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 14, 2025 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: Others present:

Mayor Jo Ann Litwin Clinton

Trustee David N. Even

Trustee Christine M. Popek

Clerk-Treasurer Heather Tucciarone-Richeal

Manager of Public Works Emery Wittmeyer

Code Enforcement Officer John Gullo

Members excused:

Trustee Matthew J. Hartung Trustee Dale T. 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 introduced Christine Popek, newly elected Village Trustee. The Honorable Jorge S. DeRosas swore in Christine Popek, with Henry Heppner holding the bible.

Mayor Clinton opens the organizational meeting and makes the following Trustee/Mayoral duty designations:

- Mayor Clinton
 - o Chief Fiscal Officer
 - o Budget Director
 - o Personnel Officer
 - o Insurance
 - State & County Liaison
 - o Comprehensive Plan
 - o Grants
- Trustee Hartung
 - Deputy Mayor
 - o Town Board Liaison
 - o Public Works
 - Street Lights, Sidewalks and Signals
 - o Public Safety
 - o ECRT Liaison
- Trustee Even
 - o Business Community Liaison
 - Village Events and Celebrations
 - Youth Court
 - o Zoning Board Liaison
 - Building Department Liaison
 - Village Code Review

- Trustee Pyne
 - Franchises
 - o Solid Waste & Recycling
 - o Revenue from outside the Village
 - o Planning Board Liaison
 - o NYSEG
 - Senior Projects
- Trustee Popek
 - o Town Tree Conservancy Liaison
 - o WNY Railway Liaison
 - o Policy and Procedure Review
 - Website Review
 - o Beautification

Moved by Trustee Even seconded by Trustee Popek that the Mayor's Duty Designations be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Mayor Clinton makes the following five-year appointments:

Member of the Zoning Board of Appeals - Steve Snyder

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

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Member of the Planning Board – Ronald "Gunner" Tronolone

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

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Mayor Clinton makes the following two-year appointment:

Clerk-Treasurer – Heather Tucciarone-Richeal

Moved by Trustee Even seconded by Trustee Popek that the Mayor's two-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Deputy Clerk Treasurer – Shannon Nichols

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Attorney - Philip M. Marshall

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Prosecutor – Charles Messina

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Code Enforcement Officer - John Gullo

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Chairman - Zoning Board of Appeals - Steve Snyder

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Chairman - Planning Board - Ronald "Gunner" Tronolone

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Secretary - Zoning Board of Appeals - Christine Hanavan

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Alternate member of the Planning Board – Monica Bruce

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Alternate member of the Planning Board – Kevin Crane

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Alternate member of the Planning Board – Chris Reichert

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Alternate members of the Zoning Board of Appeals – Scott Shular

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Dog Control Officer - Elizabeth Bertozzi

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Registrar - Remy Orffeo

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Deputy Registrar – Jennifer Brady

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Associate Village Justice – Sean O'Brien

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Clerk to Village Justice – Marie Falzone

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Disaster Coordinator - Jordan Kellerman

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Assistant Disaster Coordinator – Matthew Hartung

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Economic Development Committee Member – John Capriotto

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Social Media Coordinator - Shannon Nichols

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Village Historian – Jo Ann Litwin Clinton

Moved by Trustee Popek, seconded by Trustee Even that the Mayor's one-year appointment be approved.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek that the regular Village Board meetings for the fiscal year 2025-2026 be scheduled for 7:00 PM on the second and fourth Monday of each month, with the following exceptions:

 July, August & December 2025 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

Moved by Trustee Popek, seconded by Trustee Even that the Planning Board Meetings be scheduled the first Tuesday of each month at 7:00 PM.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek that the Zoning Board Meetings be scheduled for the fourth Wednesday after the first Tuesday of the month at 7:00 p.m with the exception of December to be held on December 23, 2025. The meeting times and dates can also be found on the Village Website calendar.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, 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 2025-2026.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek 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 2025-2026.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even that the mileage rate be set for the fiscal year 2025-2026 at .70 cents per mile.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek that when necessary the Village Justice be authorized to hire a stenographer at a cost up to \$125.00 per hour and/or an interpreter at a cost of up to \$250.00 per appearance, for the fiscal year 2025-2026.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even 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

Moved by Trustee Even, seconded by Trustee Popek that the 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

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, 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

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek 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

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even that the Code Enforcement Officer be authorized to attend the Niagara Frontier Building Officials meetings and Annual Building Officials Training Conference with all expenses incidental to the meetings to be paid by the Village.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, 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

Mayor Clinton Trustee Even Trustee Popek

This concluded the Organizational Meeting.

