

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, September 9, 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 Dale T. Pyne
Trustee David N. Even

Others present:

Deputy Clerk-Treasurer Heather Tucciarone-Richeal
Code Enforcement Officer John Gullo
Manager of Public Works Emery Wittmeyer
Village Attorney Philip Marshall

Members excused:

Trustee Kaczor Rodo

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 154 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the hearing at 7:03 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Code “Noise” Chapter.

Mayor Clinton asked 3 times for positive comments on the proposed amendments. There were none.

Mayor Clinton asked 3 times for negative comments on the proposed amendments. There were none.

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

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

Moved by Trustee Even, seconded by Trustee Pyne that the following Local Law be approved as follows:

Amend the Orchard Park Village Code, Chapter 154, Noise, as follows:

SECTION 1

Amending Chapter 154 Noise to read:

154-1 Intent

The Village of Orchard Park Board of Trustees determine that the creation of unreasonable noise within the Village limits is or may be detrimental to the comfort, convenience, safety, health and welfare of Village residents and to the quality of life of those residents. The Village, therefore, intends to prohibit unreasonable noise from all sources subject to its police power in order to preserve, protect and promote the health, safety and welfare, together with the peace, quiet and enjoyment of all persons within the Village.

154-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless the context or subject matter otherwise requires:

A-WEIGHTED SOUND-PRESSURE LEVEL

The sound-pressure level in decibels as measured on a sound-level meter using the A-weighting network by a trained operator. The level so read is designated dB(a) or dBA.

AMBIENT NOISE

The all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

COMMERCIAL PURPOSE

Includes the use, operation, or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

EMERGENCY WORK

Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

DAY

Any day of the week, that is, Monday through Sunday.

DECIBEL

The practical unit of measurement for sound-pressure level; the number of decibels of measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound pressure of the measured sound to the sound pressure of standard sound (20 micropascals); abbreviated dB.

NONCOMMERCIAL PURPOSE

The use, operation, or maintenance of any sound equipment for other than a commercial purpose. Noncommercial purpose shall mean and includes, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

PERSON

An individual, entity, firm or corporation.

PROPERTY BEING USED FOR NONRESIDENTIAL PURPOSES

Any property, including vacant land, which is not used for residential purposes, as defined herein.

PROPERTY BEING USED FOR RESIDENTIAL PURPOSES

Property which contains one or more dwelling units, including but not limited to single-family attached or detached dwelling units, multiple dwellings, hotels, motels, senior citizen housing, adult residential care facilities, nursing homes, dormitories, sororities and fraternities.

REAL PROPERTY BOUNDARY LINE

The imaginary line, including its vertical extension, that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit located within a multiple-dwelling-unit building.

SOUND-EMITTING DEVICE

Any device, instrument, mechanism, equipment or apparatus that emits any sounds discernible to the human ear.

SOUND-LEVEL METER

An instrument for the measurement of sound levels conforming to American National Standards Institute Type I or II standards.

SOUND-REPRODUCTION DEVICES

Any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, phonograph, tape player, compact disc player, musical instrument, television, loudspeaker or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sound.

STATIONARY NOISE SOURCE

Any device, fixed or movable, which is located or used on geographically defined real property other than a public right-of-way.

UNREASONABLE NOISE

Any noise defined in 154-3 of this chapter.

154-3 Unreasonable noise prohibited.

It shall be unlawful for any person to make, continue, cause to be made, or permit to be made any unreasonable noise within the geographic boundaries of the Village of Orchard Park, or within those areas over which the Village has jurisdiction. The determination as to the existence of unreasonable noise may be established by the specific acts considered to be unreasonable noise enumerated within the subsections hereinafter.

154-4 Prohibited acts.

The following acts are declared to be loud, disturbing or excessive noise in violation of this chapter, but said enumeration shall not be deemed to be exclusive.

A.

