

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, December 11, 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 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
Attorney Philip M. Marshall

Members excused:

Trustee William D. Reuter

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 #3, 2017. Mayor Clinton opened the hearing at 7:02 and gave a brief description of the Local Law, explaining that the wording in the sections of the code are being revised, as recommended by attorneys.

Mayor Clinton asked three times for comments on behalf of the Local Law. There were none.

Mayor Clinton asked three times for comments in opposition of the Local Law.

- Kevin Moran (55 Princeton Place) spoke against the added responsibility the law seems to impose on the property owners.
 - Attorney Marshall explained that the property owner’s responsibility for sidewalks is not new, but the revisions to the law will help assure the homeowner’s insurance will provide coverage if needed.

Moved by Trustee Hartung, seconded by Trustee McNatty to close the hearing at 7:14 p.m.

On the question:	3 voting “Aye” Trustee Hartung Trustee Hogenkamp Trustee McNatty	0 voting “Nay”	Carried
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Moved by Trustee Hogenkamp, seconded by Trustee Hartung that the following be adopted:

Local Law No: 3 of the Year 2017

Amending the Village of Orchard Park Municipal Code §187 Streets and Sidewalks

Be it enacted by the Board of Trustees of the Village of Orchard Park as follows:

SECTION 1:

Amending §187 Streets and Sidewalks of the Village of Orchard Park Municipal Code as follows:

§187-12 Construction and repair of sidewalks

Adding:

A. The owner or occupant of any premises adjoining any street where a sidewalk has been laid shall maintain and keep the sidewalk on such street in good repair and in a safe condition.

B. The owner and occupant shall be jointly and severally responsible for compliance with the provisions of this chapter. Said responsibility shall include liability for injuries that result from failure to maintain, repair and keep said sidewalk and/or walkway in a safe condition.

Renumbering

C. The Board of Trustees of the Village of Orchard Park, New York, may construct and repair sidewalks upon the streets within the Village wholly at the expense of the Village or of the owners of the adjoining property, or partly at the expense of the Village and partly at the expense of said owners of adjoining land, and may prescribe the manner of doing such work and the kind of materials to be used therein. If a sidewalk is so required to be constructed or repaired wholly at the expense of the owners of the adjoining lands, a notice specifying the place and manner and the time, not less than 24 hours in the case of repairs to existing sidewalks concerning which the Board of Trustees has received notice that the same are unsafe, dangerous or obstructed, or not less than 15 days in the case of construction of new sidewalks or the repair of existing sidewalks concerning which the Board of Trustees has received no notice that the same are unsafe, dangerous or obstructed, within which said sidewalk is required to be constructed or repaired, shall be served upon such owners. If an owner shall not construct or repair the sidewalk as required by the notice, the Board of Trustees may cause the same to be so constructed or repaired and assess the expense thereof upon the adjoining land. If a sidewalk is to be constructed or repaired at the joint expense of the Village and the owner, the Board of Trustees may cause the same to be constructed or repaired and assess upon the adjoining land the proportion of the expense chargeable against the same. All grading done on sidewalks laid or repaired by the owners of the adjoining land shall be in accordance with the specifications and under the direction and supervision of the Board of Trustees. The Board of Trustees may issue bonds of the Village to defray the expense of any such work or improvement. (NOTE: See also § 187-24, Construction specifications.)

§187-13 Cleaning Sidewalks

Adding the following at the end of the current paragraph:

The owner and occupant shall be jointly and severally responsible for compliance with the provisions of this chapter as to cleaning sidewalks. Said responsibility shall

include liability for injuries that result from failure to clean sidewalks.

§187-14 Construction and repair of sidewalks

Adding:

D. The owner and occupant shall be jointly and severally responsible for compliance with the provisions of this chapter as to snow and ice. Said responsibility shall include liability for injuries that result from failure to remove snow, ice or other obstructions therefrom.

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 November 27, 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 1942 to 1976 in Abstract #11 of 2017-2018 in the amount of \$61,366.19 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:

- Kevin Moran (55 Princeton Place) was not able to attend the informational meeting the Village held on the meter replacement project. He inquired if properties using boilers for heat were considered.
 - Trustee Hartung responded that when scheduling his meter change out with 4th Generation, he should make his appointment one of the last ones.

Reports:

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 November 2017 be received and filed.

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

- Legislator John Mills reported that Erie County passed their budget with a reduced tax rate. The budget includes funds to fix bridges, resolve drainage issues and investments into the local community. He commented that Government at the

lower level works best as higher level government loses touch with its constituents. He provided literature on the Yellow Dot Program, Scenic Byways and an area fishing guide. He encouraged the students in attendance to get involved in their community.

- Director of Public Works Murphy had nothing to report.
- Deputy Mayor Hartung reported that it is illegal to push snow across the Village roads and also to store snow in the Village right of way.
- Trustee Hogenkamp reported on the success of the Holiday in the Park events.
- Trustee McNatty had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Attorney Marshall reported that the Holiday in the Park events are not paid for with tax dollars, but by donations.
- Mayor Clinton had nothing to report.

Moved by Trustee McNatty, seconded by Trustee Hogenkamp, that pursuant to the Uniform Justice Court Act §2019(a) the Village Board has completed an audit of the records of the Village Justice and found them to be properly accounted for and in order.

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 pursuant to Village Law §4-408(e) the Village Board has completed an audit of the records and annual report of the Village Treasurer and found them to be properly accounted for and in order.

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 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 Hartung or Mayor Clinton.

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

The next regular meeting is scheduled for January 8, 2018.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to adjourn at 7:39 p.m.

Respectfully submitted

Mary Beth Jensen, Village Clerk-Treasurer