A Public Hearing was scheduled and advertised for this time to hear public comment on the proposed tentative budget.

Mayor Clinton opened the budget hearing at 7:13 p.m. and highlighted some of the important aspects of the tentative budget, including:

- Tax Rate of \$5.60 from \$5.40, an increase of \$.20 cents per thousand of assessed value
- Garbage fee increase of \$6 to \$272 from \$266 per year (\$.12 per week increase)
- Purchasing new computers for Village Office that are outdated and not Windows 11 compatible
- Milling and paving Village streets (Crescent Dr., Chauncey Ln., W. Highland Ave.)
- Implementing CivicPlus Emergency Mass Notification Service
- Increased insurance rates

Mayor Clinton asked three times for comments in support of the proposed budget. There were none. Mayor Clinton asked three times for comments in opposition of the proposed budget. There were none.

Moved by Trustee Even, seconded by Trustee Popek that the tentative budget hearing be closed at 7:17 p.m.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even that the budget for the fiscal year 2025-2026 be adopted as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

A public hearing was scheduled and advertised for this time to hear public comment on a Special Use Application received by Ruh Holdings, LLC to establish a short-term rental establishment at 6425 West Quaker Street.

Mayor Clinton opened the public hearing at 7:17 p.m. and asked for a representative of the petitioner to give an explanation of the request.

- Stoyan Ruh, son of the petitioner, explained that the property had been neglected for many years. His parents, Jack and Marissa Ruh purchased the property with the intention of remodeling and restoring the property to fit the Village character. It will be used as a long-term rental and provide short-term rentals as well.
 - Mayor Clinton explained that the Special Use will include stipulations and will be reviewed in one year.
 - Code Enforcement Officer Gullo further explained the annual renewal process to the petitioner.

Mayor Clinton asked three times for comments in support of the Special Use Request. There were none.

Mayor Clinton asked three times for comments opposing the Special Use Request.

- Dr. Miller of 6434 W. Quaker Street asked for clarification on the plans for the property. He stated that he knows the Ruh's will do a stellar job revamping the property but wanted to know if Mr. Ruh had plans to relocate his office to this location. Dr. Miller is concerned if there would be adequate parking available.
 - Code Enforcement Officer Gullo advised that there were no plans for an office submitted with the application.

Moved by Trustee Even, seconded by Trustee Popek to close the hearing at 7:25 p.m.

Moved by Trustee Popek, seconded by Trustee Even to approve the Special Use at 6425 West Quaker Street for a short-term rental establishment with the following conditions:

- The Special Use is approved for Ruh Holdings, LLC at 6425 West Quaker Street (SBL 173.05-1-4) 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: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

A public hearing was scheduled and advertised for this time to hear public comment on the proposed renewal of a franchise agreement between Verizon New York Inc. and the Village of Orchard Park.

Mayor Clinton opened the public hearing at 7:26 p.m. and explained that the franchise renewal would allow Verizon New York Inc. to continue providing service to residents and businesses of the Village of Orchard Park.

Mayor Clinton asked three times for comments in support of the franchise renewal. There were none.

Mayor Clinton asked three times for comments opposing the franchise renewal. There were none.

Moved by Trustee Popek, seconded by Trustee Even to close the hearing at 7:27 p.m.

