

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, September 10, 2018 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
Trustee Shannon S. Fuhrman

Others present:

Dir. Of Public Works Michael P. Murphy
Clerk-Treasurer Mary Beth Jensen
Attorney Philip M. Marshall
Code Enforcement Officer John Gullo
(after appointment)

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 joint meeting of the Town and Village of Orchard Park was scheduled and advertised for this time to hear a petition by George and Daniel Khangi for the annexation of parcel 172.20-1-24 from the Town of Orchard Park to the Village of Orchard Park.

Mayor Clinton welcomed Town Board members Patrick Keem, Supervisor, Councilman Majchrzak, Councilman Sherry and Deputy Town Clerk Swarbrick.

Mayor Clinton explained that the reason the two boards are meeting together is to hear the petition for an annexation of a parcel from the Town into the Village. Mayor Clinton opened the public hearing and asked for a representative to present the petition.

- Jim Bammel, Architect, represented the Khangis explaining that the reason for requesting the annexation is because the property adjacent to the west of the Beerz store, on Armor Road, is owned by the Khangis and a small portion is in the Town (about 10% of the property). They plan to build a small addition onto the Beerz store and it encroaches onto this adjacent property. They feel it would be smart to annex the Town portion into the Village now and deal with only one entity.

Mayor Clinton then asked 3 times if there was anyone who would like to speak on behalf of the annexation and 3 times if there was anyone who would like to speak against the annexation. There were no comments.

Moved by Trustee Hogenkamp , seconded by Trustee McNatty that the hearing be closed at 7:03 p.m.

On the question:	7 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hartung		
	Trustee Hogenkamp		
	Trustee McNatty		
	Trustee Fuhrman		
	Supervisor Keem		
	Councilman Majchrzak		
	Councilman Sherry		

Moved by Trustee Fuhrman, seconded by Trustee McNatty that

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Village Board of the Village of Orchard Park, New York (the "Village") on July 16, 2018, for the annexation of certain territory in the Town to the Village of Orchard Park, New York (the "Village"), said territory being described in said petition which is annexed hereto as Exhibit A, and

WHEREAS, a joint hearing of the Village Board of the Village and the Town Board of the Town of Orchard Park, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Municipal Building on September 10, 2018 at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Village Board of the Village has duly considered said petition and the evidence presented at said hearing,

NOW THEREFORE, BE IT RESOLVED that the Village Board of the Village finds as follows:

1. That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest that:
 - a. The property is using Village water.
 - b. The majority of the property is located within Village lines.
 - c. In order to perform repairs and improvements on the property it needs to be located within one jurisdiction.

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Village Board of the Village is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition (Exhibit A) to the Village.

On the question:	3 voting "Aye"	0 voting "Nay"	1 recused	Carried
	Trustee Hogenkamp		Trustee Hartung	
	Trustee McNatty			
	Trustee Fuhrman			

Mayor Clinton asks for a motion from the Town Board.

Moved by Councilman Majchrzak, seconded by Councilman Sherry that

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Town Board of the Town of Orchard Park, New York on July 16, 2018, for the annexation of certain territory in the Town to the Village of Orchard Park, New York (the "Village"), said territory being described in said petition which is annexed hereto as Exhibit A, and

WHEREAS, a joint hearing of the Village Board of the Village and the Town Board of the Town of Orchard Park, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Municipal Building on September 10, 2018 at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Orchard Park Town Board has duly considered said petition and the evidence presented at said hearing,

NOW THEREFORE, BE IT RESOLVED that the Orchard Park Town Board finds as follows:

1. That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is in the overall public interest that:
 - a. Majority of the property is in the Village.
 - b. Majority of property is using Village services, such as water.
 - c. Changes and improvements cannot be made until the property is in one jurisdiction.

NOW, THEREFORE, IT IS ORDERED that the consent and approval of the Orchard Park Town Board is hereby given to the annexation of the territory now situated in the Town and described in the aforesaid petition (Exhibit A) to the Village.

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

Supervisor Keem
Councilman Majchrzak
Councilman Sherry

The meeting was closed and the Town Board members were excused.

Mayor Clinton asked for a two minute recess in order to reset the room.

A public hearing was scheduled and advertised for this time regarding the use of the 2019-2020 Community Development Block Grant funds.

Mayor Clinton explained that the grant is from Erie County and in the past the Village has been awarded grant monies to have handicapped parking spaces installed.

