

Minutes
Joint Public Hearing
Village and Town of Orchard Park

The joint meeting of the Board of Trustees of the Village of Orchard Park and the Town Board of Orchard Park was held Wednesday, March 2, 2011 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Wilson called the meeting to order at 6:00 p.m. with the Pledge of Allegiance to the Flag.

Village Board Members present:

Mayor John B. Wilson
Trustee Francis T. Hogenkamp
Trustee Joseph R. Wales
Trustee David A. Rood
Trustee Jo Ann Litwin

Town Board Members present:

Supervisor, Janis Colarusso
Councilperson David Kaczor
Councilperson Edward Graber Jr
Councilperson Nancy Ackerman
Councilperson Eugene Majchrzak

Others Present:

Attorney John Bailey
Clerk-Treasurer Mary Beth Jensen

Attorney Leonard Berkowitz

Mayor Wilson 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."

Mayor Wilson explained that the owner of the property at 4135 N Buffalo Road where Bauers Automotive is, would like to annex the portion of this property that currently is in the Town, into the Village.

Jennifer Bergner was called upon to present her petition. Attorney Bailey asked her if she signed the petition and if she was the representative as sole land owner. She responded, "yes".

Jennifer Bergner explained that she is requesting the annexation because her property is divided into two parcels, one in the Town, the other in the Village, she would like them both to be in the Village. She confirmed that it is her request to do so.

Councilperson Kaczor questioned the differences in the maps he was viewing, one a tax map and the other a survey submitted with the petition. It was agreed that although slightly different, the Town portion of the property was larger than the Village portion on both. Councilman Kaczor wants to be cautious in granting this annexation, he expressed his concern that it will have a domino affect.

It was established that the water service is provided by the town and the property is in Sewer District 18, serviced by Erie County Sewer. It is located on a state highway serviced by the NYSDOT. The property is contiguous with the Village Business District as far as sidewalks and lighting are concerned. The Village and Town assessments are the same.

Supervisor Colarusso asked what the Town would lose if the property were to be annexed into the Village. Attorney Berkowitz stated that it would be minimal, a small

difference in the highway tax on their town tax bill.

Jennifer Bergner was asked if she analyzed the tax benefits and she replied that there was a small difference and she was not looking for a tax advantage in pursuing this annexation.

David Bergner explained that the sewer line runs underneath his building and it is collapsing. They are considering realigning it.

Mayor Wilson asked if there were any other questions or comments. Trustee Hogenkamp commented that he hoped that the town and village can work together and handle each case individually.

Mayor Wilson then asked three times if there was anyone who would like to speak in favor of the petition and three times if there was anyone who would like to speak against the petition.
There were none.

Mayor Wilson closed the hearing.

Mayor Wilson called for a motion from the Town Board.

Moved by Supervisor Colarusso, seconded by Councilperson Kaczor that the Town Board of Orchard Park make the following conclusions relative to the Petition of Annexation dated December 28, 2010 and signed by Jennifer Bergner for that part of the property referenced therein that is presently located only in the Town of Orchard Park:

1. The signatures on the Petition presented are genuine and are those of people qualified to sign such a Petition under applicable New York State Law.
2. One hundred percent of the landowners affected by the amendment and more than twenty percent of the residents in the area affected by the Annexation have signed the Petition.
3. The Proposed Annexation is in the overall public interest in that it allows the Village of Orchard Park to provide general public services to the property involved and eliminates the splitting of the property between Town and Village.
4. The Town of Orchard Park Hereby approves the requested annexation to the Village of Orchard Park.

On the Vote:

Supervisor Janis Colarusso	Aye
Councilperson Nancy Ackerman	Aye
Councilperson David Kaczor	Nay
Councilperson Eugene Majchrzak	Aye
Councilperson Edward Graber, Jr	Aye

On the Vote: 4 voting "Aye" 1 voting "Nay" Carried

Councilperson Kaczor asked to explain his position. He did not have the proper delineations of the parcels. Wanting to become part of the Village is not sufficient

reasoning. It will be difficult to honor requests if more properties petition to annex. He is not against the petition, but is concerned over the domino effect it might have. He realizes that the Village offers tremendous services.

Mayor Wilson called for a motion from the Village Board.

Moved by Trustee Rood, seconded by Trustee Wales that the Village Board of Orchard Park make the following conclusions relative to the Petition of Annexation dated December 28, 2010 and signed by Jennifer Bergner for that part of the property referenced therein that is presently located only in the Town of Orchard Park:

1. The signatures on the Petition presented are genuine and are those of people qualified to sign such a Petition under applicable New York State Law.
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4. The Village of Orchard Park hereby approves the requested annexation to the Village of Orchard Park.

On the Vote:

Mayor John B Wilson	Aye
Trustee Francis T Hogenkamp	Aye
Trustee Joseph Wales	Aye
Trustee David A Rood	Aye
Trustee Jo Ann Litwin	Aye

On the Vote: 5 voting "Aye" 0 voting "Nay" Carried

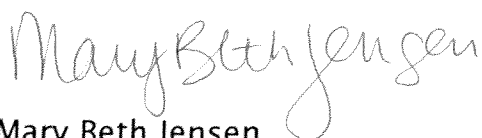
Both the Village Board and Town Board agree that the petition be accepted.

Supervisor Colarusso suggested that should there be another petition for annexation, the boards should meet and talk ahead of time to get a better handle on it.

Moved by Mayor Wilson, seconded by Trustee David Rood to adjourn at 6:30 p.m.

On the Vote: 10 voting "Aye" 0 voting "Nay" Carried

Respectfully submitted



Mary Beth Jensen
Clerk - Treasurer
Village of Orchard Park