Moved by Trustee Even, seconded by Trustee Popek to approve the franchise renewal agreement between the Village of Orchard Park and Verizon New York Inc. as follows:

WHEREAS, the Village of Orchard Park, (the "Village") is a "franchising authority" in accordance with Title VI of the Communications Act, (see 47 U.S.S. §522 (10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"); and

WHEREAS, the Village granted to Verizon New York Inc., a corporation duly organized under the applicable laws of the State of New York (the "Franchisee"), effective as of May 22, 2008, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Village for a term of fifteen (15) years (the "Initial Franchise"); and

WHEREAS, the Initial Franchise agreement has expired; and

WHEREAS, the Franchise has operated a Cable System in accordance with the Initial Franchise as of the effective date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network ("FTTP Network") in the Franchise Area which also transmits Non-Cable Services pursuant to authority granted by Section 27 of the New York Transportation Corporations Law, as amended, and Title II of the Communications Act, which Non-Cable Service are not subject to the Cable Law or Title VI of the Communications Act; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Village undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal; and

WHEREAS, the Village has examined the past performance of Franchisee and has determined that Franchisee is and has been in material compliance with the Initial Franchise and applicable law; and

WHEREAS, the Village has examined the past quality of the Franchisee's service, including signal quality, response to consumer complaints, and billing practices, and has determined that Franchisee's practice has been reasonable in light of community needs; and

WHEREAS, the Village has examined the financial, legal, and technical ability of the Franchisee to provide the services, facilities, and equipment as set forth in the proposed Renewal Agreement; and

WHEREAS, the Village has determined that the Franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

WHEREAS, the Village determined that Franchisee's Cable System is adequate and feasible in a full public proceeding affording due process to all parties; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Franchisee submitted to the Village a proposal to renew the Initial Franchise to operate a Cable System in the Franchise Area; and

WHEREAS, following good faith negotiations between the parties, the Local Franchise Authority and Franchisee have agreed on the terms for a renewal Franchise under which Franchisee will continue to operate its Cable System in the Franchise Area; and

WHEREAS, the Village has determined that in accordance with the provisions of the Cable Law, the Franchise complies with the NY PSC's franchise standards and the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties to be heard on the proposed Franchise Renewal Agreement was held before the Village on April 14, 2025; and

WHEREAS, the project, as proposed, has been determined to be a TYPE II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Village Board hereby authorizes Mayor Clinton to enter into the Franchise Renewal Agreement with Verizon New York Inc., and execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Orchard Park.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even to accept the minutes of March 24, 2025 as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek that voucher number 7576 in batch #257 of fiscal year 2024-2025 in the amount of \$100.00 and vouchers numbering 7579 to 7613 in batch #258 of fiscal year 2024-2025 in the amount of \$71,743.89 be paid as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

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

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

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Moved by Trustee Popek, seconded by Trustee Even authorizing the annual Newsletter and Water Quality Report to be mailed to property owners with their 2025-2026 Village Tax Bill.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even that the following budget adjustments be authorized for fiscal year 2024-2025:

Increase Budget for:

Elections	\$93.00	AA-61450-400
Snow Removal	\$426.00	AA-65142-100
Electricity	\$62.20	FF-68340-402
Hospital and Medical Insurance	\$863.24	FF-69060-800
Central Garage Computer	\$174.01	AA-61640-406
Hospital and Medical Insurance	\$2,734.89	AA-69060-800

Decrease Budget for:

Central Printing and Mailing		\$93.00	AA-61670-400
Unemployment Insurance		\$3,160.89	AA-69050-800
Meter Repa	air	\$62.20	FF-68340-407
Unemployr	nent Insurance	\$863.24	FF-69050-800
Central Garage Heat		\$174.01	AA-61640-404
On the question:	3 voting "Aye"	0 voting "Nay"	Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Even, seconded by Trustee Popek that the authorized signers on file for the Village of Orchard Park accounts held at Community Bank, N.A. be updated to the following:

Jo Ann Litwin Clinton, Mayor Heather Tucciarone-Richeal, Clerk-Treasurer Shannon Nichols, Deputy Clerk-Treasurer Mary Beth Jensen, Per Diem Clerk

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Moved by Trustee Popek, seconded by Trustee Even authorizing Mayor Clinton to sign a Special Event Contract with the Orchard Park Police Department to organize a Special Olympics Torch Run on May 17, 2025 at 10:00 a.m.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

The next regular meeting is scheduled for April 28, 2025.

Moved by Trustee Popek, seconded by Trustee Even to adjourn at 7:33 p.m.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Mayor Clinton Trustee Even Trustee Popek

Respectfully submitted,

Heather Tucciarone-Richeal, Village Clerk-Treasurer