

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, **June 12, 2017** 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 Hartung
Trustee Francis T. Hogenkamp
Trustee William D. Reuter
Trustee Jonathan E. McNatty

Others present:

Dir. Of Public Works Michael P. Murphy
Attorney Philip M. Marshall
Clerk-Treasurer Mary Beth Jensen
Code Enforcement Officer James Larivey

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 provide opportunity for public comment on the MS4 (Municipal Separate Storm Sewer Systems) Annual Report. Mayor Clinton opened the Public Meeting at 7:01 p.m. She asked three times for favorable comments, there were none. Mayor Clinton asked three times for negative comments regarding the report, there were none.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that the Public Hearing be closed at 7:03 p.m.

On the question:	4 voting “Aye”	0 voting “Nay”	Carried
	Trustee Hartung		
	Trustee Hogenkamp		
	Trustee Reuter		
	Trustee McNatty		

Moved by Trustee McNatty, seconded by Trustee Reuter that the MS4 Annual Report be filed as presented.

On the question:	4 voting “Aye”	0 voting “Nay”	Carried
	Trustee Hartung		
	Trustee Hogenkamp		
	Trustee Reuter		
	Trustee McNatty		

Moved by Trustee Hogenkamp, seconded by Trustee Reuter that the minutes of May 22, 2017 be approved as received.

On the question:	4 voting “Aye”	0 voting “Nay”	Carried
	Trustee Hartung		
	Trustee Hogenkamp		
	Trustee Reuter		
	Trustee McNatty		

Moved by Trustee Hartung, seconded by Trustee McNatty that the vouchers numbering 1619 to 1622 in Abstract #21 of 2016-2017 in the amount of \$1,507.52 be paid as presented; and that the vouchers numbering 1623 to 1652 in Abstract # 1 of 2017-2018 in the amount of \$ 73,180.69 be paid as presented.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Hogenkamp
 Trustee Reuter
 Trustee McNatty

Moved by Trustee Hartung, seconded by Trustee McNatty that the reports of the Village Justice, Assistant Village Justice, Water Department and Treasurer for the month of May 2017 be received and filed.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Hogenkamp
 Trustee Reuter
 Trustee McNatty

- Code Enforcement James Larivey had nothing to report.
- Director of Public Works Murphy had nothing to report.
- Trustee McNatty had nothing to report.
- Deputy Mayor Hartung had nothing to report.
- Trustee Hogenkamp reported that Summer in the Park events are being planned and if anyone would like to volunteer, please contact the Village Office.
- Trustee Reuter had nothing to report.
- Attorney Marshall had nothing to report.
- Clerk Treasurer Jensen reported that taxes have been levied and are by due July 3rd without penalty.
- Mayor Clinton reported that there have been several street lights damaged recently by hit and runs. The cost of repair or replacement is the taxpayers' burden, unless the person causing the damage is identified. She urged anyone who witnesses such an event to report it.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp authorizing Mayor Clinton to sign a retainer agreement with Barclay Damon to provide Bond Counsel services to the Village for the 20A Waterline Project.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Hogenkamp
 Trustee Reuter
 Trustee McNatty

Moved by Trustee Reuter, seconded by Trustee McNatty to authorize Clerk Jensen to advertise a request for bids for the Village Salt Barn Project.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Mayor Clinton explained that there is a Zombie House issue in Western New York and asked for a resolution to address the need for changes in legislation.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung that

WHEREAS, since 2015 more than 800 homes in Western New York have been deemed "zombie houses" defined as properties undergoing the foreclosure process that can remain vacant for years; and

WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and

WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank's financial interest to foreclose on the property implying that time is a crucial factor in these cases; and

WHEREAS, these houses remain empty typically due to homeowners' misunderstanding of proper foreclosure procedure- leaving these houses in limbo, i.e. the homeowners no longer maintain the property and banks are not legally obligated to. This means these properties are maintained oftentimes at the expense of taxpayers; and

WHEREAS, in the United States the average time it takes to foreclose on a property is two years. If a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and

WHEREAS, as such the Village of Orchard Park Legislature requests permission from New York State to make the following amendments to the legislation known as the Erie County Tax Act; and

WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend § 9-1.0 of the Erie County Tax Act to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant and abandoned from two years to one year; and

WHEREAS, additionally to recommend § 11-2.0 of the Erie County Tax Act be amended to shorten the period in which the county may foreclose on a tax certificate on a property that is certified by a municipality to be vacant and abandoned from two years to one year

RESOLVED, that the Clerk of Orchard Park forward certified copies of this resolution to the New York State Assembly attention Speaker Carl E. Heastie and New York State Senate attention Majority Leader Flanagan as well as to the Erie County Executive, the Honorable Mark Poloncarz and to all other parties deemed necessary and proper.

