

Minutes
Village of Orchard Park
Board of Trustees
Town Board 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 on Monday, January 22, 2024 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 6:20 p.m. with the Pledge of Allegiance to the Flag.

Members present:

- Village Mayor Jo Ann Litwin Clinton
- Village Deputy Mayor Matthew J. Hartung
- Village Trustee David N. Even
- Village Trustee Dale T. Pyne
- Village Trustee Lauren Kaczor Rodo
- Town Supervisor Eugene Majchrzak
- Town Councilmember John Mariano
- Town Councilmember Joseph Liberti
- Town Councilmember Scott Honer
- Town Councilmember Julia Mombrea

Members excused:

Others present:

- Village Deputy Clerk-Treasurer Heather Tucciarone Richeal
- Town Attorney Timothy Gallagher

Mayor Clinton 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 Clinton introduced the members of both Boards.

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that

WHEREAS, a resolution, pursuant to General Municipal Article 17, was proposed by the Orchard Park Town Board and the Orchard Park Village Board of Orchard Park, New York on October 4, 2023 and October 23, 2023 respectively, for the annexation of certain territories in the Village of Orchard Park to the Town of Orchard Park, New York, said territories being described in said Exhibit A identified as presented in document titled, Village to Town (A):

- 172.08-2-20 Carrow St
- 172.12-1-71 Duerr Rd
- 172.12-1-70 Duerr Rd
- 162.18-1-1 N Freeman Rd
- 173.09-3-25.112 Highland Court
- 173.09-3-25.12 Highland Court
- 162.18-1-4 7043 E Quaker
- 162.18-1-7 7055 Quaker Rd
- 172.08-2-1 6185 W Quaker St
- 172.08-2-10.3 Thorn Ave
- 161.20-2-1 122 Larned

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 proposals for annexation, according to the law in such cases made and provided, at the Municipal Building on November 13, 2023 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 petitions 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 proposals for annexation substantially comply in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territories in the Village to the Town as described in the aforesaid Exhibit A, power point (A), is in the overall public interest because
 - a. Split properties will no longer be divided by municipal borders.
 - b. Continuity of municipal services.
 - c. Elimination of out of district services.

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 territories now situated in the Village and described in the aforesaid Proposal, Exhibit A, power point (A), to the Town.

On the question: 5 voting "Aye" 0 voting "Nay" Carried
 Mayor Litwin Clinton
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne

Trustee Even

Moved by Trustee Even, seconded by Trustee Hartung that

WHEREAS, a resolution, pursuant to General Municipal Law Article 17, was proposed by the Orchard Park Town Board and the Orchard Park Village Board of Orchard Park, New York on October 4, 2023 and October 23, 2023 respectively, for the annexation of certain territories in the Village of Orchard Park, to the Town of Orchard Park, New York, said territories being described in said Exhibit A identified as presented in document titled, Village to Town (B):

- 27 Fox Meadow Lane 173.06-2-28
- 47 Fox Meadow Lane 173.06-2-29
- 57 Fox Meadow Lane 173.06-2-30
- 67 Fox Meadow Lane 173.06-2-31
- 68 Fox Meadow Lane 173.06-2-32
- 38 Fox Meadow Ct 173.06-2-33
- 28 Fox Meadow Ct 173.06-2-34
- 18 Fox Meadow Ct 173.06-2-35
- 8 Fox Meadow Ct 173.06-2-36
- 25 Pheasant 173.06-2-18
- 121 Stonehenge 173.06-2-17
- 141 Stonehenge 173.06-2-19
- 221 Stonehenge 173.06-2-27
- 239 Stonehenge 173.06-2-37

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 proposals for annexation, according to the law in such cases made and provided, at the Municipal Building on November 13, 2023 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 petitions 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 proposals for annexation substantially comply in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territories in the Village to the Town, as described in the aforesaid Exhibit A, power point (B), are not in the overall public interest because of,
 - a. Concerns they may jeopardize the public health and safety of the community and local residents, to wit:, if the above identified territories in Exhibit A were annexed into the Town of Orchard Park there is a reasonable concern that less frequent leaf and brush pick-up, and a change in snow plowing, may cause restricted travel for pedestrian and vehicular traffic, as well as possible storm water issues.

