

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, **October 23, 2017** in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 7:02 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 Jonathan E. McNatty

Others present:

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

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 input on Local Law #1, 2017. Mayor Clinton opened the hearing at 7:04 and gave a brief explanation of the Local Law and directed the audience to handouts on the rail with details of the revisions.

Mayor Clinton asked three times for positive comments and three times for comments in opposition of the Local Law. There were no comments.

Moved by Trustee Hogenkamp, seconded by Trustee McNatty to close the hearing at 7:06 pm.

On the question:	3 voting “Aye” Trustee Hartung Trustee Hogenkamp Trustee McNatty	0 voting “Nay”	Carried
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Moved by Trustee Hartung, seconded by Trustee McNatty that the following be adopted:  
Local Law No 1 of the Year 2017

**SECTION 1:**

Amending §225 ZONING to the Village of Orchard Park Municipal Code as follows:

§225-18 Signs

D. Prohibited signs. The following signs are prohibited:

(4) Signs attached to light standards or utility poles or placed on public property or placed on public rights-of-way.

L. Unsafe and unlawful signs.

(2) Whenever the Code Enforcement Official shall find that any sign regulated by this chapter is in violation of any of the provisions of this chapter or is being erected, constructed, relocated or created without a permit as required by this section, he or she shall prepare a notice, in writing, advising as to violation of this chapter and directing the owner of the premises upon which the sign is located to remove the said sign within 10 days from the date of said notice, and shall mail a copy on the same day as the date thereof to such owner of the premises upon which the sign is located at his or her address as shown on the assessment roll of the Village of Orchard Park, and shall file a copy of such notice in the office of the Village Clerk-Treasurer on the same day. In the event the sign is not so removed within the time specified in the notice, the Village Board may cause such sign to be removed and shall assess the expense of such removal against the land or the building on which such sign is located.

(4) Signs attached to light standards or utility poles or placed on public property or placed on public rights-of-way are subject to immediate removal and disposal by members of the general public.

SECTION 2:

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:                    3 voting "Aye"                    0 voting "Nay"                    Carried  
Trustee Hartung  
Trustee Hogenkamp  
Trustee McNatty

A second Public Hearing was scheduled and advertised for this time to hear public input on Local Law #2, 2017. Mayor Clinton opened the hearing at 7:09 and gave a brief explanation of the Local Law.

Mayor Clinton asked three times for positive comments and three times for comments in opposition of the Local Law. There were no comments.

Moved by Trustee McNatty, seconded by Trustee Hartung to close the hearing at 7:10 pm.

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

Moved by Trustee Hogenkamp, seconded by Trustee McNatty that the following be adopted:

Local Law No 2 of the Year 2017

SECTION 1:

Amending §141 LITTERING to the Village of Orchard Park Municipal Code as follows:

§141-1 Littering prohibited.

No person shall sweep, throw, cast, drop, put or place, or having accidentally dropped, fail to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper, or any other trash or litter, in or upon any public street, place, park, or building, except in receptacles provided for such purposes or to permit any person under his or her control or employ to do the same. Litter includes signs attached to light standards or utility poles or placed on public property or placed on public rights-of-way and are subject to immediate disposal.

SECTION 2:

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:            3 voting "Aye"            0 voting "Nay"            Carried  
Trustee Hartung  
Trustee Hogenkamp  
Trustee McNatty

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to accept the minutes of October 2, 2017 as presented.

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

Moved by Trustee Hartung, seconded by Trustee McNatty that the vouchers numbering 1840 to 1885 in Abstract #8 of 2017-2018 in the amount of \$173,978.67 be paid as presented.

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

Comments from the floor of items not on the agenda.

- Nancy Damin (13 Edgewater Dr) inquired if the Village had funds to paint the train viaduct on South Buffalo St.
  - Mayor Clinton explained that the bridge is owned by the Railroad so Village funds cannot be used. Permission would need to be given from the Railroad and the NYSDOT. Mayor Clinton conveyed her support for the project and offered her assistance. She will be posting information on the Village Website to start up a citizens group; with more information to begin the project.
- Howard Rost (300 S Lincoln Ave) commented that historically the train viaduct is tagged and if it is painted this should be anticipated.

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

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

Trustee Hartung  
Trustee Hogenkamp  
Trustee McNatty

- Code Enforcement Officer James Larivey had nothing to report.
- Director of Public Works Murphy had nothing to report.
- Trustee McNatty had nothing to report.
- Deputy Mayor Hartung reminded everyone that Halloween is a week away. The Village Trick or Treat hours are 5-8pm on October 31. He alerted drivers to be aware of children walking around during that time.
- Trustee Hogenkamp reported that he is compiling a list of 15-20 street lights that are out in the Village and he will report them to NYSEG. Also, plans are underway for the upcoming Holiday in the Park celebration.
- Clerk Treasurer Jensen had nothing to report.
- Attorney Marshall had nothing to report.
- Mayor Clinton reported that updates on the Waterline and Water Meter Replacement projects can be found on the Village Website.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that a public hearing be scheduled and advertised for December 11, 2017 to hear public comment on Local Law #3 of 2017, amending Chapter 187 of the Village of Orchard Park Municipal Code.

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

The Village had anticipated awarding the contract for installation of the new water meters, but there are still unanswered questions. In consideration of the of the Village's best interests, the award will be delayed until the next Village Board meeting.

The next regular meeting is scheduled for November 13, 2017.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to adjourn at 7:21pm.

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

Respectfully submitted

Mary Beth Jensen  
Village Clerk-Treasurer