

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, July 10, 2023 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 Lauren Kaczor Rodo
Trustee Dale T. Pyne
Trustee David N. Even

Others present:

Clerk-Treasurer Mary Beth Jensen
Code Enforcement Officer John Gullo
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 comment on a proposed Local Law amending Chapter 169 of the Village Code. Mayor Clinton opened the hearing at 7:01 p.m., explaining that this is an amendment to the code, revising the section regarding brush, grass and weeds.

Mayor Clinton asked 3 times for comments in favor. There were none.

Mayor Clinton asked 3 times for comments in opposition. There were none.

Moved by Trustee Even, seconded by Trustee Kaczor Rodo to close the hearing at 7:02 p.m.

On the question: 4 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that proposed Local Law #10, 2023 be approved:

SECTION I: Amend 169-2 to read:

It shall be the duty of the owner or occupant of any real property located within the Village of Orchard Park to cut, trim, remove or cause to be cut, trimmed or removed from said lot, plot or property or any portion thereof, all brush thereon, so the general height is no greater than (6) six inches during the months of May through October of each year and to remove from such real property any accumulation of rubbish or trash thereon.

SECTION II: Effective date.

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

On the question: 4 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung

Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

A public hearing was scheduled and advertised for this time to review a Special Use application for Cork and Vine to have an eating and drinking establishment at 4211 N Buffalo St.

Mayor Clinton opened the special use hearing at 7:03 p.m. She asked for a representative of the petitioner to explain the request.

- Mark and Christine Szematowicz (17 Fairway Dr)
 - Owners of Brierwood Wine-Spirit Shoppe
 - Seek to open a wine bar with the same business model they have established ... customer service, wide selection, fair prices
 - Will serve small plates, but not cook on them on-site
 - Use the counter for service
 - Hours: Wednesday - Sunday; noon - 10 p.m. (or according to mandated hours)
 - Subleasing from Fatty Eats until their concessions agreement expires (2025), including the liquor license
 - No plans to serve mixed drinks, other than pre-made cocktails in a can/bottle
 - No plans to have live music
 - Same floor plan, other than furniture
 - Focusing on 21-60 age group
- Village Board asked that answers to the following be available when they are before the Planning Board:
 - Seating capacity
 - % sales - liquor vs food

Mayor Clinton relayed a comment received from Jane Meech, co-owner of 4201 N Buffalo Street. She was concerned with parking in her lot and liability issues associated with customers leaving an establishment that serves alcohol. She has experienced damage to her building in the past. Mayor Clinton asked that the Szematowicz's contact their "neighbor" to address her concern.

Mayor Clinton asked 3 times for comments in support of the Special Use request. There were none.

Mayor Clinton asked 3 times for comments opposing the Special Use request. There were none.

Moved by Trustee Hartung, seconded by Trustee Pyne that the Special Use Hearing be closed at 7:17 p.m.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

Mayor Clinton explained that the Village Board will not act on the request until the applicant goes to the Planning Board.

Moved by Trustee Kaczor Rodo, seconded by Trustee Even to accept the minutes of June

26, 2023 as presented.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the vouchers numbering 6464 to 6465 in Batch #189 of fiscal year 2023-2024 in the amount of \$6,794.00 and the vouchers numbering 6466 to 6490 in Batch #190 of fiscal year 2023-2024 in the amount of \$124,491.75 be paid as presented.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

No comments from the floor of items not on the agenda.

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the reports of the Village Justice, Water Department and Treasurer for the month of June 2023 be received and filed.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

- Code Enforcement Officer John Gullo had nothing to report.
- Trustee Kaczor Rodo reported on a free community Yoga event 7/25/23 at 6 p.m. at the Pavilion. Quaker Day events each have their own Facebook page.
- Deputy Mayor Hartung reported on the Ice Cream Social, July 28th behind the Middle School. Food Trucks will be there beginning at 6:00 p.m. Ice Cream will be served from 7-9 p.m. There will be a live band, Tacoma Meltdown, games and activities for kids, a pole-vaulting performance and fireworks at dusk. More information can be found at EverythingOP.com.
- Trustee Pyne had nothing to report.
- Trustee Even reported on the Taste of Orchard Park, Wednesday July 26 from 5:30-9:30 p.m.
- Clerk Treasurer Jensen had nothing to report.
- Attorney Marshall had nothing to report.

- Mayor Clinton reported
 - The ZBA meeting scheduled for July 26 has been moved to July 27th.
 - The Village Board will have a work session on Monday, July 17 at 6:00 p.m. at the Community Center on California Road; with a guest speaking on Climate Smart Communities.

- On July 29 there will be several events in the Village.
 - From 10-2 many trucks will be available for a “Touch a Truck” event. It is a free event, aside from the sale of pizza by the Youth Court and hotdogs by QMB.
 - Annual Street Dance from 7:30 – 10:30 p.m. featuring “Hit and Run”.
- August 25 from noon to 8 p.m there will be a Boutique Crawl. More information to follow.

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that Clerk Jensen be authorize to publish a Notice to Bidders for a Waterline Project on Westview Place.

On the question: 4 voting “Aye” 0 voting “Nay” Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne
 Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that a public hearing be scheduled and advertised for August 14, 2023 at 7 p.m. to hear public comment on a proposed Local Law revising Section 225 of the Village Code.

On the question: 4 voting “Aye” 0 voting “Nay” Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne
 Trustee Even

Moved by Trustee Hartung, seconded by Trustee Pyne that a joint hearing of Town of Orchard Park and the Village of Orchard Park be scheduled for August 16, 2023 at 6:00 p.m. in the Municipal Building to hear public comment on the annexation of certain properties from the Town into the Village; and certain properties from the Village into the Town.

On the question: 4 voting “Aye” 0 voting “Nay” Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne
 Trustee Even

Moved by Trustee Pyne, seconded by Trustee Even that Clerk-Treasurer Jensen be authorized to pay vouchers submitted by the end of July, after review by Mayor Clinton or Deputy Mayor Hartung.

On the question: 4 voting “Aye” 0 voting “Nay” Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne
 Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that Mayor Clinton be authorized to sign a Special Events Contract approving fireworks at the Ice Cream Social on July 28, 2023.

On the question: 4 voting “Aye” 0 voting “Nay” Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne

Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that an employee from the Department of Public Works be authorized to attend Water Operator Training Courses in Jamestown, September 11- 13, 2023, sponsored by the NYS Department of Health. All expenses incidental to the school to be paid by the Village.

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Pyne that two Department of Public Works employees be authorized to attend classes on Cross Connection Devices in Rochester, October 16-19, 2023. All expenses incidental to the school to be paid by the Village.

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

The next regular meeting is scheduled for August 14, 2023.

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo to adjourn at 7:28 p.m.

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

Respectfully submitted,
Mary Beth Jensen, Village Clerk-Treasurer