

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, November 25, 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 Dale T. Pyne
Trustee David N. Even

Others present:

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

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 Special Use Application received by Bonnie and Dean Morris to establish a short-term rental establishment at 4455 South Buffalo Street.

Mayor Clinton opened the hearing at 7:03 p.m. and asked for a representative of the petitioner to give an explanation of the request.

- Bonnie Morris (4455 South Buffalo Street) explained that the property is a 2 unit dwelling. The lower unit is her full-time residence and there is a long-term tenant in the upper unit. She would like to rent her lower unit on Airbnb when she’s not there. She added that there is ample parking available and would follow the Village Code regarding short-term rentals including not allowing rental for parties or large gatherings. She also noted that the property is co-owned by herself and a brother who lives in Alden, New York, and has another brother who lives close by on E. Quaker St.

- Deputy Mayor Hartung confirmed that the petitioner was aware the Special Use would only be valid for 1-year. Bonnie Morris acknowledged that she was aware of that as well.

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

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

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

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

Trustee Hartung
 Trustee Kaczor Rodo
 Trustee Pyne
 Trustee Even

Moved by Trustee Even, seconded by Trustee Pyne to approve the Special Use at 4455 South Buffalo Street for a short-term rental establishment with the following conditions:

- The Special Use is approved for Bonnie and Dean Morris at 4455 S Buffalo St (SBL 173.05-5-14) and is terminated when the property changes ownership.
- The Special Use will be reviewed by the Village Board in 1 year (12months) to address any concerns that have been reported to the Village Office and/or the Orchard Park Police Department.

On the question:	4 voting "Aye" Trustee Hartung Trustee Kaczor Rodo 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. explaining that the purpose of this hearing is to update the School Speed Limit on West Quaker Street (20A) as per the New York State Department of Transportation allowable maximum speed limit in a school zone.

Mayor Clinton asks 3 times for comments in support of Local Law #19 of 2024. There were none.

Mayor Clinton asks 3 times for comments opposing Local Law #19 of 2024. There were none

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo to close the hearing at 7:05 p.m.

On the question:	4 voting "Aye" Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Pyne, seconded by Trustee Even that proposed Local Law No. 19 of 2024 be approved to amend the Village of Orchard Park Municipal Code Chapter 200 "Vehicles and Traffic" as follows:

SECTION 1:___Amend Section 200-6 maximum School Speed Limits as follows:

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

Speed Limit: (mph) 20

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:	4 voting "Aye" Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to accept the minutes of October 28, 2024 as presented.

On the question	4 voting "Aye" Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that vouchers numbering 7301 to 7302 in Batch # 240 of fiscal year 2024-2025 in the amount of \$575.00, vouchers numbering 7303 to 7327 in Batch # 241 of fiscal year 2024-2025 in the amount of \$159,444.72, voucher number 7328 in Batch # 242 of fiscal year 2024-2025 in the amount of \$120.00, and vouchers numbering 7329 to 7349 in Batch # 243 of fiscal year 2024-2025 in the amount of \$165,053.36 be paid as presented.

On the question:	4 voting "Aye" Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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Mayor Clinton introduced special guest speaker, Erie County Legislator John Mills and invited him to say a few words. Legislator Mills addressed the audience and specifically the high school students in attendance, explaining that in his opinion, the Village of Orchard Park is an example of how government works best. He provided an update on the 2025 County budget process and noted that although it's a tight budget, there is bi-partisan negotiation across the aisle to do

what's in the best interest of the entire community. Legislator Mills also spoke about a number of funding projects he's helped to secure for the residents of Orchard Park, including \$250,000 for the Boys and Girls Club, as well as funding for the Little League lighting, Chestnut Ridge Conservancy and Community Center Playground. Legislator Mills extended compliments to the Mayor and Village Board on the recently updated colored crosswalks in the Village. Mayor Clinton thanked Legislator Mills and explained that the Board is working hard to make the Village more walkable, bikeable and safer for residents. She noted that this also includes working on securing grant monies to extend sidewalks on Highland Avenue and Freeman Road.