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 territories now situated in the Village and described in the aforesaid Proposal, Exhibit A, power point (B), to the Town.

On the question:	5 voting "Aye"	0 voting "Nay"	Carried
	Mayor Litwin Clinton		
	Trustee Hartung		
	Trustee Kaczor Rodo		
	Trustee Pyne		
	Trustee Even		

Moved by Trustee Hartung , seconded by Trustee Kaczor Rodo that

WHEREAS, a resolution, pursuant to General Municipal Law Article 17, was proposed by the Orchard Park Town Board and the Orchard Park Village Board of Orchard Park, New York on October 4, 2023 and October 23, 2023 respectively, for the annexation of certain territories in the Town of Orchard Park to the Village of Orchard Park, New York, said territories being described in said Exhibit B identified as presented in document titled, Town to Village (C):

6174 Armor	172.15-2-28
6184 Armor	172.15-2-29
Armor Duells Rd	172.15-2-30
Armor Duells Rd	172.04-2-11
Armor Duells Rd	172.20-1-1
Armor Duells Rd	172.20-1-2
Armor Duells Rd	172.20-1-3
Armor Duells Rd	172.20-1-4
Armor Duells Rd	172.20-1-5
Armor Duells Rd	172.20-1-6
Armor Duells Rd	172.20-1-7
Armor Duells Rd	172.20-1-8
Armor Duells Rd	172.20-1-9
Armor Duells Rd	172.20-1-10
Armor Duells Rd	172.20-1-11
Armor Duells Rd	172.20-1-12
Armor Duells Rd	172.20-1-13.1
Armor Duells Rd	172.20-1-13.2
Armor Duells Rd	172.20-1-14
Armor Duells Rd	172.20-1-15
Armor Duells Rd	172.20-1-22
4104 N Buffalo Rd	161.16-1-15
4095 N Buffalo Rd	162.13-2-2
4065 N Buffalo Rd	162.13-2-1
4050 N Buffalo Rd	161.16-1-13.311
0 N Buffalo Rd	161.16-1-13.11
4086 N Buffalo Rd	161.16-1-13.121

4109 N Buffalo Rd	162.13-2-14
4125 N Buffalo Rd	162.13-2-15.1
4141 N Buffalo	162.13-2-17
Carrow St	172.08-4-24
Carrow St	172.08-4-25
N Davis St	161.20-7-8.1
99 N Davis St	162.20-7-8.2
0 S Davis St	172.08-4-23
4956 Ellicott Rd	173.13-1-8
4957 Ellicott Rd	173.13-1-10
4949 Ellicott Rd	173.13-1-11
4939 Ellicott Rd	173.13-1-12.1
4933 Ellicott Rd	173.13-1-12.2
0 Ellicott Rd	173.17-2-1
0 Ellicott Rd	173.17-2-2
Freeman Rd	162.18-3-27.11
Freeman Rd	162.18-3-28.1
Freeman Rd	162.18-3-29.1
Freeman Rd	173.06-4-1
Freeman Rd	173.06-4-3
Freeman Rd	173.06-4-4
Freeman Rd	173.06-4-5
4405 Freeman Rd	173.06-5-1
4417 Freeman Rd	173.06-5-2
4431 Freeman Rd	173.06-5-3
4447 Freeman Rd	173.06-5-4.1
Freeman Rd	173.10-1-13
4541 Freeman Rd	173.10-1-14
Freeman Rd	173.20-1-1
N Freeman Rd	162.18-2-25
4 Hartloff Pl	162.13-2-6
2 Hartloff Pl	162.13-2-7
Highland Ave	173.09-4-1
Highland Ave	173.09-4-3
Highland Ave	173.10-1-10
317 Highland Ave	173.10-1-9
6740 Jewett Holmwood	173.00-1-43
105 Jolls Ln	162.14-1-25
6190 W Quaker St	172.08-4-40
Stonehenge (262)	173.07-1-18
360 Sunset Terr	162.13-2-3
350 Sunset Terr	162.13-2-4
340 Sunset Terr	162.13-2-5
320 Sunset Terr	162.13-2-8

