

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 25, 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:

Deputy Clerk-Treasurer Marcia Nickerson
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 hearing was scheduled and advertised for this time to hear public comment on Local Law #4 of 2022, amending Chapter 187 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the Public Hearing with a brief overview, explaining that a detail of the amendment was on the railing. Mayor Clinton explained that residents need to communicate the permit requirement to their contractors and contractors are responsible to come to the Village office to obtain the permit.

Mayor Clinton asks 3 times for comments in favor of the Local Law. There were none.

Mayor Clinton asks 3 times for comments opposing the Local Law. There were none.

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor that the Public Hearing be closed at 7:02 pm.

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 the following Local Law of 2022 be adopted, amending Chapter 187 of the Village of Orchard Park Code entitled “Streets and Sidewalks”,

SECTION 1: Article VII Snow Plowing to read:

§ 187-25 Definitions.

As used in this article, 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.

§ 187-26 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 Village Code Enforcement Officer 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.

§ 187-26.1 Permit application, fee and conditions.

A. Application for such permit shall be made to the Code Enforcement Officer of Orchard Park by the owner of the vehicle, in writing, upon forms to be furnished by said Code Enforcement Officer, 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 Code Enforcement Officer shall require. The Village Code Enforcement Officer 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 per the schedule of fees.

C. If such application or applications shall be approved by the Code Enforcement Officer, a permit shall be issued by the Code Enforcement Officer 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 Code Enforcement Officer shall prescribe.

E. Such permit shall not be transferable to another owner.

§ 187-26.2 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, or sidewalk, or place snow on any Village-owned property, or cause such to be done so as to interfere with the safety and convenience of public travel.

§ 187-26.3 Enforcement.

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

§ 187-26.4 Revocation of permit; penalties.

A. The Village Board may revoke the permit granted to any person, firm or corporation under the authority of this article 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 article, any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable as provided in Chapter **1**, General Provisions, Article **III**, General Penalty, of the Code of the Village of Orchard Park.

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

§ 187-26.5 Failure to comply; enforcement procedures.

If such owner or occupant fails, neglects or refuses to so comply within 24 hours of the date of notice, 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 per the schedule of fees. Upon failure of such owner or occupant to pay such costs, the Village Clerk-Treasurer 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 immediately upon filing with the Secretary of State.

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

A public hearing was scheduled and advertised for this time to hear public comment on a Special Use permit to operate a Bed and Breakfast at 32 South Davis Street.

Mayor Clinton opened the Public Hearing at 7:04 pm and invited a representative present to give an explanation of the request.

Ryan Brown, one of the owners, spoke.

- He explained that he has completed a lot of research on this type of rental.
- He gave a brief history on his experience in the Village and how quiet the neighborhood is and that safety is major concern especially because there is a school directly across the street.
- He has spoken to the neighbors and have provided his contact information in case there are any issues.
- They are only going to accept verified renters from Airbnb which means they have had a background check.
- They will check the reviews of potential renter and therefore not accept a first-time renter.
- They have cameras installed so they will know how many people are coming in and out of the house.
- They will have a noise sensor in place on the property.

- The minimum stay will be 2 nights.
- They will ask questions of a potential renter.
- They live next door and will be able to address any issues immediately.
- They have the appropriate insurance in place including liability and situational insurance.

The Village Board was given an opportunity to ask questions of the petitioner.

- Deputy Mayor Hartung commented that there are letters in support of the project in the submission packet for this Special Use permit.

Mayor Clinton asks 3 times for comments in favor of the Special Use Request. There were none.

Mayor Clinton asks 3 times for comments opposing the Special Use Request. There were none.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the Public Hearing be closed at 7:10 p.m.

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

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor to authorize the Special Use Permit to operate a Bed and Breakfast at 32 South Davis Street in 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 Hogenkamp to accept the minutes of April 11, 2022 as presented.

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 the vouchers numbering 4601 to 4628 in Batch #146 of fiscal year 2021-2022 in the amount of \$67,257.99 be paid as presented.

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

Comments from the floor of items not on the agenda.

- Paula Gorman (170 Thorn Ave) spoke regarding the Orchard Park Schools capital project.

- She lives on the property next to the soccer field of the Middle School property.
- Serious concerns regarding the traffic, noise, lights, safety, as well as drainage from the parking lot and the road.
- A group of residents from Thorn Ave have met with the school twice with school officials. They do not feel there are any solutions being presented for those being impacted the most.
- It seems as though studies are not required until after the project is approved. The fear is once it is approved there will not be anything the residents can do.
- The residents support the project overall but have concerns about the road leading to Thorn Ave and the proposed parking lot.

