

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 11, 2024 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 Lauren Kaczor Rodo
Trustee David N. Even

Others present:

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

Members excused:

Trustee Dale 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, 2024, to override the tax levy limit established in General Municipal Law §3-c. Mayor Clinton opened the meeting at 7:04 pm, offering copies of the proposal on the front rail.

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 Even, seconded by Trustee Kaczor Rodo to close the hearing at 7:06 pm.

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

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that proposed Local Law #3, 2024 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 2024-2025 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 2024-2025 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” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to accept the minutes of February 26, 2024 as presented.

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

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the voucher numbered 6881 in Batch #211 of fiscal year 2023-2024 in the amount of \$15,980, the voucher numbered 6883 in Batch 213 of fiscal year 2023-2024 in the amount of \$100 and the vouchers numbering 6884-6906 in Batch 214 of fiscal year 2023-2024 in the amount of \$95,931.89 be paid as presented.

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

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

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

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

- Code Enforcement Officer John Gullo notified residents that a burn ban is still in effect through mid-May, prohibiting recreational fires.
- Manager of Public Works Wittmeyer had nothing to report.
- Trustee Kaczor Rodo had nothing to report.
- Deputy Mayor Hartung had nothing to report.
- Trustee Even had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton had nothing to report.

Moved by Trustee Hartung, seconded by Trustee Even that the Annual Organizational Meeting be scheduled for April 22, 2024 at 7:00 p.m.

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

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that a public hearing be scheduled and advertised for April 8, 2024 at 7:00 pm, to review the 2024-2025 tentative budget.

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

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that a public hearing be scheduled and advertised for April 22, 2024, immediately following the Organizational meeting, to hear public comment on a Local Law amending the Code of the Village of Orchard Park, Chapter 225, "Zoning".

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

Moved by Trustee Hartung, seconded by Trustee Even that,

WHEREAS, the Village of Orchard Park, (hereinafter "local government") believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State's economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

NOW, THEREFORE, IT IS HEREBY RESOLVED that Village of Orchard Park, in order to take positive steps to alleviate the housing crisis, adopts the Pro- Housing Communities pledge, which will have us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

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

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that,

Whereas, the Aid and Incentives for Municipalities (AIM) program plays a critical role in funding essential municipal services for cities and villages across New York State; and

Whereas, city and village officials share the same priorities as our state leaders which is to make New York safer and more affordable; and

Whereas, New York's local governments, who are on the frontlines of controlling property tax affordability and ensuring public safety, are integral to achieving those goals; and

Whereas, the State has not increased AIM funding in 15 years and according to the Bureau of Labor Statistics, inflation has increased by nearly 45% during that same period; and

Whereas, this neglect from the State has led to rising municipal tax burdens and harmful disinvestment in essential municipal services and staff; and

Whereas, the property tax cap further limits the ability of local governments to properly fund the services their residents need; and

Whereas, the challenges of rising inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid, only accentuate the need for an increase in AIM funding; and

Whereas, the Governor's 2024-25 Executive Budget proposes to keep AIM funding flat; and

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

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 2024-25 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 Charles Schumer, Assemblymember Patrick Burke and the New York State Conference of Mayors.

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

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the following budget adjustments be authorized for the 2023-2024 fiscal year:

Increase budget in General Expense account

Street Maintenance Equipment Repair by 18,000.00

Decrease budget in General Expense account

Salt Purchase by 18,000.00

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

Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

The next regular meeting is scheduled for March 25, 2024.

Moved by Trustee Hartung, seconded by Trustee Even to adjourn at 7:10 pm.

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

Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Respectfully submitted,
Mary Beth Jensen, Village Clerk-Treasurer