

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 8, 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:

Mayor Jo Ann Litwin Clinton
Trustee Matthew J. Hartung
Trustee Dale T. Pyne
Trustee David N. Even
Trustee Christine M. Popek

Others present:

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

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.”

Moved by Trustee Hartung, seconded by Trustee Even to accept the minutes of August 11, 2025, and Special Session August 25, 2025 as presented.

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

Moved by Trustee Hartung, seconded by Trustee Even that vouchers numbering 7860 to 7863 in Batch #272 of fiscal year 2025-2026 in the amount of \$28,619.82, vouchers numbering 7864 to 7870 in Batch #273 of fiscal year 2025-2026 in the amount of \$20,235.36, and vouchers numbering 7871 to 7898 in Batch #274 of fiscal year 2025-2026 in the amount of \$299,742.81 be paid as presented.

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

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

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

Building and Code Enforcement Officer Gullo had nothing to report.

Manager of Public Works Wittmeyer had nothing to report.

Trustee Hartung had nothing to report.

Trustee Pyne had nothing to report.

Trustee Even “Go Bills”.

Trustee Popek had nothing to report.

Clerk-Treasurer Richeal had nothing to report.

Mayor Clinton had nothing to report.

Attorney Marshall noted that the minutes will reflect that no one is present from 6352 Armor Duells Road at this meeting.

Moved by Trustee Hartung, seconded by Trustee Pyne that,

WHEREAS, the Village of Orchard Park needs to make essential water line upgrades to the South Buffalo Street water transmission line; and

WHEREAS, NYS Environmental Facilities Corporation is offering grants for clean and drinking water projects during the 2025-2026 state fiscal year to selected municipalities with infrastructure projects that protect public health and/or improve water quality; and

WHEREAS, the Village of Orchard Park is seeking funding through the NYS Water Infrastructure Improvement (WIIA) Grant;

WHEREAS, NYS Environmental Facilities Corporation requires a resolution that authorizes the undertaking of the project and the total funding appropriated for the project.

NOW, THEREFORE, BE IT RESOLVED:

That the Village of Orchard Park authorizes the undertaking of the South Buffalo Street waterline project with an estimated project cost of \$4,799,000.

That the Village of Orchard Park will meet the financial obligations necessary to fully and satisfactorily complete the project through the grant and Village bonding.

That the Village of Orchard Park authorizes and empowers Mayor Clinton to sign and submit a grant application and sign the funding agreement with Environmental Facilities Corporation and any associated documents; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Even, seconded by Trustee Popek the following:

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Board of Trustees of the Village of Orchard Park announced its intent to serve as Lead Agency on August 7, 2025, to conduct an environmental review of the proposed watermain replacement along South Buffalo Street, between Armour Duells Road and School Street. The proposed project involves replacement of the existing 12-inch asbestos cement water main with approximately 5,700 linear feet of new 12-inch PVC water main along South Buffalo Street, the installation of 21 new gate valves, 11 new fire hydrants, and replacement of water services to the right-of-way (ROW) line.
2. The Village Board has determined that the proposed action is a “Type I” as defined under SEQR.
3. The Village Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On August 8, 2025, the Village Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated Part 1 of the long Environmental Assessment Form.
5. Comments received on the project have been addressed in Part 2 of the Environmental Assessment Form. The Village will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.
6. The Village Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Village Board declares that it will serve as Lead Agency for the Village of Orchard Park

Waterline Replacement Project; and,

The Village Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Even, seconded by Trustee Popek that,

WHEREAS, pursuant to resolution duly adopted by the Board of Trustees of the Village of Orchard Park, Erie County, New York, as lead agency (the “Village”) on September 8, 2025, the Board of Trustees determined that the Purpose (as herein defined) is a “Type I Action” under the New York State Environmental Quality Review Act and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York and further determined that the Purpose will not have a significant effect on the environment, and that a negative declaration be issued for the Purpose;

NOW THEREFORE BE IT RESOLVED, by the Village Board (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

Section 1. The Village shall replace the South Buffalo Street water distribution main from Armor Duells Road to School Street, at a maximum cost of \$4,799,000, as more particularly described in Section 3 hereof.

Section 2. The Village is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$4,799,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution is the planning, design, acquisition, installation and replacement of the South Buffalo Street water distribution main from Armor Duells Road to School Street, the installation of new gate valves and new fire hydrants, replacement of water services to the right-of-way (ROW) line and payment of costs incidental thereto (the “Purpose”).

Section 4. It is hereby determined and declared that (a) the maximum cost of said Purpose, as estimated by the Village Board, is \$4,799,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of said Purpose, and (c) the Village plans to finance the costs of said Purpose entirely from funds raised by the issuance of the Bonds and bond anticipation notes herein after referred to, said amount to be offset by one or more federal, state, county and/or local grants, including but not limited to, grants from the New York State Environmental Facilities Corporation.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Paragraph 1 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is forty (40) years. The proposed maturity of the Bonds authorized herein will be in excess of five (5) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof) and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Treasurer of the Village, the chief fiscal officer. The Treasurer is hereby authorized to sign and the Village Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Village Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Village.

Section 7. The faith and credit of the Village, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property in the Village, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable, to the extent the necessary funds are not provided from other sources.