Mayor Clinton mentioned that representatives from the school have been invited to the next Village Board Meeting on May 9, 2022 at 7 pm. Residents are invited.

Reports:

- Code Enforcement Officer John Gullo commented that Building and Safety Month is May. It is an international campaign to raise awareness about building safety. The website for more information is iccsafe.org
- Manager of Public Works Wittmeyer reported that he has been in contact with the Project Manager from National Fuel Gas. Their contractor will begin restoration along E. Quaker as soon as topsoil is available.
- Trustee Kaczor had nothing to report.
- Deputy Mayor Hartung clarified the At Your Door home collection service. Residents can use the service to dispose of paints, garden chemicals, household cleaners and electronics appropriately. This service is free. Residents need to call 1-800-449-7587 or go to the website: www.wmatyourdoor.com to schedule the pick-up and for any further details.
- Trustee Hogenkamp reported that he is the liaison to the Rails to Trails and the project is moving forward as their contractor is removing the ties in an orderly fashion. They are also removing brush and doing other clean up.
- Deputy Clerk-Treasurer Nickerson had nothing to report.
- Mayor Clinton reported that Erie County has a Storefront Revitalization Program. The program is for approximately 250 eligible small businesses to receive up to \$40,000 in grant money to make improvements and upgrades to their exterior facades. The program includes architects and construction companies to design and complete work at selected businesses. If selected, a qualifying business would receive façade upgrades, and the county would fund the design and construction costs. If you are interested, contact Legislator John Mills at 716-858-8850 or John.Mills@erie.gov

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

Snow Plow Permit \$15 per vehicle

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

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that the budget for the fiscal year 2022-2023 be adopted as presented.

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 Mayor Clinton be authorized to sign a Special Events Contract with the Orchard Park Little League to organize a parade on Village Streets on May 14, 2022.

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 for Monday, May 23, 2022 at 7:00 pm to hear public comment on the MS4 (Municipal Separate Storm Sewer Systems) Annual Report. The report will be available for review May 16, 2022 in the Orchard Park Village Office.

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 members of the Village be authorized to attend a Western New York Regional Training by the New York State Conference of Mayors, in Ellicottville, May 18-19. All expenses incidental to the training to be paid by the Village.

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 representative of the Village be authorized to attend NYCOM's Community Revitalization Conference in Syracuse, June 8-9, 2022. All expenses incidental to the conference to be paid by the Village.

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 the following budget adjustments be authorized for the fiscal year 2021-2022:

Increase budget for

- Board of Trustees Contractual expense by \$ 500.00
- Transfer to Public Improvement reserve from Capital \$ 18,952.06
- Source of Water Supply expenses by \$ 41,000.00
- Metered Water Supply revenues by \$ 41,000.00
- Fiscal Agent Fees expense by \$ 40.00
- Central Garage Computer expense by \$ 175.00
- Street Maintenance gas and oil expense by \$ 1,500.00
- Create a Budget for a new Capital Project
Waterline Replacement Allen/Argyle for \$ 66,347.17

Decrease budget for

- Clerk-Treasurer Travel expense by \$ 500.00
- Carrow St Waterline expense by \$ 33,173.59
- Lockwood Ln Waterline expense by \$ 33,173.58
- Sensory Crosswalk expense by \$ 18,952.06
- Salt expense by \$ 1,715.00

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 the following be declared surplus and Manager of Public Works Wittmeyer be authorized to sell them at auction:

- Plate Tamper
- 2 chop saws
- Sweeper for the John Deere tractor
- Jib crane
- Pipe chain cutter
- Walk behind road saw

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, the Village of Orchard Park, NY is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians--building safety and fire prevention officials, architects, engineers, builders, tradespeople, design

professionals, laborers, plumbers and others in the construction industry--who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

Whereas, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety--our local code officials-- who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

Whereas, "Safety for All: Building Codes in Action," the theme for Building Safety Month 2022, encourages us all to raise awareness about planning for safe and sustainable construction; career opportunities in building safety; understanding disaster mitigation, energy conservation; and creating a safe and abundant water supply to all of our benefit, and; Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, the Board of Trustees of the Village Orchard Park, NY do hereby proclaim the month of May 2022 as Building Safety Month. Accordingly, we encourage our citizens to join us as we participate in Building Safety Month activities.

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

The next regular meeting is scheduled for May 9, 2022.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn.

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

Respectfully submitted,
Marcia Nickerson
Deputy Clerk Treasurer