Amplified sound. The operation, playing or permitting of the operation or playing of any radio, receiver, television, phonograph, tape player, compact disc or digital sound systems, sound amplifier, boom box, musical instrument, loudspeaker, or similar device, whether from a moving vehicle or stationary location, which reproduces or amplifies sound in such a manner as to create a sound level across a real property line or through partitions common to two or more persons within a building or from a stationary or moving vehicle and which exceeds the limits set forth in Table I,^[1] herein. (This subsection does not apply to commercial enterprises or industrial manufacturing plants in the regular conduct of their business on their own properties.)

[1]

Editor's Note: Table I is included in § 154-5, Noise levels by land use.

B.

Horns and signaling devices. The sounding of any horn, signaling device or alarm (except as a danger warning, pursuant to § 375 of the Vehicle and Traffic Law of the State of New York) which results in harsh or loud sound or repetitive sounds for any unreasonable or unnecessary period of time so as to create a noise disturbance.

C.

Shouting and yelling. Shouting, yelling, singing, calling, hooting or whistling so as to create a noise disturbance.

D.

Hawkers and peddlers. It shall be unlawful for any person within the Village to sell anything by outcry within any area of the Village zoned for residential uses. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.^[2]

[2]

Editor's Note: See also Ch. 166, Peddlers and Solicitors.

D.

Drum use restricted. It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the Village. This subsection shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

E.

Vehicle repairs. It shall be unlawful for any person within any residential district of the Village to repair, rebuild, or test any motor vehicle (between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day) in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

F.

Engines. The operation, including the stationary idling, of any engine, including, but not limited to, an automobile, truck, motorcycle, motorbike, motorboat or minibike engine, so as to create a noise disturbance, or the use of any automobile, motorcycle or motor vehicle so out of repair, so loaded or in any manner so as to create excessive or unusual grating, grinding, rattling or other noise, or the discharge into the open air of the exhaust from any stationary steam engine, stationary internal combustion engine or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom which exceed maximum permissible sound levels in Table I^[2] herein. (This subsection does not apply to commercial enterprises or industrial manufacturing plants in the regular conduct of their business on their own properties.)

[2]

Editor's Note: Table I is included in § 154-5, Noise levels by land use.

G.

Heavy equipment. The operation of any pile driver, bulldozer, pneumatic hammer, grinder, or other construction equipment which creates a noise disturbance, except between 7:00 a.m. and 10:00 p.m. and except in cases of urgent necessity in the interest of public safety.

H.

Construction. Any construction, excavation, demolition, alteration or repair which creates a noise disturbance, except between 7:00 a.m. and 10:00 p.m. and except in cases of urgent necessity in the interest of public safety.

I.

Domestic equipment. The operation of or permitting to be operated any power saw, drill, sander, router, lawn or garden device, leaf or snow blower, insect control device or domestic equipment so as to create a noise disturbance, except between 7:00 a.m. and 10:00 p.m. However, the use of snowblowers, chain saws and other domestic tools and equipment are exempted from these limits when they are being used to clear driveways, streets, or walkways during and within 24 hours after snowfalls, rainstorms, ice storms, windstorms, or similar emergencies.

J.

Machinery. The operation of any machinery, equipment, pump, fan, air-conditioning apparatus or other mechanical device in such a manner as to create a noise disturbance which exceeds maximum permissible sound levels in Table I^[3] herein. (This subsection

does not apply to commercial enterprises or industrial manufacturing plants in the regular conduct of their business on their own properties.)

[3]

Editor's Note: Table I is included in § 154-5, Noise levels by land use.

K.

Jake Brakes. Use of the truck-braking system commonly known as a "Jake Brake" is prohibited at all times and in all places in the Village of Orchard Park.

L.

Loading and unloading. The loading or unloading of any materials, equipment or garbage cans or the handling of bales, boxes, crates, containers or similar objects so as to create a noise disturbance which exceeds maximum permissible sound levels in Table I,^[4] herein.

[4]

Editor's Note: Table I is included in § 154-5, Noise levels by land use.

M.

Domestic animals. The howling, barking, whining, squawking, neighing or other sound of a domestic animal which occurs continuously or intermittently or so frequently so as to create a noise disturbance. (For purposes of this subsection, "continuous" shall be a period of 10 minutes and "intermittent" shall be a period of 30 minutes.)

