

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, August 10, 2026 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 7:04 p.m. with the Pledge of Allegiance to the Flag.

Members present:

Mayor Jo Ann Litwin Clinton
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:

Trustee Matthew J. Hartung

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 to add Chapter 82, entitled “Alcohol – Possession and Consumption of Alcoholic Beverages in Public Places”. Mayor Clinton opened the meeting at 7:05 p.m., giving a brief explanation of the new chapter 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 Pyne to close the hearing at 7:06 p.m.

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

Moved by Trustee Even, seconded by Trustee Popek to approve Local Law #13 of 2026 as follows:

§82-1. Legislative Intent.

The Board of Trustees finds that the responsible consumption of alcoholic beverages by adults in public places may enhance economic development, encourage tourism, support local businesses, and foster a vibrant, walkable downtown.

It is the intent of this Local Law to permit adults lawfully possessing alcoholic beverages to consume such beverages in public areas within the Village, while maintaining prohibitions against disorderly conduct, public intoxication, littering, underage drinking, impaired driving, and other unlawful conduct.

Nothing in this Local Law shall be construed to authorize conduct prohibited by state or federal law.

§82-2. Definitions.

For purposes of this Local Law:

Alcoholic Beverage shall have the meaning assigned in the New York State Alcoholic Beverage Control Law.

Public Place means any street, sidewalk, park, public square, parking area, municipal property, or other area generally open to the public within the Village.

Person means any natural person.

§82-3. Repeal of Existing Open Container Prohibition.

Any section of the Village Code prohibiting the possession of an open container of an alcoholic beverage in a public place is hereby repealed.

Any inconsistent provisions of the Village Code are amended accordingly.

§82-4. Authorization.

A person twenty-one (21) years of age or older may possess and consume an alcoholic beverage in any public place within the Village unless otherwise prohibited by:

1. New York State law;
2. A temporary emergency order;
3. A special event restriction adopted by the Village Board;
4. Rules governing Village-owned facilities where alcohol is specifically prohibited.

§82-5. Exemptions.

This Local Law does not authorize:

- A. Consumption by any person under twenty-one (21) years of age.
- B. Furnishing alcohol to persons under twenty-one (21) years of age.
- C. Public intoxication or disorderly conduct.
- D. Driving while intoxicated or impaired.
- E. Consumption in areas where state or federal law prohibits alcohol.
- F. Possession of alcoholic beverages on school grounds except as otherwise permitted by law.

§82-6. Authority to Restrict Certain Areas.

The Village Board may, by resolution:

1. Designate alcohol-free areas;
2. Temporarily prohibit public consumption during emergencies;
3. Establish rules for Village-sponsored events;
4. Limit alcohol consumption in parks during specified hours or events.

Notice of such restrictions shall be posted where practicable.

§82-7. Glass Containers.

Unless otherwise prohibited by resolution of the Village Board for specific locations or events, alcoholic beverages may be possessed in their original lawful container, including glass containers.

The Village Board may prohibit glass containers in designated parks, festivals, or special events where public safety requires.

§82-8. Littering.

Nothing herein exempts any person from compliance with Village littering or sanitation ordinances.

§82-9. Enforcement.

Nothing in this Local Law limits the authority of law enforcement officers to enforce:

- the New York State Alcoholic Beverage Control Law;
 - the New York State Penal Law;
 - the Vehicle and Traffic Law;
 - laws relating to disorderly conduct;
 - public safety regulations; or
 - any other applicable law.
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§82-10. No Requirement for Special Permit.

Except where otherwise required by state law for the sale or service of alcoholic beverages, no Village permit shall be required solely for an individual to possess or consume an alcoholic beverage in a public place.

§82-11. Severability.

If any provision of this Local Law is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Local Law.

§82-12. Supersession.

To the extent authorized by the Municipal Home Rule Law, this Local Law supersedes any inconsistent provisions of the Village Code relating solely to public possession or consumption of alcoholic beverages.

§82-13. Effective Date.

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

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

Moved by Trustee Popek, seconded by Trustee Even to accept the minutes of July 13, 2026 and Special Session July 22, 2026 as presented.

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

Moved by Trustee Even, seconded by Trustee Popek that vouchers numbering 8468 to 8484 in abstract #300 of fiscal year 2026-2027 in the amount of \$17,843.58, voucher number 8485 in abstract #301 of fiscal year 2026-2027 in the amount of \$1,780.75, vouchers numbering 8486 to 8493 in abstract #302 of fiscal year 2026-2027 in the amount of \$58,777.15, vouchers numbering 8494 to 8523 in abstract #303 of fiscal year 2026-2027 in the amount of \$82,668.00, and vouchers numbering 8524 to 8541 in abstract #304 of fiscal year 2026-2027 in the amount of \$8,659.96 be paid as presented.

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

Comments from the floor of items not on the agenda:

- Gary Lubick, of the Town of Orchard Park thanked Mayor Clinton and Village Board for relocating the Farmers Market to the Orchard Park Rail Depot.
- Frank King, a 42 year resident of Orchard Park, also thanked Mayor Clinton for her commitment to community support and supporting the Depot.

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

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

Code Enforcement Officer Gullo had nothing to report.

Trustee Popek noted that the Farmers Market has been wonderful at the Depot and thanked the Village DPW for their help during Quaker Days.