310 Sunset Terr	162.13-2-9
300 Sunset Terr	162.13-2-10
301 Sunset Terr	162.13-2-11
Sunset Terr	162.13-2-12
321 Sunset Terr	162.13-2-13
41 Wellington Ln	162.14-1-26
13 Westview Pl	172.08-4-30.112
19 Westview Pl	172.08-4-38.1
425 Woodland Dr	172.11-1-29
Woodlane Dr	173.05-6-1
Woodlane Dr	173.05-6-2
Woodlane Dr	173.05-6-3
Woodlane Dr	173.05-6-4
Woodlane Dr	173.05-6-5
Woodlane Dr	173.05-6-6
Woodlane Dr	173.05-6-7

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 proposals for annexation, according to the law in such cases made and provided, at the Municipal Building on November 13, 2023 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 petitions 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 proposals for annexation substantially comply in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territories in the Town to the Village as described in the aforesaid Exhibit B, power point (C), is in the overall public interest because
 - a. Split properties will no longer be divided by municipal borders.
 - b. Continuity of municipal services.
 - c. Elimination of out of district services.

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 territories now situated in the Town and described in the aforesaid Proposal, Exhibit B, power point (C), to the Village.

On the question:	5 voting "Aye" Mayor Litwin Clinton Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Even, seconded by Trustee Pyne that

WHEREAS, a resolution, pursuant to General Municipal Law Article 17, was proposed by the Orchard Park Town Board and the Orchard Park Village Board of Orchard Park, New York on October 4, 2023 and October 23, 2023 respectively, for the annexation of certain territories in the Town of Orchard Park to the Village of Orchard Park, New York, said territories being described in said Exhibit B identified as presented in document titled, Town to Village (D):

- 4457 Freeman Rd 173.06-5-4.2
- 4464 Freeman Rd 173.10-1-1
- 4478 Freeman Rd 173.10-1-2
- 4488 Freeman Rd 173.10-1-3
- 4496 Freeman Rd 173.10-1-4
- 4508 Freeman Rd 173.10-1-5
- 4518 Freeman Rd 173.10-1-6
- 4528 Freeman Rd 173.10-1-7
- 4542 Freeman Rd 173.10-1-8
- 4529 Freeman Rd 173.10-1-15
- 4519 Freeman Rd 173.10-1-16
- Freeman Rd (4519) 173.10-1-17.111
- 4511 Freeman Rd 173.10-1-17.112
- 4497 Freeman Rd 173.10-1-19.11
- 4475 Freeman Rd 173.10-1-20
- 4465 Freeman Rd 173.10-1-21

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 proposals for annexation, according to the law in such cases made and provided, at the Municipal Building on November 13, 2023 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 petitions and the evidence presented at said hearing,

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

3. That the aforesaid proposals for annexation substantially comply in form and content with General Municipal Law Article 17.
4. That the proposed annexation of certain territories in the Town to the Village as described in the aforesaid Exhibit B, power point (D), are not in the overall public interest because
 - a. The road is maintained by the County of Erie.
 - b. There are no out of district services provided by the Village.
 - c. For the most part, the properties are not split or divided by municipal borders.

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 territories now situated in the Town and described in the aforesaid Proposal, Exhibit B, power point (D), to the Village.

On the question: 5 voting "Aye" 0 voting "Nay" Carried
 Mayor Litwin Clinton
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne
 Trustee Even

Moved by Trustee Even, seconded by Trustee Pyne that

WHEREAS, a resolution, pursuant to General Municipal Law Article 17, was proposed by the Orchard Park Town Board and the Orchard Park Village Board of Orchard Park, New York on October 4, 2023 and October 23, 2023 respectively, for the annexation of certain territories in the Town of Orchard Park to the Village of Orchard Park, New York, said territories being described in said Exhibit B identified as presented in document titled, Town to Village (E):

Armor Duells Rd 172.04-2-12.1

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 proposals for annexation, according to the law in such cases made and provided, at the Municipal Building on November 13, 2023 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 petitions 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 proposals for annexation substantially comply in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territories in the Town to the Village as described in the aforesaid Exhibit B, power point (E), is in the overall public interest because
 - a. Split properties will no longer be divided by municipal borders.
 - b. Continuity of municipal services.
 - c. Elimination of out of district services.

