

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, June 8, 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 84, entitled “Amusements”. Mayor Clinton opened the meeting at 7:03 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 7:04 p.m.

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 Hartung to approve Local Law #2 of 2026 as presented:

A local law Amending the Village of Orchard Park Municipal Code, Chapter 84, entitled “Amusements”.

SECTION I:

Amending Chapter 84 to read:

Chapter 84 Commercial Recreational Facilities

SECTION II:

§ 84-1 “Title”

This chapter shall be known and may be cited as “Commercial Recreational Facilities”.

SECTION III:

§ 84-2 “Enforcement”

The Board of Trustees shall provide for the enforcement of the provisions of this chapter. The designated office or any other person authorized by the Board of Trustees shall have the right to enter upon any premises used as mentioned in this chapter at all reasonable times for the purpose of inspection and enforcement of this chapter.

SECTION IV:

Article II Commercial Recreational Facilities

§ 84-3 “Permit Required” (A) (B) (C) (D)

A. Definition

(1) A Commercial Recreational Facility is an establishment where conducted within a building or outdoors, where the principle use is the provision of entertainment, amusement, or recreational activities doe compensation.

B. Type of Activities

(1) No person shall engage, conduct, manage, operate or cause to be conducted, managed or operated within the limits of the Village, any Commercial Recreational Facility as described in Table I, without first obtaining a building permit from the Village Code Enforcement Officer as provided in this article.

Table I Commercial Recreational Facilities

Indoor	Outdoor
Video Game Arcades	Go-Kart Tracks
Virtual Reality Gaming Centers	Batting Cages
Laser Tag Facilities	Outdoor Mini Golf
Bowling Alleys	Amusement Parks or Carnival-style Attractions
Billiard or Pool Halls	Water Parks
Roller Skating Rinks	
Indoor Climbing Gyms	
Escape Rooms	
Indoor Trampoline Parks	

Family Entertainment Centers offering a combination of above	
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C. Accessory Uses

(1) Food and beverage service, party rooms, redemption prize counter and retail sales incidental to the primary amusement use shall be considered accessory uses.

D. Exemptions

(1) The provisions of this article shall not apply the following in Table II:

Table II

Vending Machines	Candy Machines
Adult Entertainment Establishments	Casinos regulated under state law
Bars, Nightclubs & Taverns where primarily serving Alcohol	Movie Theaters (unless specifically included elsewhere in the code)
Health Club or Fitness Centers	

SECTION V:

§ 84-4 “Application for Commercial Recreation Facility” (A) (B)

Any person desiring to apply for a Commercial Recreation Facility would follow the building permit procedures.

A. The application shall contain a signature made by the applicant, that the information contained in the application is complete, accurate and truthful to the best of his knowledge and belief.

B. A diagram and description of the size and location of said premises, showing parking facilities as required by Chapter 225, Zoning, of the Code of the Village of Orchard Park.

C. Lights shall be directed away or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

SECTION VI:

§ 84-5 “Fees” (A)

A. Permits. The fees for a permit to operate a Commercial Recreation Facility shall be as set forth in Chapter A232, Fees, related to the work being conducted.

SECTION VII:

§ 84-8 “Operating restrictions”

A. The owner and operator of any Commercial Recreation Facility shall not permit a greater number of persons on the premises at any time other than the capacity set forth in the Certificate of Code Compliance.

B. The owner and operator of any Commercial recreational Facility shall maintain good order on the premises at all times. The lack of good order on the premises of a Commercial Recreation Facility shall include but not be limited to the following:

(1) Fighting and rowdy behavior

(2) Possession or consumption of alcoholic beverages, except approved by the Village Board through the Special Permit process.

(3) No public address system shall be permitted except where such system is inaudible at any property line.

C. All establishments designated as a Commercial Recreational Facility must contain public

restrooms for men and women, separately.

D. Compliance with the Code of the Village of Orchard Park is required. Every person, firm or corporation which or who maintains, operates or conducts a Commercial Recreation Facility shall comply with all applicable sections of the Code of the Village of Orchard Park.

