

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, April 22, 2024 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 David N. Even

Others present:

Clerk-Treasurer Mary Beth Jensen
Manager of Public Works Wittmeyer

Members excused:

Trustee Dale Pyne

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.”

Mayor Clinton opened the organizational meeting and made the following Trustee/Mayoral duty designations:

- Mayor Clinton
 - Chief Fiscal Officer
 - Budget Director
 - Personnel Officer
 - Insurance
 - State & County Liaison
 - Comprehensive Plan
 - Grants
- Trustee Hartung
 - Deputy Mayor
 - Town Board Liaison
 - Public Works
 - Street Lights, Sidewalks and Signals
 - Public Safety
 - ECRT Liaison
- Trustee Even
 - Business Community Liaison
 - Village Events and Celebrations
 - Youth Court
 - Town Tree Conservancy Liaison
 - WNY Railway Liaison
 - Policy and Procedure Review

- Trustee Pyne
 - Franchises
 - Solid Waste & Recycling
 - Revenue from outside the Village
 - Planning Board Liaison
 - NYSEG
 - Senior Projects

- Trustee Kaczor Rodo
 - Zoning Board Liaison
 - Building Department Liaison
 - Village Code Review
 - Website Review
 - Beautification

Moved by Trustee Kaczor Rodo seconded by Trustee Hartung that the Mayor's Duty Designations be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Even

Mayor Clinton made the following five-year appointment:

Member of the Zoning Board of Appeals – Scott Hartung

Moved by Trustee Even seconded by Trustee Kaczor Rodo that the Mayor's five-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" 1 recusal Carried
 Mayor Litwin Clinton Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Even

Trustee Hartung stated that he is Scott Hartung's brother, that is his reason for recusing himself.

Mayor Clinton made the following one-year Appointments:

Village Administrator – Mary Beth Jensen

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Even

Deputy Clerk Treasurer – Heather Tucciarone Richeal

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
 Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Even

Deputy Clerk – Shannon Nichols

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Attorney – Philip M. Marshall

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Prosecutor – Charles Messina

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Code Enforcement Officer – John Gullo

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Chairman - Zoning Board of Appeals – Steve Snyder

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Chairman - Planning Board – Ronald “Gunner” Tronolone

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Secretary - Zoning Board of Appeals – Christine Hanavan

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Alternate member of the Planning Board – Monica Bruce

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Alternate member of the Planning Board – Kevin Crane

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Alternate member of the Planning Board – Chris Reichert

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Alternate members of the Zoning Board of Appeals – Scott Shular

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Dog Control Officer – Elizabeth Bertozzie

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Registrar – Remy Orffeo

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Deputy Registrar – Jennifer Brady

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Associate Village Justice – Sean O’Brien

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Clerk to Village Justice – Marie Falzone

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Disaster Coordinator – Rich Mrugalski

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Assistant Disaster Coordinator – Matthew Hartung

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Member of the Economic Development Committee – John Capriotto

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Mayor's one-year appointment be approved.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that Jo Ann Litwin Clinton be appointed Village Historian.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that the regular Village Board meeting for the fiscal year 2024-2025 be scheduled for 7:00 pm on the second and fourth Monday of each month, with the following exceptions:

· July, August & December 2024 the Village Board will only meet on the second Monday of the month.

Be it further moved that a work session for the Board of Trustees be scheduled on each Monday of the month as needed.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that the Planning Board Meetings be scheduled the first Tuesday of each month at 7:00 pm. The meeting times and dates can also be found on the Village Website Calendar.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Zoning Board Meetings be scheduled for the fourth Wednesday after the first Tuesday of the month at 7:00 pm. The meeting times and dates can also be found on the Village Website calendar.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that Community Bank and NYCLASS be designated as the official depositories for the Village of Orchard Park for the fiscal year 2024-2025.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that the Orchard Park Bee be named the official newspaper and the Buffalo News be named the alternate official newspaper for the Village of Orchard Park for the fiscal year 2024-2025.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that Mayor Clinton be authorized to sign a one-year contract extension with Fisher Associates, retaining their engineering services on an "as needed" basis.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that the mileage rate be set for the fiscal year 2024-2025 at 67 cents per mile.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that the Village Justice be authorized, when necessary, to hire a stenographer when necessary, at a cost up to \$125.00 per hour and/or an interpreter at a cost of up to \$250 per appearance, for the fiscal year 2024-2025.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that representatives of the Village be authorized to attend Erie County Village Officials meetings and the Association of Erie County Governments meetings, with all expenses incidental to the meetings to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Deputy Clerk-Treasurer and Deputy Clerk be authorized to attend Erie County Municipal Administrative Officers Association meetings and the NYCOM and OSC Fall Training School with all expenses incidental to the meetings to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that an employee of the Village Department of Public Works be authorized to attend the Erie County Town Highway Superintendents Association meetings and the Village Public Works and Streets Superintendents meetings with all expenses incidental to the meetings to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that two Department of Public Works employees be authorized to attend NYCOM Public Works School, the Western New York Stormwater Conference and the N.Y.S. Rural Water School, with all expenses incidental to the schools to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Code Enforcement Officer be authorized to attend the Niagara Frontier Building Officials meetings with all expenses incidental to the meeting to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that the following policies of the Village have been reviewed and there will be no revisions:

- Code of Ethics
- Procurement Policy
- Investment Policy
- Time Keeping Policies
- Vehicle Policy
- Building Energy Benchmark Policy

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that the Breach Notification Policy be adopted as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

This concluded the Organizational Meeting.

