

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 1, 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 Shannon S. Fuhrman

Others present:

Dir. Of Public Works Michael P. Murphy
Clerk-Treasurer Mary Beth Jensen
Code Enforcement John Gullo

Members excused:

Trustee Jonathan E. McNatty

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 at this time to hear public input on Local Law #2, 2018. Mayor Clinton opened the hearing and explained that this completes the annexation of the parcel identified as 172.20-1-24 from the Town into the Village of Orchard Park.

Mayor Clinton asked three times for positive comments regarding Local Law #2, there were none.

Mayor Clinton asked three times for comments in opposition of Local Law #2.

- Kenneth Holmes (6447 Armor Duells Road) explained that he lives next to the property and would prefer that it not be rezoned. There are other commercial properties available.
 - Mayor Clinton explained that this hearing is for comments regarding the annexation of the parcel from the Town of Orchard Park to the Village.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to close the public hearing at 7:04 p.m.

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

WHEREAS a petition for the annexation of territory from the Town of Orchard Park, County of Erie, State of New York to the Village of Orchard Park, County of Erie, State of New York by George Khang and Daniel Khang was presented to the Village of Orchard Park on July 16, 2018.

WHEREAS a joint public hearing and meeting with the Village of Orchard Park Board of Trustees and the Town Board of Orchard Park was held at 4295 South Buffalo Street, Orchard Park, New York, the meeting published in the Orchard Park Bee, and

WHEREAS the owners of the property were present along with the Village Board members Mayor Jo Ann Litwin Clinton, Deputy Mayor Matthew Hartung, Trustee Francis Hogenkamp, Trustee Jonathan McNatty and Trustee Shannon Fuhrman. Present for the Town of Orchard Park were Supervisor Patrick Keem, Councilman Eugene Majchrzak and Councilman Michael Sherry.

WHEREAS the annexation for the parcels referenced above and shown in the attached legal description was approved unanimously by both the Village and Town Boards. Certified copies of the minutes and legal description are attached.

NOW, THEREFORE BE IT RESOLVED the parcel on Armor Duells Road 172.20-1-24 and owned by George Khangis and Daniel Khangis is annexed into the Village of Orchard Park. The Village Clerk will file this information with the Town Clerk, County Clerk and Secretary of State.

This local law shall take effect immediately upon filing with the Secretary of State.

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

A Public Hearing was scheduled and advertised at this time to hear input on proposed amendment to Article 225 of the Village Municipal Code. Mayor Clinton explained that the amendment will add the newly annexed parcel 172.20-1-24 to the Village Zoning map as B-1 and rezone 172.16-4-19 to B-1; and asked a representative for the petitioner to step forward and explain the plans.

- James Bammel, architect for the project explained that the Khangis are planning to add onto their existing building, constructing a 20' x 20' storage area, which will extend 15' into the adjacent property to the west.
- Mr. Bammel answered questions from neighbors:
 - No additional parking is planned.
 - The existing trees will remain.
 - The addition will be 60' away from the property owned by the Holmes'.
 - The addition's proximity to Armor Rd will be behind the existing fence.

Mayor Clinton opened the Public Hearing at 7:10 p.m. She asked three times for positive comments regarding the proposed amendment to Article 225. There were no comments. Mayor Clinton asked three times for comments in opposition.

- Sonia Loveless (6450 Armor Duells Road)
- Kenneth Holmes (6447 Armor Duells Road)

Comments included:

- Condition of the home the Khangis own on at 6461 Armor Road is disconcerting.
- Concern that the rezoning would allow the property to become a parking lot.

Moved by Trustee Hogenkamp, seconded by Trustee Fuhrman to close the public hearing at 7:15 p.m.

On the question:	3 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee Fuhrman	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Hogenkamp to amend Article 225 of the Municipal Code, to rezone property commonly known as 6461 Armor Duells Road, including S.B.L. #172.16-4-19 and S.B.L. #172.20-1-24, upon annexation, to B-1. Referral of Amendment to Article 225 to the Village Planning Board and conditional upon the Planning Board's approval.

