for the month of February be received and filed.

On the question:	3 voting "Aye" Trustee Hogenkamp Trustee Hartung Trustee Kaczor	0 voting "Nay"	Carried
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- 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 beginning April 1 the Village has contracted with Waste Management for a new service. More information is available on their website WMAAtYourDoor.com
- Trustee Hogenkamp had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton reported that there a masks and COVID home tests kits available in the Village Office.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the following budget adjustments be authorized for fiscal year 2021-2022:

Increase budget for:

- Pole Barn Contractual Expense by \$ 20,000
- CHIPS revenue by \$ 20,000
- General Medicare expense by \$ 1,700
- General Social Security expense by \$ 7,000
- Central Garage materials & supplies expense by \$ 100

Reduce budget for:

- Street lighting contractual expense by \$ 8,800

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

Mayor Clinton acknowledged Nancy Hart's resignation as Village Prosecutor.
 Mayor Clinton appointed Charles Messina as Village Prosecutor to fill the vacancy.

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor to that Mayor Clinton's appointment be approved.

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

Moved by Trustee Kaczor, seconded by Trustee Hartung that a public hearing be scheduled and advertised for April 25, 2022 at 7:00 pm to hear public comment on a proposed Local Law amending Chapter 187 of the Orchard Park Village Code, entitled "Streets and Sidewalks".

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

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 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 \$ 61.76 pursuant to Section 210.21 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$ 61.76 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
Trustee Hogenkamp
Trustee Hartung
Trustee Kaczor

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor authorizing Village Administrator Jensen to advertise for RFP's for Insurance Services for the Village of Orchard Park.

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

Moved by Trustee Kaczor, seconded by Trustee Hartung that

WHEREAS, AIM funding plays a pivotal role in funding essential municipal services such as water, sewer, public works, police, fire and ambulance for cities and villages across New York State and,

WHEREAS, the State has not increased AIM funding in 13 years and,

WHEREAS, inflation has eroded AIM funding by roughly 29% over that time period and,

WHEREAS, the New York State Conference of Mayors and nearly 400 of its members have signed onto a letter to the Governor requesting an inflationary increase of \$210 million in AIM funding and,

WHEREAS, the Governor's Executive Budget proposed keeping AIM funding flat and,

WHEREAS, the New York State Senate and Assembly have included increases of \$210 million and \$150 million, respectively, to AIM funding in their one-house budgets and,

WHEREAS, an increase in AIM funding would reduce the local tax burden and help revitalize communities across New York, and

NOW, THEREFORE, BE IT RESOLVED that the Village of Orchard Park urges Governor Hochul to work with the leaders of the Senate and Assembly and increase AIM funding in the 2022-23 adopted State Budget.

A copy of this resolution shall be sent to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Sean M. Ryan, Assemblymember Pat Burke and the New York State Conference of Mayors.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that

WHEREAS, a "Zombie Foreclosure" occurs when a homeowner vacates their property after a mortgage default and threat of foreclosure, with the home becoming a "Zombie" because the bank has not completed the foreclosure process; and

WHEREAS, the longer a property remains in the foreclosure process, the more often neighboring homeowners will struggle with a multitude of issues, such as an unattended home becoming a danger to children, a potential place for vagrants and squatters to move in without fear of eviction, as well as unkempt landscaping leading to an increase in

unwanted wildlife during the summer months and obstructed sidewalks during the winter months; and

WHEREAS, vacant homes diminish the value of surrounding properties, sometimes significantly lowering the sale price of an entire street, and blighted properties may result in demolition; and

WHEREAS, diminished property values present budgetary and property tax revenue challenges for towns, villages and cities in Erie County; and

WHEREAS, the Erie County Clerk, Michael P. Kearns, and the Western New York Law Center (the "Law Center") for over a decade have been undertaking various efforts and initiatives to combat the impacts that Zombie Foreclosures have on neighborhoods in Erie County; and

WHEREAS, the New York State Legislature passed the 2016 Zombie Property and Foreclosure Prevention Law (the "Zombie Foreclosure Law"), which in part amends New York Real Property Actions and Proceedings Law ("RPAPL") Section 1308 to require holders of first lien mortgages, or their servicing agents, to secure and maintain vacant one-to-four family properties; and