Trustee Pyne seconded Trustee Popek's comments.

Trustee Even thanked the Village DPW for all of their hard work and help with the events during Quaker Days.

Clerk-Treasurer Richeal had nothing to report.

Attorney Bailey had nothing to report.

Mayor Clinton had nothing to report.

Moved by Trustee Pyne, seconded by Trustee Popek that the Employee Handbook be amended to add Section 9.12, Paid Parental Leave as follows:

Establishment of a Paid Parental Leave Benefit for Non-Union Employees

WHEREAS, the Village of Orchard Park recognizes that attracting and retaining qualified employees is essential to the efficient operation of Village government; and

WHEREAS, the Board of Trustees finds that providing a paid parental leave benefit for eligible employees promotes employee retention, reduces recruitment and training costs, and supports employees during the birth or adoption of a child; and

WHEREAS, the Village currently provides eligible employees with up to twelve (12) weeks of unpaid parental leave pursuant to the Village Personnel Handbook; and

WHEREAS, the Board desires to authorize the discretionary approval of paid parental leave in appropriate circumstances while preserving the Board's authority to evaluate each request on its individual merits.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees may, in its sole discretion, approve paid parental leave for eligible non-union employees under the following general guidelines:

1. Paid parental leave may be granted for a period not to exceed twelve (12) weeks following the birth or adoption of a child.
2. The initial paid leave shall consist of:
 - o Six (6) consecutive weeks following a routine delivery; or
 - o Up to eight (8) consecutive weeks following a Cesarean delivery or other medically documented circumstance requiring additional recovery, as certified by the employee's treating physician.

3. The remaining paid leave, up to thirty (30) working days, may be taken:
 - o Immediately following the initial recovery period; or
 - o Intermittently, in increments approved by the Village Administrator/Mayor, within twelve (12) months following the child's birth or placement.
4. Scheduling of intermittent leave shall be coordinated with the employee's department head and approved based upon operational needs of the Village.
5. During approved paid parental leave, the employee shall continue to receive regular salary and benefits under the same terms and conditions applicable to active employees, provided the employee continues to pay any required employee benefit contributions.
6. As a condition of receiving paid parental leave, the employee shall execute a written Paid Parental Leave Agreement approved by the Village Attorney.
7. The employee shall agree to return to active employment with the Village for a minimum of twelve (12) months following the conclusion of paid parental leave. If the employee voluntarily resigns before satisfying this obligation, the Village may require repayment of all or a prorated portion of the paid parental leave benefits, unless waived by the Board due to extraordinary circumstances.
8. Nothing contained herein shall create an entitlement to paid parental leave. Approval of each request shall remain within the sole discretion of the Board of Trustees after consideration of the employee's service, performance, operational needs, fiscal impact, and other relevant factors.
9. The Board reserves the right to modify, suspend, or repeal this benefit at any time.

BE IT FURTHER RESOLVED, that the Village Personnel Handbook shall be amended to reflect this policy.

On the question:	3 voting "Aye" Trustee Pyne Trustee Even Trustee Popek	0 voting "Nay"	Carried
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Moved by Trustee Even, seconded by Trustee Popek 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:	3 voting "Aye" Trustee Pyne Trustee Even Trustee Popek	0 voting "Nay"	Carried
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Moved by Trustee Pyne, seconded by Trustee Even authorizing DPW Manager Wittmeyer to purchase a 2026 Kenworth T480 with an 11' Dump Body for \$147,223.00 from Kenworth Northeast Group – Buffalo. The expenditure from Reserve for Equipment, not to exceed \$148,000.00, is subject to permissive referendum.

On the question:	3 voting “Aye” Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Even, seconded by Trustee Popek that a public hearing be scheduled and advertised for September 14, 2026 at 7:00 p.m. to hear public comment on a proposed local law amending Chapter 194, Article II of the Village Code.

On the question:	3 voting “Aye” Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Pyne, seconded by Trustee Even that a public hearing be scheduled and advertised for September 14, 2026 at 7:00 p.m. to hear public comment on a Special Use Application by Gregory Wollen to establish a short-term rental at 4957 Ellicott Road, SBL #173.69-1-9.

On the question:	3 voting “Aye” Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Popek, seconded by Trustee Pyne that Mayor Clinton be authorized to sign a Special Event Contract with Orchard Park High School Pep Club for a Homecoming Parade at 10:00 a.m. on September 26, 2026 pending approval of the NYS DOT road closure permit.

On the question:	3 voting “Aye” Trustee Pyne Trustee Even Trustee Popek	0 voting “Nay”	Carried
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Moved by Trustee Even, seconded by Trustee Popek that the following budget adjustment be authorized for the 2026-2027 fiscal year:

Increase budget for:

Youth Programs	AA-67310-400	\$1995.00
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Decrease budget for:

Village Hall (Contractual Expense)	AA-61620-400	\$1995.00
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On the question:	3 voting "Aye" Trustee Pyne Trustee Even Trustee Popek	0 voting "Nay"	Carried
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The next regular meeting is scheduled for September 14, 2026.

Moved by Trustee Popek, seconded by Trustee Even to adjourn at 7:14 p.m.

On the question:	3 voting "Aye" Trustee Pyne Trustee Even Trustee Popek	0 voting "Nay"	Carried
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Respectfully submitted,

Heather Tucciarone-Richeal, Village Clerk-Treasurer