On the question:	3 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee Fuhrman	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Fuhrman to accept the minutes of September 10, 2018 as presented.

On the question:	3 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee Fuhrman	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the vouchers numbering 2457 to 2492 in Abstract #6 of 2018-2019 in the amount of \$349,307.41 be paid as presented.

On the question:	3 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee Fuhrman	0 voting "Nay"	Carried
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Comments from the floor of items not on the agenda:

- Howard Rost (300) South Lincoln Avenue commented that drivers are not stopping for pedestrians in the crosswalks.

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

- Code Enforcement Officer John Gullo had nothing to report.
- Director of Public Works Murphy reported that leaf machines are being prepared to start collecting after the Columbus Day Holiday. Please separate leaf piles from brush piles.
- Deputy Mayor Hartung had nothing to report.
- Trustee Hogenkamp reminded residents to be sure that nothing but leaves are in the piles, as other debris can cause costly damage to the machines.
- Trustee Fuhrman had nothing to report.

- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton reported that she has been contacted about the rocks around the Middle School property. They were put there by the school district, which does not need permission from the Village.

Mayor Clinton commented that the lights in the DPW garage need to be replaced and there is a grant that will offset part of the cost. Lime Energy is the vendor chosen by NYSEG.

Moved by Trustee Fuhrman, seconded by Trustee Hartung to authorize Mayor Clinton to sign an agreement with Lime Energy Services Co. to retrofit energy efficient lighting in the Department of Public Works Garage at 100 West Highland Avenue. The cost of the project is \$12,241.45, less a contribution from NYSEG of \$7,790.78.

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

Moved by Trustee Hogenkamp, seconded by Trustee Fuhrman to authorize the following budget adjustments in the 2018-2019 fiscal year:

- Create a new Capital Project "Energy Efficient Lighting 100 West Highland" and Increase Capital Expenditures by \$12,241.45
- Increase Capital Revenue by \$7,790.78 for NYSEG Energy Efficiency Grant
- Decrease Capital Expense HH-65193 (Princeton Place Park and Ride project) by \$2,000
- Decrease Capital Expense HH-65192-200 (Meadowbrook Paving project) by \$4,809.60
- Increase Capital Expense HH-65192-400 (Meadowbrook Fuel) by \$135.82
- Increase Capital Expense HH-65191-100 (Hillside Payroll) by \$1,338.26
- Decrease Capital Expense HH-65191-200 (Hillside Contractual) by \$1,410.63
- Increase Capital Expense HH-65191-400 (Hillside Fuel) by \$72.37
- Increase Capital Expense HH-65192-100 (Meadowbrook Payroll) by \$2,223.11
- Increase Capital Expense HH-65542-100 (20A Waterline Payroll) by \$3,000
- Decrease Capital Expense HH-65542-200 (20A Waterline Contractual) by 3,000.
- Increase Capital Expense HH-67124-200 (Stonehenge Drainage Contractual) by \$2,800.
- Decrease Capital Expense HH-67124-100 (Stonehenge Drainage Payroll) by \$2,800.
- Increase General Expense AA-61010-400 (Trustee Contractual) by \$1,100
- Increase General Revenue AA-42770 (Other Unclassified) by \$1,100.

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

The next regular meeting is scheduled for October 22, 2018.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn at 7:27 p.m.

