

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 23, 2024 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Deputy Mayor Hartung called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:

Deputy Mayor Matthew J. Hartung  
Trustee Dale T. Pyne  
Trustee David N. Even

Others present:

Deputy Clerk-Treasurer Heather Tucciarone-Richeal  
Manager of Public Works Emery Wittmeyer  
Village Attorney Philip Marshall

Members excused:

Mayor Jo Ann Litwin Clinton  
Trustee Kaczor Rodo

Deputy Mayor Hartung 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 the use of Community Development Block Grant funds.

Deputy Mayor Hartung opened the hearing at 7:02 p.m. and explained that the purpose of this hearing is for citizens to provide input and share ideas for possible projects which would benefit low- and moderate- income persons in the Village of Orchard Park.

Deputy Mayor Hartung opened the floor and asked if there was anyone who would like to speak on a possible project:

- Lynn Moeller of Ellicott Rd asked for further details on what the Community Development Block Grant is for.
  - Deputy Mayor Hartung explained that grant monies from this program have been used for previous projects such as ADA Parking Improvements in 2017 and Sensory Crosswalk Improvements in 2020. He also stated that the proposed project this year is to help fund the Rural Transit Service for senior citizens as the Village has done in past years as well.
- Lynn Moeller then asked if this has anything to do with the NY Forward Grant.
  - Deputy Mayor Hartung advised that CDBG is not related to the NY Forward Grant.

Deputy Mayor Hartung asked 3 times for positive comments on the proposed amendments.

There were none.

Deputy Mayor Hartung 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 7:04 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 Even, seconded by Trustee Pyne to authorize Deputy Mayor Hartung to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG:

**1. Rural Transit Service, Inc.**

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

Deputy Mayor Hartung opened the hearing at 7:05 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Code Chapter 225 to include a vacant parcel that was annexed into the Village from the Town.

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

Deputy Mayor Hartung asked 3 times for negative comments on the proposed amendments.

- Lynn Moeller of 7830 Ellicott Rd asked for an explanation to better understand the annexation and zoning change.
  - Deputy Mayor Hartung explained that this parcel was annexed into the Village from the Town at the Joint Meeting in January 2024. He stated that it’s a small vacant parcel adjacent to an existing Village parcel and needed to be included in the Village Zoning Code.

Moved by Trustee Pyne, seconded by Trustee Even 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 Even, seconded by Trustee Pyne that proposed Local Law No. 15 of 2024 be approved to amend the Village of Orchard Park Municipal Code Chapter 225 “Zoning”, Article II “Establishment of a District”, as follows:

SECTION I: AMENDING Section 225-7 “Zoning Map” to ratify the annexation approvals of the Board of Trustees of the Village of Orchard Park and the Town Board of Orchard Park at a joint hearing held thereof on January 22, 2024 for certain real property identified with the SBL 162.13-2-12, locally known as 0 Sunset Terrace, Orchard Park, New York in the Joint Resolution approved by those Boards and/or filed with their respective clerks and further to include said property within the boundaries of the Village of Orchard Park as a part of the B1 Zone of the Village of Orchard Park

SECTION II: Descriptions and map of said property are attached hereto and made a part hereof as “Schedule A” and “Schedule B”.

SECTION III: 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 225 of the Municipal Code of the Village of Orchard Park.

Deputy Mayor Hartung opened the hearing at 7:08 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Code Chapter 225 to include parcels located at 4940 and 4950 Chestnut Ridge Road which were annexed into the Village from the Town.

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

Deputy Mayor Hartung 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 7:09 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 Even, seconded by Trustee Pyne that proposed Local Law No. 16 of 2024 be approved as follows:

SECTION I: AMENDING Section 225-7 “Zoning Map” to ratify the annexation approvals of the Board of Trustees of the Village of Orchard Park and the Town Board of Orchard Park at a joint hearing held thereof on August 12, 2024 for certain real properties on Chestnut Ridge Road, described in the petitions presented to those boards and/or filed with their respective clerks, and further to include said properties within the boundaries of the Village of Orchard Park as a part of the B-2 Zone of the Village of Orchard Park

SECTION II: Descriptions and maps of said properties are attached hereto and made a part hereof for parcel identified with SBL 172.20-1-18 and locally known as 4950 Chestnut Ridge Road as “Exhibit A” and “Exhibit A-1”; and for parcel identified with SBL 172.20-1-19 and locally known as 4940 Chestnut Ridge Road as “Exhibit B” and “Exhibit B-1”.

