

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 27, 2023 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 Kaczor Rodo

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 hearing was scheduled and advertised for this time to hear public comment on proposed Local Law #3, 2023. Mayor Clinton opened the meeting with a brief explanation of the Local Law to override the tax cap, which is just under 2%.

Mayor Clinton asked 3 times for comments in favor; there were none.

Mayor Clinton asked 3 times for comments in opposition; there were none.

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor Rodo to close the hearing at 7:04 pm.

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

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that proposed Local Law #3, 2023 be approved:

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 2023-2024 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 2023-2024 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 no 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 Hartung
Trustee Kaczor Rodo

A public hearing was scheduled and advertised for this time to hear public comment on proposed Local Law #4, 2023, amending Chapter 194 of the Village Code. Mayor Clinton opened the meeting, giving a brief explanation of the amendments, which basically correct some of the language in the adopted chapter.

Mayor Clinton asked 3 times for comments in favor; there were none.
Mayor Clinton asked 3 times for comments in opposition; there were none.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to close the hearing at 7:07 pm.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that proposed Local Law #4, 2023 be approved:

Amending Chapter 194 of the Village of Orchard Park Code entitled “Taxation”, Article VI, “Volunteer Firefighters and ambulance Workers Exemption”, as follows:

Amend Section 3: Eligibility requirements to read:

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service within the Orchard Park Fire District provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker. The volunteer shall be named on the deed, but other individuals may be named on the deed as well.
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;

- C. The property is used exclusively for residential purposes and the property must be classed as a 1-family residential (210) or a 2-family residential (220);
- D. The volunteer firefighter or volunteer ambulance worker resides in the Village of Orchard Park and the Village of Orchard Park is served by such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Village of Orchard Park, which is hereby established as 5 years.

Amend Section 5: Certification to read:

The Orchard Park Fire District must annually file with the assessor, prior to the applicable taxable status date, a list of active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member’s address of residence.

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 Rodo

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to accept the minutes of March 13, 2023 as presented.

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

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the vouchers numbering 6281 to 6308 in Batch #181 of fiscal year 2022-2023 in the amount of \$40,366.05 be paid as presented.

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

Comments from the floor of items not on the agenda.

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer had nothing to report.
- Trustee Kaczor Rodo

- cautioned drivers to be alert to pedestrians as the weather gets nicer
- reminded Village residents who are serviced by the Village garbage contract with Waste Management to take advantage of At Your Door hazardous waste disposal
- thanked Fran for his service to the Village.
- Deputy Mayor Hartung
 - reported that the NYS DOT will begin their road project soon and are scheduled to begin at the south end of the Village
 - thanked those who came out to vote in the Village elections
 - happy to be serving for another term
 - thanked Fran for his service
- Trustee Hogenkamp felt honored to have served on the Village Board under 3 different mayors. He acknowledged those he served with. Fran was proud to say all decisions made by the Village Board during his tenure were well thought out and to benefit the best interests of the Village. He plans to keep busy and continue to volunteer his time.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton deferred her comments until later in the meeting.

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor Rodo that it has been reported to the Village Board of Trustees that the owner of real property located at 165 Thorn Ave (SBL 172.12-1-5) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$ 186.56 pursuant to Section 210.21 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$ 186.56 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 Rodo

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that it has been reported to the Village Board of Trustees that the owner of real property located at 79 Highland Ave (SBL 173.09-1-26) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$ 237.24 pursuant to Section 210.21 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$ 237.24 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 Rodo

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor Rodo that it has been reported to the Village Board of Trustees that the owner of real property located at 4481 S Buffalo St (SBL 173.09-1-12) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$1,249.47 pursuant to Section 210.21 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$1,249.47 shall become a lien upon the aforesaid real property, if they are not paid by March 31, 2023, 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 Rodo

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 47 N Davis St (SBL 172.08-1-4) in the Village of Orchard Park has failed to pay to the Village of Orchard Park duly authorized costs of \$ 237.24 pursuant to Section 210.21 of the Municipal Code of the Village of Orchard Park.

I hereby move that said costs of \$ 237.24 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 Rodo

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to authorize Mayor Clinton to sign the Employee Memorandum of Understanding and Administrative Policy for the fiscal year 2023-2024.

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

Mayor Clinton summarized a proclamation recognizing NO MOW MAY, encouraging Village homeowners to dedicate a two-foot square of un-mowed lawn in May.

Mayor Clinton presented a proclamation to Trustee Hogenkamp, recognizing him as a steadfast friend and his dedication to the Village.

Erie County Clerk Michael Kearns honored Trustee Hogenkamp with a Certificate of Appreciation and gift from his office.

The next regular meeting is scheduled for April 10, 2023. .

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

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

Respectfully submitted,
Mary Beth Jensen
Village Clerk-Treasurer