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Moved by Trustee McNatty, seconded by Trustee Reuter that the 20th Annual Tommy's Run be authorized on Village streets on July 1, 2017 beginning at 9:30 a.m.; starting and ending in Yate's Park. Permission is contingent upon receipt of proper insurance certificates. The Police Department has been notified of the event and route.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that Eclipse Multi-Sport be authorized to organize the Holly Jolly 5k on Village streets December 2, 2017 beginning at 10:00 a.m. Permission is contingent upon receipt of proper insurance certificates. The Police Department has been notified of the event and route.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Moved by Trustee Reuter, seconded by Trustee McNatty authorizing the following budget adjustments for the fiscal year 2016-2017:

- Increase budget for expense accounts:
 - Trustee Contractual A-61010-400 \$ 45.00
 - Village Justice Contractual A-61110-400 \$ 354.00
 - Computer & Copy Supplies A-61325-407 \$ 660.00
 - Association Dues A-61920-400 \$ 54.00
 - Building Inspector Payroll A-63620-100 \$ 2940.00
 - Street Cleaning Payroll A-65110-102 \$ 200.00
 - Equipment Repair Payroll A-65110-103 \$ 2545.00
 - Source of Supply F-68320-400 \$19000.00
 - Electricity F-68340-402 \$ 7.00
 - Social Security GR-69030-800 \$ 139.00
- Decrease budget for expense accounts:
 - Contingency A-61990-400 \$ 6798.00
 - Contingency F-61990-400 \$10000.00
 - Transmission & Distribution Payroll F-68340-100 \$ 9007.00
 - Contractual Gr-68160-400 \$ 139.00

And that the following budget adjustments for the fiscal year 2017-2018:

- Increase H43989-001 Bank Street revenues by \$ 2,413.00
- Decrease H68510-001 Bank Street expenses by \$36,637.09
- Decrease capital projects' fund balance dependency by \$39,050.09
- Increase A61381-400 Financial Agent Fees expense \$ 5,000.00
- Increase dependency on Fund Balance by \$ 5,000.00

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Moved by Trustee McNatty, seconded by Trustee Hartung that

WHEREAS, pursuant to a resolution duly adopted by the Board of Trustees of the Village of Orchard Park, Erie County, New York (the "Village") on April 24, 2017, the Village Board determined that the Purpose (as herein defined) is a "Type II Action" under the New York State Environmental Quality Review Act and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York and further determined that the Purpose will not have a significant effect on the environment, and that a negative declaration be issued for the Purpose;

NOW THEREFORE BE IT RESOLVED, by the Village Board (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

Section 1. The Village shall replace the water distribution main along Route 20A from the west Village line (Carrow Street) to Linwood Avenue and from Sunset Lane to the east Village line (Freeman Road), at a maximum cost of \$1,900,000, as more particularly described in Section 3 hereof.

Section 2. The Village is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$1,900,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution is the planning, design, acquisition, installation and replacement of the water distribution main along Route 20A from the west Village line (Carrow Street) to Linwood Avenue and from Sunset Lane to the east Village line (Freeman Road), including the acquisition of original equipment, machinery or apparatus (the "Purpose").

Section 4. It is hereby determined and declared that (a) the maximum cost of said Purpose, as estimated by the Village Board, is \$1,900,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of said Purpose, and (c) the Village plans to finance the costs of said Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes herein after referred to, said amount to be offset by any federal, state, county and/or local funds received.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Paragraph 1 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is forty (40) years. The proposed maturity of the Bonds authorized herein will be in excess of five (5) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof) and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Treasurer of the Village, the chief fiscal officer. The Treasurer is hereby authorized to sign and the Village Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Village Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Village.

Section 7. The faith and credit of the Village, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual

appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property in the Village, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable, to the extent the necessary funds are not provided from other sources.

Section 8. Pending the sale of Bonds herein authorized, the temporary use of funds from the Village's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. This Resolution shall constitute the declaration of the Village's "official intent" to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2.

Section 9. This resolution is adopted subject to a permissive referendum pursuant to Section 36.00 of the Local Finance Law and Section 9-900 of the Village Law. The Village Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 10. When effective, this Resolution shall be published by the Village Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the official newspapers of the Village. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution is adopted subject to permissive referendum.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Trustee Hogenkamp commented that the water line is deteriorated on 20A and breaks are more frequent and difficult to fix, and the cost of repair is increasing.

The next regular meeting is scheduled for June 26, 2017.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn at 7:25 p.m.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Hogenkamp
Trustee Reuter
Trustee McNatty

Respectfully submitted

Mary Beth Jensen
Village Clerk-Treasurer