SECTION III: 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 200 of the Municipal Code of the Village of Orchard Park.

Deputy Mayor Hartung opened the hearing at 7:10 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Code Chapter 200 to amend the times for existing parking restrictions on South Davis Street.

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

Deputy Mayor Hartung 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 Even, seconded by Trustee Pyne to amend the Village of Orchard Park Municipal Code, Chapter 200, entitled "Vehicles and Traffic", Article IV "Parking, Standing and Stopping" as follows:

SECTION I: Amend Section 200-11: Parking prohibited in designated locations: South Davis Street. Additional Restrictions to read: Monday through Friday, from 8:30 am to 9:30 am and 2:30 pm to 3:30 pm.

SECTION II: EFFECTIVE DATE: This local law shall take effect upon filing in the Office of the Secretary of State.

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 Pyne to accept the minutes of September 9, 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 voucher number 7195 in Batch #234 of fiscal year 2024-2025 in the amount of \$3,360.00, and vouchers numbering 7196 to 7220 in Batch #234 of fiscal year 2024-2025 in the amount of \$116,334.71 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

- Lynn Moeller of 7830 Ellicott Rd stated that she is a member of the Orchard Park Taxpayer's Association and is looking to raise funds for Veteran's flags to be hung in the Village. She noted the displays in some of the surrounding villages and would like to see something similar in the Village of Orchard Park. Any information or assistance would be appreciated.

- Public Works Manager Wittmeyer had nothing to report.
- Trustee Pyne had nothing to report.
- Trustee Even "Go Bills"
- Deputy Clerk-Treasurer Richeal had nothing to report.
- Attorney Marshall had nothing to report
- Deputy Mayor Hartung had nothing to report.

Moved by Trustee Pyne, seconded by Trustee Even that the Village of Orchard Park shall maintain all digitally created records in their native digital format for the legally proscribed retention period of the record. The Village of Orchard Park shall maintain all digital records adhering to the guidelines set forth in the Regulations of the Commissioner of Education Part 185.8. Copies of records in other formats, including paper, shall be deemed convenience copies and disposed of when no longer needed for reference or other administrative purposes.

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 Pyne, that the Village Board meeting scheduled for October 14, 2024 be cancelled in observance of the Columbus Day Holiday.

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Pyne, seconded by Trustee Even that because the next scheduled Village Board meeting is October 28<sup>th</sup>, Clerk Treasurer Jensen be authorized to pay all vouchers submitted by October 14, 2024, after review by Mayor Clinton or Deputy Mayor Hartung.

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 October 28, 2024 at 7:00 pm to review a Special Use application at 4950 Chestnut Ridge Road. The applicant is requesting permission to erect a convenience store with gasoline sales.

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 a Public Hearing be scheduled and advertised for October 28, 2024 at 7:00 pm to amend the Village of Orchard Park Municipal Code 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 Pyne to authorize Deputy Mayor Hartung to sign a Special Events Contract with the Orchard Park High School Pep Club to organize a Homecoming Parade on Village Streets September 28, 2024 beginning at 10 am. Permission contingent upon permission from the NYSDOT.

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

Moved by Trustee Pyne, seconded by Trustee Even to authorize the following budget adjustments for the 2024-2025 fiscal year:

Increase budget for

Miscellaneous General Revenues (AA-42770) by	\$3,514.00
Stormwater Expense (AA-68140-400) by	\$3,514.00
NE Parking Lot Maintenance Expense (HH-65179-201) by	\$ 325.00
Park & Ride Lot Maintenance Expense (HH-65179-202) by	\$ 115.00

Decrease budget for

Arthur's Lot Maintenance (HH-65179-203) by \$ 440.00

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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The next regular meeting is scheduled for October 28, 2024.

Moved by Trustee Even, seconded by Trustee Pyne to adjourn at 7:20 p.m.

On the question:	3 voting "Aye" Trustee Hartung Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Respectfully submitted,  
Heather Tucciarone-Richeal, Deputy Clerk-Treasurer