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 territories now situated in the Town and described in the aforesaid Proposal, Exhibit B, power point (E), to the Village.

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

Moved by Trustee Even, seconded by Trustee Pyne that

WHEREAS, a resolution, pursuant to General Municipal Law Article 17, was proposed by the Orchard Park Town Board and the Orchard Park Village Board of Orchard Park, New York on October 4, 2023 and October 23, 2023 respectively, for the annexation of certain territories in the Town of Orchard Park to the Village of Orchard Park, New York, said territories being described in said Exhibit B identified as presented in document titled, Town to Village (F):

4566 Freeman Rd 173.10-1-11

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 proposals for annexation, according to the law in such cases made and provided, at the Municipal Building on November 13, 2023 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 petitions 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 proposals for annexation substantially comply in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territories in the Town to the Village as described in the aforesaid Exhibit B, power point (F), is in the overall public interest because
 - a. Continuity of municipal services.
 - b. Elimination of out of district services.

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 territories now situated in the Town and described in the aforesaid Proposal, Exhibit B, power point (F), to the Village.
the Town and described in the aforesaid Proposal, Exhibit B, to the Village.

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

Mayor Clinton asks for the Town Council to make their motions:

Moved by Town Supervisor Majchrzak, seconded by Councilmember Honer that

Whereas, property identified in document titled Village to Town (A) as presented is currently situated in the Village of Orchard Park, and

Whereas, it has been determined that annexing the property into the Town of Orchard Park is in the best interest of both the Town and Village of Orchard Park, and

Whereas, The Town of Orchard Park has the capacity to provide the essential municipal services to the annexed property, and

Whereas, the annexation on property identified as document titled Village to Town (A) is subject to review under SEQR (State Environmental Quality Review Act S 617.2 (b)), and

Whereas, a Short Environmental Assessment Form (EAF) has been prepared and a negative declaration is declared

Now, Therefore, be it resolved that the Town of Orchard Park hereby approves the annexation of document titled Village to Town (A) to the Town of Orchard Park.

On the question:

Town Attorney Gallagher recommended adding “subject to the disapproval of the reputed owner”.

5 voting “Aye”	0 “Nay”	Carried
Supervisor Majchrzak		
Councilmember Liberti		
Councilmember Mombrea		
Councilmember Honer		
Councilmember Mariano		

Moved by Councilmember Mombrea, seconded by Councilmember Honer that

Whereas, property identified in document titled Village to Town (B) as presented is currently situated in the Village of Orchard Park, and

Whereas, it has been determined that annexing the property into the Town of Orchard Park is not in the best interest of both the Town and Village of Orchard Park, and

Now, Therefore, be it resolved that the Town of Orchard Park hereby denies the annexation of document titled Village to Town (B) to the Town of Orchard Park.

On the question:

Town Attorney Gallagher recommended adding “subject to the disapproval of the reputed owner”.

5 voting “Aye”	0 “Nay”	Carried
Supervisor Majchrzak		
Councilmember Liberti		
Councilmember Mombrea		
Councilmember Honer		

Councilmember Mariano

Moved by Councilmember Mariano, seconded by Councilmember Honer that

Whereas, property identified in document titled Town to Village (C) as presented is currently situated in the Town of Orchard Park, and

Whereas, it has been determined that annexing the property into the Village of Orchard Park is in the best interest of both the Town and Village of Orchard Park, and

Whereas, The Village of Orchard Park has the capacity to provide the essential municipal services to the annexed property, and

Whereas, the annexation on property identified as document titled Town to Village (C) is subject to review under SEQR (State Environmental Quality Review Act S 617.2 (b)), and

Whereas, a Short Environmental Assessment Form (EAF) has been prepared and a negative declaration is declared

Now, Therefore, be it resolved that the Town of Orchard Park hereby approves the annexation of document titled Town to Village (C) from the Town of Orchard Park to the Village of Orchard Park.