N.

The making of any noise for advertising purposes in any street or public place, or by means of aircraft, or the advertisement or calling attention to any advertisement, article, business, calling or profession upon any street, sidewalk or entrance to a place of business by means of any horn, megaphone, siren, bell, radio or any other sound-producing or sound-amplifying mechanism, instrument or device.

O.

Alarms. The sounding or permitting of the sounding of any exterior alarm on any building or motor vehicle, unless such alarm shall terminate its operation within 15 minutes of its being activated.

P.

Stationary emergency signaling devices. Testing of only the electromechanical functioning of a stationary emergency signaling device shall occur at the same time each day when a test is performed, but not before 7:00 a.m. or after 10:00 p.m. Any such testing shall not exceed one minute.

154-5 Noise levels by land use.

A.

It shall be unlawful for any person to operate or permit to be operated any noise source in such a manner as to create a sound pressure level in dB(A)s which exceeds the limits set forth in Table I when measured at the real property boundary of the complainant.

Table I			
Maximum Permissible Sound Levels by Receiving Land Use Category			
Sound Source Land Use	Receiving Land Use (dBA)		
	Residential	Commercial	Manufacturing
Residential			
7:00 a.m. to 10:00 p.m.	95	95	95
10:01 p.m. to 6:59 a.m.	65	65	65
Commercial and Manufacturing			
7:00 a.m. to 10:00 p.m.	95	100	100
10:01 p.m. to 6:59 a.m.	65	75	75

B.

The restrictions set forth in this chapter shall not apply to alarms as defined in **154 -4B** of this chapter.

C.

In the event that qualified Village personnel approved by the Chief of Police or Code Enforcement Officer are not available to operate a sound-level meter, this chapter shall liberally be construed by Village personnel with proper police power to prevent excessive, unreasonable, disturbing and unnecessary noise, due consideration being given to the circumstances, time of day and particular location of each violation and the demands of the public health, safety and welfare.

154-6 Presumptive evidence of violation.

A.

The use of any sound-producing, sound-reproducing or sound-amplifying device, machinery, domestic equipment, heavy equipment or engine so as to cause the sound produced thereby to be audible outside the building or beyond the boundary of the property where it originates, between the hours of 10:00 p.m. and 7:00 a.m. the following day, shall be presumptive, prima facie evidence of a violation of this chapter.

B.

Barking, squawking, whining, neighing or any other domestic animal sound which is audible at a point beyond the real property boundary from which such sound emanates and which continues continuously for 10 minutes, or intermittently for over 30 minutes, between the hours of 10:00 p.m. and 7:00 a.m. shall be presumptive, prima facie evidence of a violation of this chapter.

154-5 Exceptions; construal of provisions.

A.

The following sounds are exempt from the operation of this chapter:

(1)

The sounds created by emergency vehicles, such as fire, police or ambulance, while on emergency calls using radios, sirens, horns, bells or whistles.

(2)

The sounds created by any governmental agency or by the use of a public warning device.

(3)

The sounds created by sporting events, public organization, private schools, carnivals, fairs, exhibitions, picnics or parades, provided that such events shall take place between the hours of 7:00 a.m. and 10:00 p.m. local time.

(4)

The sounds created by emergency construction work or repair which is necessary for the protection of life, property or restoration of utility service.

(5)

The sounds created by trains, buses, aircraft or other items of transportation governed by either the state or federal noise regulations.

(6)

The sounds created by emergency alarms, such as fire alarms, or burglar alarms, prior to a reasonable opportunity for the owner or tenant in possession of the premises served by such alarm to turn off the alarm.

(7)

The sounds created by bells or chimes associated with a church, synagogue or other place of public worship.

(8)

The sounds created by municipal refuse collection.

(9)

The sounds created by activities that are otherwise governed, authorized or permitted under state or federal regulations.