A public hearing was scheduled and advertised for this time to hear public comment on amending the Village of Orchard Park Municipal Code, Chapter 225, "Zoning".

Mayor Clinton opened the public hearing at 7:10 pm and briefly explained that the amendment is to zone parcels recently annexed into the Village; basically they will mirror what they were zoned in the Town.

Mayor Clinton asked three times for comments of support on the Code amendment. There were none.

Mayor Clinton asked three times for comments in opposition of the Code amendment. There were none.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to close the hearing at 7:11 pm.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even to adopt the following Local Law, Amending Chapter 225 of the Code of the Village of Orchard Park:

Whereas, Local Law #2 of the year 2024 annexed certain territories from the Town of Orchard Park to the Village of Orchard Park, and

Whereas, the Zoning Map of the Village of Orchard Park Municipal Code Chapter 225-7 does not encompass the annexed territories referenced in Local Law 2 of the year 2024;

Now therefore, be it resolved that the Zoning Map of the Village of Orchard Park is hereby amended to encompass the territories referenced in Local Law #2 of the year 2024 and that said territories shall be zoned as follows:

R-1 (Residential Low-Density)

- 172.04-2-12.1
- 172.20-1-11
- 172.20-1-13.2
- 162.18-2-25
- 173.09-4-1
- 173.09-4-3
- 173.00-1-43

R-5 (Residential High-Density)

- 173.10-1-13
- 173.02-1-1

B-1 (Commercial)

- 161.16-1-15
- 161.16-1-13.311
- 161.16-1-13.11
- 161.16-1-13.121

I-1 (Industrial)

- 172.08-4-23

L-C (Land Conservation District)

- 173.05-6-1
- 173.05-6-2
- 173.05-6-3
- 173.05-6-4
- 173.05-6-5
- 173.05-6-6
- 173.05-6-7,

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even to accept the minutes of April 8, 2024 as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that the voucher numbering 6950 in Abstract 218 of fiscal year 2023-2024 in the amount of \$394.80 and vouchers numbering 6951 to 6971 in Abstract #219 of fiscal year 2023-2024 in the amount of \$47,267.83 be paid as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

There were no comments from the floor of items not on the agenda.

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the report of the Associate Village Justice for the month of March be received and filed.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

- Manager of Public Works Wittmeyer reported that the DPW continues to conduct service line inventory and thanked the residents who called to schedule at a specific time because they were not available when the DPW stopped by.
- Trustee Kaczor Rodo had nothing to report.
- Deputy Mayor Hartung cautioned pedestrians that sidewalk on S Buffalo St have been interrupted in places by the DOT construction project.
- Trustee Even had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton had nothing to report.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung authorizing the annual Newsletter and Water Quality Report to be mailed to property owners with their 2024-2025 Village Tax Bill.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even to authorize Mayor Clinton to sign the following Special Events Contract:

- Orchard Park Little League to organize a parade on Village streets May 4 at 10:00 am.
- WNY Railway Historical Society to host a Celebrating Moms and Pollinators, "Oh My" event on May 11, 2024 from 10am to 2pm.
- Orchard Park Police Department to organize Special Olympics Torch Run on May 4, 2024 at 10 am

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo authorizing a DPW employee to attend the NYSDOH approved Backflow Tester Certification Course September 9-12, 2024 in Webster, NY. All expenses incidental to the training to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo authorizing a DPW employee to attend the NYS Rural Water Training May 20-22, 2024 in Verona, NY. All expenses incidental to the training to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that Manager of Public Works Wittmeyer be authorized to purchase a 2023 Prinoth SW-50 Track Mounted Sidewalk Tractor with Caterpillar C3.6 IOOHP Turbo Diesel final Tier 4 Diesel Engine, Quick Attach Push Frame and High Flow Hydraulics, HD Snowblower, 50" V-Plow from Cyncon Equipment Inc. Expenditure from the Reserve for Equipment, not to exceed \$202,100, is subject to Permissive Referendum.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even that a public hearing be scheduled and advertised for May 13, 2024 at 7:00 pm to hear public comment on a Local Law amending the Code of the Village of Orchard Park, Chapter 200, "Vehicles and Traffic".

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that a public hearing be scheduled and advertised for May 13, 2024, at 7:00 pm to hear public comment on a Local Law amending the Code of the Village of Orchard Park, Chapter 210, "Water".

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Even

The next regular meeting is scheduled for May 13, 2024.

Moved by Trustee Hartung, seconded by Trustee Even to adjourn at 7:22 pm.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne
Trustee Even

Respectfully submitted,
Mary Beth Jensen
Village Clerk-Treasurer