SECTION VIII: Effective Date

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

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

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 162, entitled “Parades, Processions and Gatherings”. Mayor Clinton opened the meeting at 7:05 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 Hartung, seconded by Trustee Pyne to close the hearing at 7:06 p.m.

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 Even to approve Local Law #3 of 2026 as presented:

A local law Amending the Village of Orchard Park Municipal Code, Chapter 162, entitled “Parades, Processions and Gatherings”.

Section I:

§ 162-9 “**Officials to be Notified**” (C)

C. Manager of Public Works

SECTION II: Effective Date

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

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

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 92, entitled "Building Code Administration and Enforcement". Mayor Clinton opened the meeting at 7:06 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 Even, seconded by Trustee Popek to close the hearing at 7:07 p.m.

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 Hartung to approve Local Law #4 of 2026 as presented:

A local law Amending the Village of Orchard Park Municipal Code, Chapter 92, entitled "Building Code Administration and Enforcement".

SECTION I:

Amend § 92-4 **Building permits** to read:

B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) Construction or installation of one-story detached structures associated with one- or tow-family dwellings or multiple single-family dwellings (townhouses) which are used for playhouses or similar uses, provided the gross floor area is less than 144 square feet (13.38 square meters); Only erected in rear yards.

(2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses); Only erected in rear yards.

(3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designated for a water depth of less than 24 inches and are installed entirely above ground; Only erected in rear yards.

I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building permits shall expire six (6) months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

SECTION II:

Amend § 92-10 **Operating permits** to read:

A. Operating permits required.

1. Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;

SECTION III:

Amend § 92-15 **Enforcement; penalties for offenses** to read:

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code or any portion of the Village of Orchard Park Municipal Code.

SECTION IV: Effective Date

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

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

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 210, entitled "Water". Mayor Clinton opened the meeting at 7:08 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 Pyne, seconded by Trustee Hartung to close the hearing at 7:09 p.m.

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 Even to approve Local Law #5 of 2026 as presented:

A local law Amending the Village of Orchard Park Municipal Code, Chapter 210, entitled “Water”.

SECTION I:

§ 210-19 “**Meters**”

M. The Village of Orchard Park will require a meter pit for any structure where the distance from the property line to the front wall of the primary is more than 150 feet. A meter pit must be installed in the right-of-way at the owner’s expense. If the Village of Orchard Park performs the installation of the meter pit, all expenses will be charged to the water account and treated as water bills under the regulations set forth in this article. Existing accounts are required to upgrade within one year to a meter pit at the time of a transfer of title or as determined by the Village of Orchard Park. Meter pits must be approved by the Manager of Public Works or Village representative.

SECTION II:

§ 210-20 “**Water Rates**”

A. Amount of water rates.

(2) Late charges. In the event a resident or nonresident property owner shall not pay a quarterly water bill within 30 days from the billing date of said bill, an additional late fee of the total quarterly charge shall be added to the amount due as a late charge. Charges as set forth in Chapter A232, Fees.

SECTION III:

§ 210-30 “**Enforcement; penalties for offenses**”

C. Penalties

(1) The following penalties shall be applicable for a violation of this article:

(a) Failure to obtain approval for the appropriate backflow preventions device installation within 60 days after the first notice: \$250 fine

(b) Failure to install the appropriate backflow prevention device within 30 days after the second notice: termination of service.

(c) Failure to at least annually test and certify that backflow device installation meets the criteria to comply as an acceptable containment device within 10 days of notice: \$300 fine and/or termination of service.

(d) Failure to correct, replace or repair a backflow prevention device or the installation as required: \$300 fine and/or termination of service.

(2) Any water service terminated under this article shall be subject to the fees of termination for nonpayment in effect at the time of violation.

(3) Any penalties under this section shall be treated as though it is for water services and may be placed on tax roll as a lien if unpaid.