(10)

The sounds created by any legitimate commercial or industrial use or activity as long as the noise emanating therefrom does not begin prior to the hour of 7:00 a.m. and does not regularly run beyond the hour of 10:00 p.m. local time or is not otherwise scheduled to run beyond 10:00 p.m. local time.

B.

It is the intention of the Village Board that this chapter, while in addition to and supplementing the federal and state regulations, be construed to secure for the people

freedom from unlawful noise as described herein, without violating any of the rights secured by the Constitution of the United States or the Constitution of the State of New York.

154-8 On-duty police officers and firemen excepted.

The provisions of this chapter shall not apply to police officers and firemen while in the discharge of duty.

154-9 Enforcement.

A.

When the enforcement officer or official seeks to apply the decibel provisions set forth in the aforementioned Table ^[1] relative to any violation of this chapter, such officer shall use a sound-level meter conforming to ANSI (American National Standards Institute). Type I or II standards shall be used and shall be calibrated at least annually. Only qualified Village personnel approved by the Chief of Police or Code Enforcement Officer shall operate, witness and read the sound-level meter(s) and related equipment. Qualified Village personnel approved by the Chief of Police or Code Enforcement Officer shall be able to enforce this chapter in the event that a sound-level meter is not available.

[1]

Editor's Note: Table I is included in § 154-5, Noise levels by land use.

B.

This chapter shall be enforced by the Police Department of Orchard Park and qualified Village personnel as designated by the Chief of Police or Code Enforcement Officer.

154-10 Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall be punished as provided in Chapter 1, Article III, of this Code.

154-11 Severability.

If any section, subdivision, paragraph, sentence or other portion of this chapter shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction, it is the intention of the Village Board that such section, subdivision, paragraph, sentence or other portion so adjudged invalid, illegal or unenforceable shall be deemed separate, distinct and independent and the remainder of this chapter shall be and remain in full force and effect.

154-12 Repealer.

The Noise Ordinance of the Village of Orchard Park, adopted by the Village Board on December 3, 1979, and all amendments thereto, are hereby repealed.

154-13 When effective.

This chapter shall be effective upon its filing with the Secretary of State.

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending Chapter 200 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the hearing at 7:04 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Code Chapter 200 to include stop signs on Highland Ave.

Mayor Clinton asked 3 times for positive comments on the proposed amendments. There were none.

Mayor Clinton asked 3 times for negative comments on the proposed amendments. There were none.

Moved by Trustee Pyne, seconded by Trustee Even to close the hearing at 7:05 p.m.

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Even that the following Local Law be approved as follows:

Amend the Orchard Park Village Code, Chapter 200, entitled Vehicles and Traffic, Article II Stop Intersections as follows:

SECTION 1: Add to Section 200-4 Stop Intersections, the following as a designated stop intersection and stop signs shall be erected:

STOP SIGNS ON: Highland Avenue
DIRECTION OF TRAVEL: Both
AT INTERSECTION OF: Meadowbrook Drive (West)

SECTION 2:

EFFECTIVE DATE: This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

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

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending Chapter 200 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the hearing at 7:07 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Code Chapter 200 to include a school speed limit on West Quaker Street near Orchard Park Middle School. She also explained that the NYS DOT has limited the speed reduction to specific times on school days.

Mayor Clinton asked 3 times for positive comments on the proposed amendments. There were none.

Mayor Clinton asked 3 times for negative comments on the proposed amendments. There were none.

Moved by Trustee Even, seconded by Trustee Pyne to close the hearing at 7:08 p.m.

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

Moved by Trustee Pyne, seconded by Trustee Hartung that proposed Local Law #13 of 2024, amending Chapter 200 entitled Vehicles and Traffic, Article III Speed Regulations be approved as follows:

SECTION 1: Add to Section 200-6 Maximum School Speed Limits the following and speed limit signs shall be erected by New York State:

NAME OF STREET: West Quaker Street (Route 20A)

SPEED LIMIT: (mph): 15

LOCATION: Between a point 300' west of the school building on said street and a point 300' east of the school building on said street.

