

Minutes
Village of Orchard Park
Board of Trustees

The regular meeting of the Board of Trustees of the Village of Orchard Park was held Monday, **December 12, 2011** in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Wilson called the meeting to order at 8:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:

Mayor John B. Wilson
Trustee Francis T. Hogenkamp
Trustee David A. Rood
Trustee Joseph R. Wales
Trustee Jo Ann Litwin

Others present:

Dir of Public Works Andrew J Slotman
Attorney John C. Bailey
Clerk-Treasurer Mary Beth Jensen
Building Inspector Jeffrey Sweet

Mayor Wilson 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.”

Mayor Wilson opened the public hearing scheduled and advertised for this time to hear comments regarding Local Law #3, 2011. Deputy Mayor Rood reviewed the premise of the Local Law.

Mayor Wilson asked three times for comments in favor of Local Law #3, 2011 and three times for comments against. There were none.

Moved by Trustee Wales, seconded by Trustee Rood to close the hearing at 8:06 PM.

Moved by Trustee Hogenkamp, seconded by Trustee Rood that proposed Local Law # 3 of 2011 be approved as follows:

Amending Chapter 200 “Vehicles and Traffic” and Amending Article VI Penalties 200-21 of the Code of the Village of Orchard Park

Adding the following ordinance section:

SECTION 1: Section 200-21 is amended as follows -

§200-21 Crosswalk Monuments.

Portable Crosswalk Monuments may be placed during school hours in the crosswalk on South Lincoln Street in front of the Orchard Park Central School Middle School and on School Street at South Lincoln Street in front of the Orchard Park Central School Middle School.

SECTION 2: A new Article VI Penalties, § 200-22 is added as follows:

The penalties for the violation for this Chapter are contained in Title 9, Article 45 and Subdivision (h) of §1180 of the Vehicle and Traffic Law of the State of New York.

SECTION 3: 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: 5 voting "Aye" 0 voting "Nay" Carried

Mayor Wilson opened the public hearing scheduled and advertised for this time to hear comments regarding Local Law #4, 2011.

Mayor Wilson asked three times for comments in favor of Local Law #4, 2011 and three times for comments against. There were none.

Moved by Trustee Rood, seconded by Trustee Wales to close the hearing at 8:12 PM.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

Moved by Trustee Litwin, seconded by Trustee Hogenkamp that proposed Local Law #4 of 2011 be approved as follows:

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

Adding the following ordinance section:

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 2012-2013 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 2012-2013 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 upon filing with the Secretary of State.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

Moved by Trustee Wales, seconded by Trustee Litwin that the minutes of November 28, 2011 be approved as received.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

Moved by Trustee Rood, seconded by Trustee Hogenkamp that the vouchers numbering 9537 to 9570 in Abstract #10 of 2011-2012 in the amount of \$124,060.47 be paid as presented.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

Comments from the floor of items not on the agenda.

- Howie Rost (300 S Lincoln) wished everyone a Merry Christmas and Happy New Year.
- Mayor Wilson recognized several St Francis students in attendance.

Reports:

Moved by Trustee Rood, seconded by Trustee Wales that the reports of the Village Justice, Acting Village Justice, Water Department and Treasurer for the month of November 2011 be received and filed.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

- Building Inspector Sweet reported that he had received several examples of ordinances regarding accessory structures from General Code that pertained to tree forts and swing sets, etc.
- Director of Public Works Slotman reported that there are a few leaf piles put out right before last week's snow that will be picked up and the snowplows are ready to go.
- Trustee Wales reported that Holiday in the Park 2011 was a great success. The numbers are up from last year. He thanked the event sponsors, Santa and Mrs. Clauss, the Garden Club, the WNY Railway and the OP Library.
- Trustee Rood thanked the sponsors of Holiday in the Park and the community for their support.
- Trustee Hogenkamp thanked the DPW for their work and Kelly and Mary Beth

from the office who worked the event. He reported a record 400 children who sat on Santa's lap.

- Trustee Litwin had nothing to report.
- Attorney Bailey had nothing to report.
- Clerk-Treasurer Jensen had nothing to report.
- Mayor Wilson
 - apologized for missing the last meeting.
 - read a letter from the NYSDOT approving a portable crosswalk sign at 20A and S Davis St. It will be allowed between April 1st and November 1st.
 - a memorandum agreement is ready to be signed between the OP Central School District and the Village regarding the crosswalk monuments.

Moved by Trustee Litwin, seconded by Trustee Wales that because there is no second meeting this month Clerk-Treasurer Jensen be authorized to pay all vouchers submitted prior to the end of the month, after review by Deputy Mayor Rood or Mayor Wilson.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

The internal court audit has been completed, but not the treasurer's audit for this year.

Trustee Hogenkamp asked if there was any news on reducing the Village wide speed limit to 30 mph. Mayor Wilson informed him that he did not plan to hear from the State for a while.

The next regular meeting is scheduled for January 9, 2012.

Moved by Trustee Wales, seconded by Trustee Hogenkamp to adjourn at 8:28 PM.

On the question: 5 voting "Aye" 0 voting "Nay" Carried

Respectfully submitted



Mary Beth Jensen
Village Clerk - Treasurer