On the question:

Town Attorney Gallagher recommended adding “subject to the disapproval of the reputed owner”.

5 voting “Aye”	0 “Nay”	Carried
Supervisor Majchrzak		
Councilmember Liberti		
Councilmember Mombrea		
Councilmember Honer		
Councilmember Mariano		

Moved by Supervisor Majchrzak, seconded by Councilmember Liberti that

Whereas, property identified in document titled Town to Village (D) as presented is currently situated in the Town of Orchard Park, and

Whereas, it has been determined that annexing the property into the Village of Orchard Park is not in the best interest of both the Town and Village of Orchard Park, and

Now, Therefore, be it resolved that the Town of Orchard Park hereby denies the annexation of document titled Town to Village (D) from the Town of Orchard Park.

On the question: 5 voting “Aye” 0 “Nay” Carried

Supervisor Majchrzak
Councilmember Liberti
Councilmember Mombrea
Councilmember Honer
Councilmember Mariano

Moved by Councilmember Mombrea, seconded by Councilmember Liberti that

Whereas, property identified in document titled Town to Village (E) as presented is currently situated in the Town of Orchard Park, and

Whereas, it has been determined that annexing the property into the Village of Orchard Park is in the best interest of both the Town and Village of Orchard Park, and

Whereas, The Village of Orchard Park has the capacity to provide the essential municipal services to the annexed property, and

Whereas, the annexation on property identified as document titled Town to Village (E) is subject to review under SEQR (State Environmental Quality Review Act S 617.2 (b)), and

Whereas, a Short Environmental Assessment Form (EAF) has been prepared and a negative declaration is declared

Now, Therefore, be it resolved that the Town of Orchard Park hereby approves the annexation of document titled Town to Village (E) from the Town of Orchard Park to the Village of Orchard Park. Councilmember Mombrea recommended adding “subject to the disapproval of the reputed owner”.

On the question:	5 voting “Aye”	0 “Nay”	Carried
	Supervisor Majchrzak		
	Councilmember Liberti		
	Councilmember Mombrea		
	Councilmember Honer		
	Councilmember Mariano		

Moved by Councilmember Mariano, seconded by Councilmember Liberti that

Whereas, property identified in document titled Town to Village (F) as presented is currently situated in the Town of Orchard Park, and

Whereas, it has been determined that annexing the property into the Village of Orchard Park is in the best interest of both the Town and Village of Orchard Park, and

Whereas, The Village of Orchard Park has the capacity to provide the essential municipal services to the annexed property, and

Whereas, the annexation on property identified as document titled Town to Village (F) is subject to review under SEQR (State Environmental Quality Review Act S 617.2 (b)), and

Whereas, a Short Environmental Assessment Form (EAF) has been prepared and a negative declaration is declared

Now, Therefore, be it resolved that the Town of Orchard Park hereby approves the annexation of document titled Town to Village (F) from the Town of Orchard Park to the Village of Orchard Park.

On the question:

Town Attorney Gallagher recommended adding "subject to the disapproval of the reputed owner".

5 voting "Aye"	0 "Nay"	Carried
Supervisor Majchrzak		
Councilmember Liberti		
Councilmember Mombrea		
Councilmember Honer		
Councilmember Mariano		

Moved by Trustee Hartung, seconded by Councilmember Liberti to adjourn at 6:42 pm.

8 voting "Aye"	0 "Nay"	Carried
Trustee Hartung		
Trustee Kaczor Rodo		
Trustee Pyne		
Trustee Even		
Councilmember Liberti		
Councilmember Mombrea		
Councilmember Honer		
Councilmember Mariano		

Respectfully submitted,
Heather Tucciarone-Richeal
Village Deputy Clerk-Treasurer