ADDITIONAL RESTRICTIONS: During the hours of 7 am to 9 am, and 2 pm to 4 pm when school is in session.

SECTION 2: EFFECTIVE DATE: This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending Chapter 166 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the hearing at 7:10 p.m. explaining that the purpose of this hearing is to update the Village of Orchard Park Code Chapter 166 which includes door to door sales people.

Mayor Clinton asked 3 times for positive comments on the proposed amendments. There were none.

Mayor Clinton asked 3 times for negative comments on the proposed amendments. There were none.

Moved by Trustee Pyne, seconded by Trustee Even to close the hearing at 7:12 p.m.

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Pyne that proposed Local Law #14 of 2024, amending Chapter 166, Peddlers and Solicitors be approved as follows:

SECTION 1: Amending Section 166-4. Application, subsection A to read:

A. No permit shall be issued until an application has first been filed with the Village Clerk by the person seeking the same and applicable fees have been paid. The application shall require the applicant to set forth their name, address, company information for whom they work or represent. The applicant shall also obtain and supply a criminal record background check to be performed by companies on the application. If the peddling takes place at a fixed place, necessary owners' proof of permission is required. The applicant shall provide the type or types of articles, devices, subscriptions, contributions, services or contracts which they desire to sell or for which they desire to solicit within the Village of Orchard Park; and the method of distribution, including

vehicle information. Such application shall be referred to the Police Department for approval, and after such approval has been received, the applicant shall be eligible for the issuance of such permit upon further approval in section 166-D. If a Peddler fails to obtain a permit, is convicted of a crime, or violates against the Village Code, they cannot re-apply for 12 months. Failure to apply and receive prior approval will result in 2 times the original fee.

SECTION 2: Amending Section 166-4. Application, subsection C to read:

C. A police officer (“Criminal Review Officer”) designated by the Police Chief to review the background check from the annually approved third party company. The Criminal Review Officer shall review the criminal records and finger prints. The applicable fees associated with the background check will be paid by the applicant. The police officer designated may ask for further information from the applicant.

SECTION 3: Amending Section 166-4. Application, subsection D to read:

D. The Criminal Records Officer, the Village Mayor, and the Village Attorney shall review the criminal history record information (CHRI) disseminated in connection with the applicant's criminal background and investigation.

SECTION 4: Amending Section 166-4. Application, subsection E to read:

E. In making the determination of the applicant's fitness for the requested permit, all information shall be given due consideration. The Village reserves the right to revoke this permit at any time upon evidence of a violation of Chapter 166 of the municipal code.

SECTION 5: Amending Section 166-6, Issuance; conditions of permit, to read:

This permit shall be valid Monday to Saturday between the hours of 10:00 a.m. and 5:00 p.m., not be valid on Sundays or Federal Holidays. The permit shall be valid for six (6) months after the date of issuance. A permit shall not be transferable, and shall be revocable in the event of any violation of the terms and conditions thereof.

SECTION 6: This Local Law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

On the question:	3 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even	0 voting “Nay”	Carried
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Moved by Trustee Even, seconded by Trustee Hartung,

WHEREAS, New York State has passed the Climate Leadership and Community Protection Act (the Climate Act) calling for 70 percent of electricity in the state to be produced by renewable resources by 2030, and 100 percent of the state's electricity be generated by renewable resources by 2040; and

WHEREAS, wind energy has been designated by the Climate Act as an essential form of renewable energy; and

WHEREAS, there are a number of commercial wind energy facilities operating in Western New York, with more in the planning and permitting stages; and

WHEREAS, New York State's power grid manager, New York Independent Systems Operator (NYISO) has determined the Western New York zone of grid to be 89 percent free of carbon emissions in the generation of electricity (5); and

WHEREAS, NYISO has described the lack of electricity transmission facilities capable of transmitting electricity from Western New York to downstate grid zones which are 90 percent dependent on fossil fuels for generating electricity (6); and

WHEREAS, the New York State Energy Research and Development Authority determined in 2022 that this is not the right time to consider constructing offshore wind facilities in Lake Erie (7); and