Section 8. The Treasurer of the Village is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Bonds authorized by this Resolution, and any bond anticipation notes issued in anticipation thereof, as excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent authorized by the Code, to designate the Bonds authorized by this Resolution, and any bond anticipation notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

Section 9. Pending the sale of Bonds herein authorized, the temporary use of funds from the Village's general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. This Resolution shall constitute the declaration of the Village's "official intent" to reimburse expenditures authorized by Section 1 with proceeds of the Bonds and notes, as required by United States Treasury Regulation Section 1.150-2.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 36.00 of the Local Finance Law and Section 9-900 of the Village Law. The Village Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published a notice which sets forth the date of the resolution's adoption and contains an abstract of the resolution concisely stating its purpose and effect.

Section 11. When effective, a summary of this Resolution shall be published by the Village Clerk together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the official newspapers of the Village. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution, or summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 12. In connection with the financing of the Purpose, the Village is hereby authorized to participate in any grant and/or loan programs administered by the New York State Environmental Facilities Corporation (collectively, the “EFC Programs”). The Treasurer of the Village is hereby authorized to execute and deliver such documents as may be necessary to effect the participation of the Village in such EFC Programs.

Section 13. The firm Barclay Damon, LLP is hereby appointed Bond Counsel of the Village in connection with the bonds and notes herein authorized.

Section 14. This Resolution shall take effect upon the earlier of (a) the expiration of the time for filing a petition requesting that the issuance of the Bonds be submitted to referendum or (b) a positive vote upon the referendum authorizing the issuance of the Bonds.

Section 13. This resolution is adopted subject to permissive referendum.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Pyne, seconded by Trustee Hartung that Mayor Clinton be authorized to sign a contract for the following Special Events with:

- OP High School Pep Club for a Homecoming Parade at 10:00 am on September 27, 2025
- Runner’s Roost to organize a Howl-O-Weenie 5K run and ½ mile kids race at 10:30 am on October 18, 2025
- Orchard Park Chamber of Commerce to host Oktoberfest at the Orchard Park Train Depot from 6-10 PM on September 27, 2025 pending issuance of NYS One-Day Alcohol Event Permit and insurance certificate

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

Moved by Trustee Hartung , seconded by Trustee Even that the contract to provide demolition services for property located at 6352 Armor Duells Road, SBL#172.16-3-32 be awarded to Geiter Done of WNY Inc. with the lowest bid of \$ 19,200.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Pyne, seconded by Trustee Hartung that a public hearing be scheduled and advertised for September 22, 2025 at 7:00 pm to review a Special Use application at 4933 S. Buffalo St. The applicant is requesting permission to erect 2 multiple dwelling buildings consisting of 14 units in total.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Popek, seconded by Trustee Even the following:

WHEREAS, affordable and reliable energy is essential to the health, safety, and economic prosperity of New York families, businesses, and communities; and

WHEREAS, natural gas remains a dependable, cost-effective, and clean-burning energy source used by millions of New Yorkers to heat their homes, cook their food, and power their businesses; and

WHEREAS, in 2019, New York State enacted the **Climate Leadership and Community Protection Act (CLCPA)**, which mandates aggressive emissions reductions and serves as the foundation for sweeping energy restrictions, including efforts to phase out natural gas; and

WHEREAS, building on the CLCPA, Governor Kathy Hochul and the New York State Legislature in 2023 enacted provisions in the state budget banning natural gas and other fossil fuel hookups in most new residential and commercial buildings, effective 2026 for smaller buildings, and 2029 for larger buildings, thereby eliminating consumer choice and limiting access to affordable energy; and

WHEREAS, Governor Hochul has publicly supported these bans and related measures as part of her administration’s climate and energy agenda, despite widespread concerns that such mandates will increase costs, strain grid reliability, and restrict energy diversity; and

WHEREAS, these top-down policies undermine affordability, threaten reliability during peak demand, and strip away the freedom of consumers and businesses to choose the energy sources that best meet their needs; and

WHEREAS, Congressman Nick Langworthy of New York and Senator Jim Justice of West Virginia introduced the **Energy Choice Act (H.R. 3699, S. 1945)**, federal legislation that ensures state and local governments cannot restrict consumer access to natural gas and other affordable energy sources, thereby protecting freedom of choice for New Yorkers and all Americans; and

WHEREAS, the Energy Choice Act would safeguard households, small businesses, hospitals, farmers, and manufacturers from harmful government overreach and preserve access to an “all-of-the-above” energy strategy that strengthens reliability and affordability;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Orchard Park Board of Trustees strongly supports the Energy Choice Act as introduced by Congressman Langworthy (H.R. 3699) and Senator Justice (S. 1945) and stands firmly opposed to New York State’s natural gas bans, the CLCPA-driven restrictions, and other state energy mandates that eliminate consumer choice; and

BE IT FURTHER RESOLVED, that the Village of Orchard Park Board of Trustees urges Congress to pass the Energy Choice Act to defend consumer choice, protect energy affordability, and preserve reliable access to natural gas for New Yorkers; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Congressman Nick Langworthy, Senator Jim Justice, the New York Congressional delegation, Senators Chuck Schumer and Kirsten Gillibrand, Governor Kathy Hochul, and leadership of the New York State Legislature.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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The next regular meeting is scheduled for September 22, 2025.

Moved by Trustee Hartung, seconded by Trustee Even to adjourn at 7:27 p.m.

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

Respectfully submitted,

Heather Tucciarone-Richeal, Village Clerk-Treasurer