

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, July 13, 2026 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
Attorney John C. Bailey

Members Excused:

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 the Village of Orchard Park Municipal Code, Chapter 179, entitled “Skateboards, Electric Scooters, Motorized Scooters, and Electric Bicycles”. Mayor Clinton opened the meeting at 7:00 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Popek, seconded by Trustee Even to close the hearing at 7:01 p.m.

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 Pyne to approve Local Law #12 of 2026 as presented:

SECTION 1:

§ 179-4.1 General rules.

F. No person shall operate an electric scooter or bicycle with electric assist in a reckless fashion, to include:

1. Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb, or property of any person while in lawful use of the streets or sidewalks or any other public or private property.
2. By weaving or steering in a zig-zagging course around motor vehicles in operation on the roadway, unless such irregular course is necessary for safe operation in compliance with this article and the New York Vehicle and Traffic Law.
3. While trick riding on roads or parking lots which actively have motor vehicle or other road user traffic, including pedestrians and cyclist.

SECTION 2:

§ 179-4.2. to read as:

§ 179-4.2. Motorized and electric scooters, and electric bicycles

Motorized and electric scooter operators, in addition to the provisions above:

- A. May not carry more than one person at a time;
- B. May not carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars or which obstructs his or her vision in any direction;
- C. May only operate on highways with a posted speed limit of 30 mph or less, including non-interstate public highways, private roads open to motor vehicle traffic, and designated bicycle or in-line skate lanes, except otherwise provided;
- D. May not operate an electric scooter in excess of 20 mph;
- E. Motorized and electric scooter operators may not attach their scooter, or himself or herself, to any vehicle being operated upon a roadway. Moreover, vehicle operators may not permit any person to attach any motorized or electric scooter, or himself or herself, to such operator's vehicle in violation of this section.

F. No person shall operate an electric scooter or bicycle with electric assist under the influence of alcohol or drugs, to include:

1. No person shall operate an electric scooter or bicycle with electric assist while the person's ability to operate such is impaired by the consumption of alcohol.
2. No person shall operate an electric scooter or bicycle with electric assist while such person has .08 of 1% or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine, or saliva.

3. No person shall operate an electric scooter or bicycle with electric assist while in an intoxicated condition or while the person's ability to operate such bicycle is impaired by the use of any drug(s).
4. The provisions of this section shall apply upon public highways, trails, roads open to motor vehicle and bicycle traffic, and any other parking lot. for the purposes of this section, "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles.
5. No person shall flee from a police or peace officer while operating an electric scooter or bicycle with electric assist in the Village of Orchard Park. The operator of an electric scooter or bicycle with electric assist is required to stop or pull over when directed to do so by a police or peace officer, or by their marked vehicle by the activation of either its lights or siren. Additionally, no person operating an electric scooter or bicycle with electric assist shall flee from a police or peace officer at an unsafe speed, recklessly, or in any manner that would constitute a danger to other motor vehicles, pedestrians, or property. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one-or-two family residence.

SECTION 3:

§ 179-5. Enforcement.

The Police Department of Orchard Park shall be responsible for the enforcement of this chapter and shall have the authority to seize any skateboard used in violation of this chapter. The Chief of Police shall determine the period of time that the skateboard shall be held pending completion of the investigation and prosecution of any violators of this chapter until otherwise directed by order of a court of competent jurisdiction.

§ 179-5.5. Seizure of scooters in violation; notification; processing and storage fees; regulations.

A. Any electric scooter or bicycle with an electric assist operated by any person under 16 years of age may be subject to immediate seizure and impound by a duly sworn peace or police officer, acting pursuant to his or her official duties, upon reasonable cause to believe that such operation is a violation of this article. An electric scooter or bicycle with electric assist that is impounded shall be surrendered to the owner, or if the owner is a minor, to the parent or guardian of the minor. A full explanation of the reason for the impounding shall be made to the owner, parent, or guardian. A complete record of impounded electric scooters or bicycles with electric assist shall be kept by each law enforcement agency where the impounding occurred.

B. Any electric scooter or bicycle with electric assist seized under the authority of this article shall be stored for safekeeping by the law enforcement agency affecting the seizure. That agency

may assess an administrative processing fee of \$50 and a storage fee of \$5 per day thereafter. Storage fees may only be assessed for days on which claimants are able to reclaim property.

C. Proper claimants under this article are limited to:

1. An owner over 16 years of age; or
2. A parent or legal guardian of an owner who is under 16 years of age; or
3. A parent or legal guardian of a person under 16 years of age who is in possession of the electric scooter or bicycle with electric assist at the time of seizure.