WHEREAS, the offshore wind industry is experiencing global difficulties related to inflation and supply line shortages as evidenced by the recent NYS Public Service Commission decision denying industry requests for higher power delivery rates (8); and

WHEREAS, the long planned Lake Erie offshore wind energy project known as Icebreaker Wind near Cleveland, Ohio, has recently been suspended (8a),

WHEREAS, questions concerning offshore wind energy facilities in fresh water bodies remain unanswered such as these which are not included in the NYSERDA reports of 2011 and 2022:

- What assurances that toxic industrial wastes in the lakebed will not be disturbed to endanger safe drinking water and enter the food chain of Lake Erie's fish and bird species (9)
- How would the placement of offshore wind turbines in Lake Erie affect the migratory pathways and behavior of economically important game fish (10)
- What would be the impact on tourism of placing wind turbines in Lake Erie (11)
- Specifically, how would offshore wind turbines in Lake Erie contribute to the emission reduction goals of the Climate Act (12)
- How would the radar interference created by offshore wind turbines in Lake Erie affect the safety of shipping, recreational boating, search and rescue operations and international border security (13)
- How would microplastics and toxic chemicals like BPA and PFAS emitted by wind turbines impact water quality and the ecology of Lake Erie (14)
- How much oil and other petroleum products are contained within each offshore wind turbine and would oil spills from wind turbines be mediated, and other maintenance performed during annual periods of ice coverage on Lake Erie (15)

- How would noise and vibrations emitted by wind turbines impact the quiet enjoyment of Lake Erie by fishers, boaters and nearshore residents and visitors (16)
- What are the effects of vibrations emitted by wind turbines on the organisms living in the lakebed (17)
- How would the blinking red lights atop each offshore wind turbine be reconciled with increased interest in preventing light pollution in dark skies (18)
- What would be the impact of placing offshore wind turbines in Lake Erie's migratory flyways of birds, bats and butterflies (19)
- What are the cumulative impacts of placing offshore wind turbines in Lake Erie given the already large concentration of onshore wind turbines along the Ontario shoreline and the elevations overlooking the lake in Chautauqua County
- What restrictions or no-go zones would be imposed on fishers and boaters in Lake Erie (20)
- How would the Public Trust Doctrine which serves to protect the interests of all Western New Yorkers in a healthy Lake Erie be honored in the context of primary financial benefits to the offshore wind industry
- How would offshore wind turbines impact historic sites such as shipwrecks and lighthouses (21)
- Would the rights of the Seneca Nation of Indians to administer water quality standards on the Cattaraugus reservation be a consideration in placing offshore wind turbines in Lake Erie (22)
- Would the high costs of offshore wind energy in Lake Erie be explained to Town of Hamburg electricity ratepayers in terms of monthly increases to their utility bills
- How would property values along the lake shore be impacted by viewsheds including offshore wind turbines and their industrial support and maintenance activities

Conclusion: Some of these questions cannot be answered or would be cost prohibitive to address. There are many documented examples of negative impacts of wind turbines on both terrestrial and aquatic environments. There are alternatives such as small modular nuclear and hydropower, which deserve significant consideration as possible future sources of power and do not negatively affect Lake Erie or other large bodies of water.

NOW, THEREFORE BE IT RESOLVED,

The Village of Orchard Park does hereby oppose, at this time, any efforts to introduce offshore wind turbines in the waters of Lake Erie; and

BE IT FURTHER RESOLVED,

The Village Clerk shall forward a certified copy of this Village Board resolution to Honorable Governor Kathy Hochul.

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

Moved by Trustee Hartung, seconded by Trustee Even to accept the minutes of August 12, 2024 as presented.

On the question	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Even that the vouchers numbering 7160 to 7189 in Batch #232 of fiscal year 2024-2025 in the amount of \$82,204.45, and vouchers numbering 7190 to 7194 in Batch #233 of fiscal year 2024-2025 in the amount of \$39,087.55 be paid as presented.