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

On the question:	4 voting "Aye" Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting "Nay"	Carried
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- Code Enforcement Officer John Gullo had nothing to report.
- Public Works Manager Wittmeyer reminded residents that plow season is upon us and please make sure to give plow trucks room to maneuver.
- Trustee Hartung advised residents that the Freemans Pond Grant application requires additional sediment sampling and they may notice a small boat on the pond next week that is being used to collect those samples.
- Trustee Kaczor Rodo wished everyone a Happy Thanksgiving.
- Trustee Pyne had nothing to report.
- Trustee Even wanted to congratulate the Village DPW and Office staff on winning the Community Partner award given by the Orchard Park Chamber of Commerce. He also wanted to congratulate Mayor Clinton on being the first woman to receive the Post of Fame award.
- Deputy Clerk-Treasurer Richeal had nothing to report.
- Mayor Clinton wanted to let residents know that the Village is hosting an Open House on December 4th from 5:30-7:00 p.m. at the Orchard Park Chamber of Commerce located at 6524 E. Quaker St. to give the community an opportunity to provide input on the Village's Comprehensive Plan. This will be an interactive open house and light refreshments will be served.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the Village's 11' Highlander Salter be declared surplus and Manager of Public Works Wittmeyer be authorized to sell said Salter along with the 2013 International 7400 and Dump Body that was declared surplus at the October 28, 2024 Board Meeting, to the Town of Orchard Park for the amount of \$17,000.00.

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

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

Chapter 92, Building Code Administration and Enforcement

Remove the line that reads:

Surcharge for commencing construction without permit Twice the applicable fee amount

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

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo authorizing Mayor Clinton to sign a Change of Scope order with Fisher Associates for the following additional services needed for the Freemans Pond Grant:

- Sediment Sampling
- Dredging Plan Preparation and Revision

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

Moved by Trustee Pyne, seconded by Trustee Even that a Public Hearing be scheduled and advertised for December 9, 2024 at 7:00 pm to hear public comment on establishing 2025 water rates.

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

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the following budget adjustments be authorized for the 2024-2025 fiscal year:

Increase budget for:

State Retirement by \$839.25 AA-69010-800

State Retirement by	\$279.75	FF-69010-800
Capital Interest and Earnings	\$434.74	HH-42401-000
Westview/N Davis Waterline	\$434.74	HH-68397-204
Decrease budget for:		
Unemployment Insurance	\$279.75	FF-69050-800
Unemployment Insurance	\$839.25	AA-69050-800

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

Moved by Trustee Even, seconded by Trustee Pyne that

WHEREAS, the need for a Village Social Media Policy was identified; and

WHEREAS, a draft policy was developed and reviewed by the Village attorney and Board of Trustees;

NOW THEREFORE BE IT RESOLVED, that the following policy be adopted by the Village of Orchard Park Board of Trustees:

Purpose

This policy establishes guidelines for the establishment and use of social media accounts, including the official website, by the Village of Orchard Park (“Village”) as a means of conveying Village of Orchard Park information to its residents and visitors. The intended purpose of establishing Village of Orchard Park social media sites is to disseminate information from the Village, about the Village, to its residents and visitors and offer a place of accurate information.

General

1. An appointed Social Media Administrator is the person responsible for reviewing, approving, uploading information on a social media site and for ensuring adherence to both the Village’s Social Media Policy and the interest and goals of the Village. This person(s) shall conduct themselves at all times in accordance with the policies outlined in the Employee Handbook.
2. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between Village government and members of the public. All comments and discussion board applications shall be turned off. Village of Orchard Park social media site articles containing any of the following forms of content shall not be allowed:

- A. Comments not topically related to the particular social medium article being commented upon;
- B. Comments in support of or opposition to political campaigns or ballot measures;
- C. Profane language or content;
- D. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- E. Sexual content or links to sexual content;
- F. Conduct or encouragement of illegal activity;
- G. Confidential or Village personnel matters;
- H. Information that may tend to compromise the safety or security of the public or public systems; or
- I. Content that violates a legal ownership interest of any other party

Comment/postings include information, articles, pictures, videos or any other form of communicative content posted on a Village of Orchard Park social media site.

- 3. Employee shall mean an employee, officer or official of the Village of Orchard Park.
- 4. General Site shall mean social media sites that are created for the Village of Orchard Park as a whole and may contain information generally related to the village and/or information from any or all the various village departments.
- 5. Social media is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet on approved sites as delineated in this policy.

General Policy

- 1. The establishment and use of any Village social media accounts/pages are subject to approval by the Village Board. The Village Social Media Administrator must provide the name and hyperlink of the site to the Village Clerk-Treasurer and Mayor within fifteen (15) days of approval by the Village Board.
- 2. The allowable social media sites used as official Village of Orchard Park sites are limited to include only: Facebook, Instagram, X (Twitter), Website. The official website for the Village of Orchard Park is: www.orchardparkvillage.org. There will only be one official website for the Village.
- 3. General Village of Orchard Park sites shall be administered by the Village Board's designated Social Media Administrator. This administrator will monitor, approve and post content on the general village social media sites. The administrator will ensure adherence to both the Village's

Social Media Policy and the interest and goals of the Village. The administrator will be appointed from time to time by the Village Board and shall serve at the pleasure of the Village Board.