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

Respectfully submitted

Mary Beth Jensen
Village Clerk-Treasurer

Deputy Mayor Matthew J. Hartung
Francis T. Hogenkamp

CLERK-TREASURER
Mary Beth Jensen

DEPUTY CLERK-TREASURER
Kelly Stressinger

DIRECTOR OF PUBLIC WORKS
Michael P. Murphy



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JO ANN LITWIN CLINTON, Mayor

Jonathan E. McNatty
Shannon S. Fuhrman

CODE ENFORCEMENT OFFICER

VILLAGE ATTORNEY
Philip M. Marshall

VILLAGE JUSTICE
Daniel B. Kane

At a joint meeting of the Board of Trustees of the Village of Orchard Park and the Town Board of the Town of Orchard Park, held in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York, on the 10th day of September 2018, a quorum being present, the following resolution was adopted:

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			

State of New York)
County of Erie) SS:
Village of Orchard Park)

This is to certify that I, Mary Beth Jensen, Clerk of the Village of Orchard Park in said County of Erie, have compared the attached copy of a resolution with the original resolution now on file in this office, and which was passed by the Village of Orchard Park Board of Trustees in said County of Erie, on the 10th day of September and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of the said Village this 14th day of September 2018.

Mary Beth Jensen
Clerk Treasurer
Village of Orchard Park
Erie County, New York

Deputy Mayor Matthew J. Hartung
Francis T. Hogenkamp

CLERK-TREASURER
Mary Beth Jensen

DEPUTY CLERK-TREASURER
Kelly Stressinger

DIRECTOR OF PUBLIC WORKS
Michael P. Murphy



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JO ANN LITWIN CLINTON, Mayor

Jonathan E. McNatty
Shannon S. Fuhrman

CODE ENFORCEMENT OFFICER

VILLAGE ATTORNEY
Philip M. Marshall

VILLAGE JUSTICE
Daniel B. Kane

At a joint meeting of the Board of Trustees of the Village of Orchard Park and the Town Board of the Town of Orchard Park, held in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York, on the 10th day of September 2018, a quorum being present, the following resolution was adopted:

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.

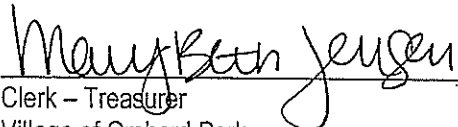
On the question: 3 voting "Aye" 0 voting "Nay" Carried

Supervisor Keem
Councilman Majchrzak
Councilman Sherry

State of New York)
County of Erie) SS:
Village of Orchard Park)

This is to certify that I, Mary Beth Jensen, Clerk of the Village of Orchard Park in said County of Erie, have compared the attached copy of a resolution with the original resolution now on file in this office, and which was passed by the Town of Orchard Park in said County of Erie, on the 10th day of September and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of the said Village this 14 day of September 2018.


Clerk - Treasurer
Village of Orchard Park
Erie County, New York

DESCRIPTION

All that tract or parcel of land, situate in the Village and Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 13, Township 9, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point in the center line of Armor Road, distant 114.50 feet westerly from the intersection of said center line of Armor Road with the center line of Chestnut Ridge Road (also known as Orchard Park Road), at the northwesterly corner of lands conveyed to Harold Naab and Floyd Naab by deed recorded in the Erie County Clerk's Office in Liber 2916 of Deeds at page 423; running thence southerly along the westerly line of lands so conveyed to Harold Naab and Floyd Naab, 130.66 feet to a point in a line drawn parallel with said center line of Armor Road and distant 130 feet southerly therefrom, as measured on a line drawn at right angles thereto; thence westerly along said line so drawn parallel with the center line of Armor Road, 49.88 feet; thence southerly at right angles 120 feet, more or less to the northerly line of lands conveyed to Herman A. Zell by deed recorded in the Erie County Clerk's Office in Liber 1884 of Deeds at page 70; thence westerly along said northerly line of lands so conveyed to Herman A. Zell, 38.34 feet, more or less, to the westerly line of lands conveyed to Eva M. Naab by deed recorded in the Erie County Clerk's Office in Liber 1998 of Deeds at page 70; thence northerly along said westerly line of lands so conveyed to Eva M. Naab, 250 feet, more or less, to the center line of Armor Road; thence easterly along said center line of Armor Road, 87.42 feet to the point or place of beginning.

Exhibit A