This hearing is an opportunity for public comments or ideas for projects we can apply for. The Village always applies for funding for the Rural Transit Service, transit service for seniors.

Mayor Clinton opened the meeting at 7:12 p.m.

Mayor Clinton asks 3 times for positive comments or ideas for the grant.

She asks 3 times for comments in opposition of the Rural Transit System project.

There were no comments.

Moved by Trustee Hartung seconded by Trustee Hogenkamp to close the hearing at 7:13 p.m.

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

Moved by Trustee Hogenkamp, seconded by Trustee Fuhrman to authorize Mayor Clinton to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG.

1. Rural Transit Service, Inc.

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

Because of a recent change in the law regarding annexation, the Public Hearing scheduled at this time for Local Law #1, 2018 was cancelled.

Moved by Trustee McNatty, seconded by Trustee Hartung to accept the minutes of August 13, 2018 as presented.

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

Moved by Trustee Hartung, seconded by Trustee McNatty that the vouchers numbering 2409 to 2456 in Abstract #5 of 2018-2019 in the amount of \$685,166.07 be paid as presented.

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

Comments from the floor of items not on the agenda.

- Patricia Justicia-Linde (40 Canterbury Ct)
 - Extended best wishes to the newly hired Building Inspector.
 - Respectfully asked that whatever decisions made regarding the issues the neighbors are having on Canterbury Ct be communicated.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the reports of the Village Justice, Associate Village Justice, Water Department and Treasurer for the month of August 2018 be received and filed.

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

- Director of Public Works Murphy had nothing to report.
- Trustee McNatty had nothing to report.
- Deputy Mayor Hartung cautioned drivers to be aware of kids crossing the streets and school buses stopping now that school has started back up again. Also he suggested drivers take extra caution now that it's getting dark earlier in the morning.
- Trustee Hogenkamp had nothing to report.
- Trustee Fuhrman had nothing to report.
- Clerk Treasurer Jensen welcomed Jill Gebhard to the Village Office staff.
- Mayor Clinton reported that
 - The Village has received two resumes for the position openings on the Planning and Zoning Boards. Those individuals will be contacted for interviews, but the Village is still looking for interested people to serve on these boards.
 - The home at 345 Hillside was damage by fire in 2017. No repairs were made to the property and the structure was deemed unsafe. Notice was

given to the homeowner, who lives out of state and he had it demolished.

Mayor Clinton appointed John Gullo Village Code Enforcement Officer.

Moved by Trustee McNatty, seconded by Trustee Hartung that the Mayor's appointment be approved and John Gullo be appointed Code Enforcement Officer until the next organizational meeting on April 8, 2019.

On the question: 3 voting "Aye" 1 voting "Nay" 1 recused Carried
 Trustee Hartung Trustee Fuhrman Trustee Hogenkamp
 Trustee McNatty
 Mayor Clinton

Moved by Trustee Fuhrman, seconded by Trustee Hogenkamp that a public hearing be scheduled and advertised for October 1, 2018 at 7:00 p.m. to hear public comment on Local Law #2, 2018, Annexation of 172.20-1-24 to the Village.

On the question: 3 voting "Aye" 0 voting "Nay" 1 Recusal Carried
 Trustee Hogenkamp Trustee Hartung
 Trustee McNatty
 Trustee Fuhrman

Moved by Trustee Hartung, seconded by Trustee Fuhrman, 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: 4 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Hogenkamp
 Trustee McNatty
 Trustee Fuhrman

Moved by Trustee Hogenkamp, seconded by Trustee Fuhrman, that the Village Board meeting scheduled for October 8, 2018 be cancelled due to the Columbus Day Holiday.

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

Moved by Trustee McNatty, seconded by Trustee Hartung that the following be declared surplus and Director Murphy be authorized to sell them at auction.

- 1 set of Steel Tracks

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

Moved by Trustee Fuhrman, seconded by Trustee McNatty that a public hearing be scheduled and advertised for October 1, 2018 to amend Article 225 of the Municipal Code with respect to exhibit A, as described in the annexation petition to reflect that said property commonly known as 6461 Armor Duells Road be rezoned to B-1 and that said amendment be referred to the Planning Board for report.

On the question: 3 voting "Aye" 0 voting "Nay" 1 Recusal Carried
Trustee Hogenkamp Trustee Hartung
Trustee McNatty
Trustee Fuhrman

The next regular meeting is scheduled for October 1, 2018.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn at 7:23 p.m.

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

Respectfully submitted

Mary Beth Jensen
Village Clerk-Treasurer