4. Village social media sites should make clear and conspicuous statements that they are maintained by the Village of Orchard Park and that they follow the Village's Social Media Policy. Postings on the Village's social media may only be written by Village personnel and approved by the administrator of the site.
5. Comments by the general public shall not be considered for regulatory purposes as official correspondence with the Village. All official correspondence with the Village shall be made by written communication to the Village's mailing address, electronic e-mail, or phone call.
6. Wherever possible, Village social media sites should link back to the official Village of Orchard Park website for forms, documents, online services and other information necessary to conduct business with the Village of Orchard Park.
7. Administrators shall not recommend or promote any private service or product.
8. The Village of Orchard Park reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the administrator for a reasonable period of time, including the time, date and identity of the poster, when available.
9. These guidelines, if possible, shall be displayed to users or made available by hyperlink.
10. The Village will approach the use of social media tools as consistently as possible, enterprise wide.
11. All Village social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
12. Employees representing the Village government via Village social media sites must conduct themselves at all times as a representative of the Village using the highest standards and in accordance with all Village policies.
13. This Social Media Policy may be revised at any time by the Village Board.
14. Social media sites are subject to the records retention rules and regulations of the State of New York and the government of the United States.
15. The Village's Social Media Policy and Social Media Administrator shall be reauthorized yearly at the Village's organizational meeting held in April.

Comment/Postings Policy

1. As a public entity, the Village must abide by certain standards to serve all its constituents in a civil and unbiased manner. Comment/postings containing any of the following inappropriate forms of content shall not be permitted on Village of Orchard Park social media sites and are subject to removal and/or restriction by the administrator:

- a. Comments/postings not related to the original topic, including random or unintelligible comment/postings;
 - b. Profane, obscene, violent, or pornographic content and/or language;
 - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, national origin, gender, physical and mental disability, family status, military status, or source of income;
 - d. Defamatory or personal attacks;
 - e. Threats to any person or organization;
 - f. Comment/postings in support of or in opposition to any political party, campaign, or candidate;
 - g. Comment/postings in support of or in opposition to ballot measures, policy proposals or other official government actions except when such ballot measures, policy proposals or other official government actions are initiated and/or directly related to the government of the Town of Hamburg;
 - h. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 - i. Conduct in violation of any federal, state or local law;
 - j. Encouragement of illegal activity;
 - k. Information that may tend to compromise the safety or security of the public or public systems; or
 - l. Content that violates a legal ownership interest, such as a copyright, of any party.
2. A comment posted by a member of the public on any Village of Orchard Park social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Village of Orchard Park, nor do such comment/postings necessarily reflect the opinions or policies of the Village of Orchard Park.
 3. The Village of Orchard Park reserves the right to deny access to Village of Orchard Park social media sites for any individual, who violates the Village of Orchard Park's Social Media Policy, at any time and without prior notice.
 4. When an administrator responds to a public comment, the comment shall be limited to factual information only.
 5. Employees shall not share personal information about himself or herself, or other Village employees on the Village of Orchard Park social media sites.
 6. Village business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.

7. It shall be understood that the Village of Orchard Park’s Social Media sites are not maintained 24/7 and immediate responses to any requests via post, email etc. may not occur.

8. The Village of Orchard Park Social Media sites are not to be used as the first place for information or response in emergency situations.

Restrictions

1. It shall be a violation of village policy for any employee or officer of the Village of Orchard Park to post content on any personal social media site while that employee is at work or otherwise on village time.

2. It shall be a violation of village policy for any employee or officer of the Village of Orchard Park to post on any social media site information that violates employee’s or officer’s obligation under the Village of Orchard Park Code of Ethics.

Penalties

Any employee who fails to comply by the standards and rules of this policy shall be subject to discipline in accordance with Village of Orchard Park work rules.

Effective Date

This policy shall become effective immediately.

On the question:	4 voting “Aye” Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting “Nay”	Carried
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Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that Mayor Clinton be authorized to sign an agreement with Ti-Sales for the upgrade of the Village’s water meter reading software from N-Sight to N-360.

On the question:	4 voting “Aye” Trustee Hartung Trustee Kaczor Rodo Trustee Pyne Trustee Even	0 voting “Nay”	Carried
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Moved by Trustee Hartung, seconded by Trustee Pyne that Mayor Clinton be authorized to sign a Parking Agreement with Arthur Morrow Realty, LLC effective through May 31, 2025.

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

The next regular meeting is scheduled for December 9, 2024.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to adjourn at 7:25 p.m.

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

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