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

- Patti Meckes of Newton Rd., Orchard Park, thanked the Village Board for the resolution opposing the wind turbines in Lake Erie. She stated that the Village of Orchard Park is just the 5th Village to pass this type of resolution and asked that everyone pass along this information to other Towns and Village to encourage them to oppose as well.

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

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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- Code Enforcement Officer John Gullo wanted to remind everyone to take a moment of remembrance for 9/11.
- Deputy Mayor Hartung had nothing to report.
- Trustee Pyne had nothing to report.
- Trustee Even announced "Go Bills".
- Deputy Clerk-Treasurer Richeal had nothing to report.
- Attorney Marshall had nothing to report
- Mayor Clinton had nothing to report.

Moved by Trustee Even, seconded by Trustee Hartung to appoint the following members to the Village of Orchard Park's Comprehensive Plan Committee:

- Jo Ann Litwin Clinton, Village of Orchard Park Mayor
- Don McNatty, Orchard Park resident
- Don Lorentz, Orchard Park Chamber of Commerce Executive Director
- Joe Wales, President of W. G. Arthur's True Value
- Molly Vendura, Landscape Architect, Orchard Park resident
- John Chryniewicz, Village of Orchard Park Department of Public Works
- John Gullo, Village of Orchard Park Code Enforcement Officer
- Bill Even, Business Owner, Orchard Park resident
- Mike Ahern, Orchard Park resident

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

Moved by Trustee Pyne, seconded by Trustee Even that the Mayor be authorized to sign a contract for the following Special Events with:

- St. John's Lutheran Church to organize an outdoor food and music Country Night.
- OP Social Tap & Grille 9 year anniversary party
- Runner's Roost to organize a Howl-O-Weenie 5k run

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

Moved by Trustee Hartung, seconded by Trustee Even that a public hearing be scheduled and advertised for September 23, 2024 at 7:00 pm for the purpose of hearing public input for the use of Community Development Block Grant funds in the Village of Orchard Park.

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

Moved by Trustee Even, seconded by Trustee Pyne that a public hearing be scheduled and advertised for September 23, 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 Pyne
Trustee Even

Moved by Trustee Pyne, seconded by Trustee Hartung that a public hearing be scheduled and advertised for September 23, 2024 at 7:00 pm to hear public comment on a Local Law amending the Code of the Village of Orchard Park, Chapter 225 “Zoning”.

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

Moved by Trustee Even, seconded by Trustee Hartung that Village of Orchard Park Code, Chapter A232, fees, be amended as follows:

Chapter 166, Peddlers and Solicitors

- Cash deposit or bond \$10,000
- License fee for hawker, peddler or solicitor for a period of six (6) months or less
Erie County Resident \$1,000
Non-Erie County Resident \$1,200
- License fee to assist a hawker, peddler or solicitor for a period of six (6) months or less \$75
- License fee for transient merchants \$500 per day
- Surcharge for commencing without a permit Twice the applicable fee amount

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

Moved by Trustee Hartung, seconded by Trustee Even authorizing Mayor Clinton to sign a change order with Fisher Associates for the following additional Grant Support services needed for the Freeman Pond Grant:

- WQIP Budget Sheet
- Water Sample collection and laboratory analyzation
- Documentation to meet WQIP Control of External Sources of Nutrients Documentation Requirement

- Assistance in completing SEQR Short Environmental Assessment Form

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

Moved by Trustee Even, seconded by Trustee Pyne to authorize the Village of Orchard Park to transfer and/or deed to the Town of Orchard Park certain real property owned by the Village of Orchard Park as recorded in liber 3041 of Deeds, page 548 in the Erie County clerk's Office. Said property located in the Village of Orchard Park and is in the process of being annexed to the Town of Orchard Park, is not commercially viable and presents a liability risk to the Village. Consideration for the transfer to be one and no more dollars (\$1.00 and no more).

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

The next regular meeting is scheduled for September 23, 2024.

Moved by Trustee Hartung, seconded by Trustee Pyne to adjourn at 7:25pm.

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

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