D. The agency employer of an officer affecting a seizure under this article shall notify the parent or legal guardian of the person in possession at the time of seizure. Such notification shall be by first-class mail. Should no valid claim be made for the seized electric scooter or bicycle with electric assist within 90 days of seizure, title to the seized electric scooter or bicycle with electric assist shall vest in the seizing agency's municipal employer.

E. Law enforcement agencies affecting seizures pursuant to this article may promulgate regulations regarding the storage, release and/or destruction of any electric scooter or bicycle with electric assist seized under this article.

SECTION 4:

§ 179-7. Disclosure requirement.

A. Any person who sells or offers for sale an electric scooter or bicycle with electric assist to any person within the Village of Orchard Park for compensation shall disclose, in writing, the restrictions set forth in Chapter 179, Skateboards, Electric Scooters, Motorized Scooters, and Electric Bicycles, of this chapter by conspicuously posting a statement of these restrictions at each point of sale (all capital letters not less than two inches in height on a contrasting background) and by providing a written copy of such restrictions to each such person who actually purchases an electric scooter or bicycle with electric assist.

B. Willful failure to comply with 179-7 of this article shall constitute a violation punishable by a civil fine of \$1000 for each violation. Each day or part of a day on which a violation continues shall constitute a separate violation.

Section 3. Applicability.

A. This law shall apply to all actions occurring on or after the effective date of this law.

B. In the event that statewide legislation is enacted into law authorizing the use of electric scooters or bicycles with electric assist on public roads, highways, sidewalks or rights-of-way, via the issuance of an operator's license after the completion of a training program or after the passing of an examination to secure such license, then this article shall be null and void.

Section 4. Reverse Preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the Village of Orchard Park. The Village Board may determine via mere resolution whether identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

SECTION 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Moved by Trustee Hartung, seconded by Trustee Even to accept the minutes of June 22, 2026 as presented.

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 Hartung, seconded by Trustee Even that vouchers numbering 8422 to 8467 in batch #299 of fiscal year 2026-2027 in the amount of \$247,548.20 be paid as presented.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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There were no comments from the floor of items not on the agenda.

Moved by Trustee Hartung, seconded by Trustee Popek that the reports of the Village Justice, Associate Village Justice, Water Department and Treasurer for the month of June and report of the Associate Village Justice for the month of May be received and filed.

On the question:	4 voting “Aye” Trustee Hartung Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Code Enforcement Officer Gullo had nothing to report.

Trustee Popek had nothing to report.

Trustee Hartung reminded everyone that the Village DPW is continuing the lead service line inventory for the next few weeks. Crews will be working on various streets throughout the Village.

Trustee Pyne had nothing to report.

Trustee Even mentioned that Quaker Days week kicks off Sunday, July 19th, with the Touch-A-Truck event from 10:00 a.m. – 1:00 p.m. in the Mangia parking lot.

Clerk-Treasurer Richeal had nothing to report.

Attorney Bailey had nothing to report.

Mayor Clinton had nothing to report.

Moved by Trustee Even, seconded by Trustee Hartung that the following resolution be adopted:

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 2026-2027 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 \$6,220,000.

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”	0 voting “Nay”	Carried
	Trustee Hartung		
	Trustee Pyne		
	Trustee Even		
	Trustee Popek		

Moved by Trustee Pyne, seconded by Trustee Popek that a public hearing be scheduled and advertised for August 10, 2027 at 7:00 p.m. to hear public comment on a proposed local law allowing open containers of alcoholic beverages in public in the Village of Orchard Park.

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 Clerk-Treasurer Richeal be authorized to pay all invoices submitted prior to the end of the month, after review by Mayor Clinton or Deputy Mayor Hartung.

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

Moved by Trustee Popek, seconded by Trustee Pyne that Mayor Clinton be authorized to sign a Special Events Contract with The Active You/Runner’s Roost to organize a Summer Send Off 8k at 6:00 p.m. on August 20, 2026, St. John’s Lutheran Church to host a Country Night from 5:00-9:00 p.m. on August 28, 2026, and Town of Orchard Park Music Day from noon-9:00 p.m. on August 8, 2026 at the Orchard Park Village Plaza, pending submission of an approved event site map.

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

The next regular meeting is scheduled for August 10, 2026.

Moved by Trustee Hartung, seconded by Trustee Even to adjourn at 7:07 p.m.

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

Respectfully submitted,

Heather Tucciarone-Richeal, Village Clerk-Treasurer