WHEREAS, the Law provides the following tools in the fight against Zombies: banks or servicers that fail to maintain properties can face potential penalties of up to \$500 per day per property; creation of an expedited foreclosure process; and, RPAPL Section 1310's establishment of a statewide database of abandoned properties to be maintained by the New York State Department of Financial Services;

WHEREAS, the Erie County Legislature has provided the Erie County Clerk, Michael P. Kearns, and the Western New York Law Center with effective resources to: deliver technical assistance to County municipalities; engage the community to persuade lenders to complete the foreclosure process and perform regular property maintenance; and enforce the Zombie Foreclosure Law; and

WHEREAS, in September of 2019, Erie County Clerk, Michael P. Kearns, announced the creation of the Erie County Clerk's ZOMBIES Initiative (Zero tolerance; Open lines of communication; Municipal participation; Bank accountability; Investment in neighborhoods; Engage and educate communities; Solutions) to provide additional resources to Erie County municipalities and communities facing Zombie Foreclosures; and

WHEREAS, the emergence of the COVID-19 pandemic and its widespread financial impacts caused the statewide default on mortgages to soar to 11.8% at the height of the pandemic, and recent numbers from October 2021 showed that 7.4% of all homeowners in New York State were behind on their mortgage payments; and

WHEREAS, in February of 2021, the Erie County Clerk and members of the Erie County Zombie Foreclosure Task Force created the "Stay in Your Home Campaign" to introduce effective strategies to combat foreclosures caused by the COVID-19 pandemic; and

WHEREAS, ever changing state and federal regulations have temporarily staved off a surge in foreclosures but it is anticipated that foreclosures will sharply increase once these measures end; and

WHEREAS, hundreds of homes in Erie County are currently considered "Zombies," stuck in foreclosure limbo and drastic increase in the number of foreclosures will escalate the possibility of more Zombie properties; and

WHEREAS, the Erie County Clerk's ZOMBIES Initiative has resolved issues with dozens of Zombies in Erie County; and

WHEREAS, the County of Erie is New York State's leader in combatting zombies;

WHEREAS, tackling the problem of Zombies in Erie County requires effective communication and cooperation to ensure properties are appropriately targeted and municipalities have potent and practical resources to protect their communities.

NOW THEREFORE, BE IT

RESOLVED, that the Village of Orchard Park supports the Erie County Clerk's ZOMBIES Initiative and the Stay in Your Home Campaign; and be it further

RESOLVED, that the Village of Orchard Park hereby pledges to avail itself of the technical assistance available from the ZOMBIES Initiative to develop a strategy to address and prevent Zombies; and be it further

RESOLVED, that the Village of Orchard Park encourages community engagement to report Zombies; and be it further

RESOLVED, that the Village Clerk shall forward a certified copy of this resolution to Erie County Clerk Michael P. Kearns.

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

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor that

WHEREAS, Russia is currently engaged in a full-scale Invasion of the sovereign Country of Ukraine, and

WHEREAS, Russia appears to have intentionally targeted and attacked innocent civilians and residential areas for destruction, and

WHEREAS, the Village of Orchard Park reaffirms its belief that all human beings have inalienable rights as expressed in the Declaration of Independence and the United States Constitution and recognizes that the Invasion of another nation state is condemned by the Charter of the United Nations,

THEREFORE, BE IT RESOLVED, the Village of Orchard Park condemns these acts of war by Russia, its unwillingness to exercise non-violent means to address issues with sovereign nations, and its attack on innocent civilians,

BE IT FURTHER RESOLVED, the Village of Orchard Park implores the leaders of the United States to take greater steps to assist Ukraine in defending its nation. We stand in solidarity with the country and people of Ukraine and will continue to implore elected officials in the United States to take greater steps to assist Ukraine on defending itself and ending the Russian Invasion.

BE IT FURTHER RESOLVED, the Village Clerk will send a certified copy of this resolution to the U.S. Senate Majority Leader Senator Charles Schumer, Senator Kristen Gillibrand and Congressman Chris Jacobs.

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

The next regular meeting is scheduled for April 11, 2022.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn at 7:17 p.m.

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

Respectfully submitted,
Mary Beth Jensen, Village Clerk-Treasurer