D. Every day that the property owner is in violation of this article represents a separate daily fine.

SECTION IV: Effective Date

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

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 to accept the minutes of May 11, 2026 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 voucher numbering 8347 in batch #293 of fiscal year 2025-2026 in the amount of \$1,632.00, vouchers numbering 8348 to 8369 in batch #294 of fiscal year 2025-2026 in the amount of \$74,532.32 and voucher number 8370 in batch #295 of fiscal year 2025-2026 in the amount of \$4,814.08 be paid as presented. Also moved by Trustee Hartung, seconded by Trustee Even that vouchers numbering 8371 to 8382 in batch #296 of fiscal year 2026-2027 in the amount of \$66,926.76 and vouchers numbering 8383 to 8393 in abstract #297 of fiscal year 2026-2027 be paid as presented.

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

Comments from the floor of items not on the agenda:

- Michael Stebick, 124 S. Lincoln Ave. voiced his concerns with the increasing number of ebikes and scooters in the Village, especially those being operated by children under 15 years old, and the potential for serious injury accidents.

- Deputy Mayor Hartung acknowledged the concerns and explained that the Village Board did pass a local law last year specifically to address the regulation of ebikes, and scooters in the Village. He also explained that the Town is working on updating their code similar to the Village regarding ebikes.

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

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

Code Enforcement Officer Gullo had nothing to report.

Trustee Popek had nothing to report.

Trustee Hartung reminded residents that the Village DPW is in the process of completing a service line inventory as required by New York State to check for any lead water lines. You may see DPW crews working their way through the Village checking the service lines for the next couple of months.

Trustee Pyne had nothing to report.

Trustee Even wanted to thank and congratulate Code Enforcement Officer Gullo for his dedication to keeping the Village safe. He recently completed several trainings and certification renewals including National Fire Marshall and Chief Fire Officer.

Clerk-Treasurer Richeal reported that the 2026-2027 Village Tax bills were mailed out and are due by July 1st without penalty.

Attorney Bailey had nothing to report.

Mayor Clinton acknowledged former Town Supervisor, Eugene Majchrzak, was in the audience. She thanked him for attending this evening's Village Board meeting.

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

Chapter 84, Amusements to read as Chapter 84, Commercial Recreational Facilities
Add See Building Permit Fee

Chapter 210, Water

Add fee: Billing late fees (an Administration fee added to include but not limited to Department of Public Works, Code Enforcement officer and Village Office staff time incurred)
15%

Add Article IX, Battery Storage Facilities

Tier 1	\$3,000
Tier 2, 3	\$5,000

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 that Mayor Clinton be authorized to sign a Special Events Contract with The Byrd House to host a Party in the Plaza Fundraiser for the Carson Senfield Foundation from 3-7 p.m. on June 21, 2026.

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

Moved by Trustee Even, seconded by Trustee Popek that a public hearing be scheduled and advertised for June 22, 2026 at 7:00 pm to hear public comment on proposed revisions of the Orchard Park Municipal Code, Chapter 169, "Property Maintenance", and Chapter 225, "Zoning".

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

Moved by Trustee Even, seconded by Trustee Pyne that the following budget adjustments be authorized for the 2025-2026 fiscal year:

Increase budget for:

Personal Services	AA-61010-100	\$38.32
Personal Services	AA-61325-100	\$5,000.08
Bank Fees	AA-61380-400	\$31.30
Central Printing and Mailing	AA-61670-400	\$88.80
Unallocated Insurance	AA-61910-400	\$286.90
Taxes	AA-61950-400	\$9.69
Materials and Supplies	AA-65110-403	\$343.46
Celebrations	AA-67550-100	\$385.07
Workers Compensation	AA-69040-800	\$577.77
Water Administration	FF-68310-110	\$4225.36
Source of Supply	FF-68320-400	\$53,069.69

Materials and Supplies	FF-68340-403	\$4814.08
Miscellaneous (Uniforms.Etc.)	FF-68340-413	\$8827.64

Increase Revenue for:

Metered Water Sales	FF-42140-000	\$53,069.69
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Decrease budget for:

Personal Services	AA-61110-100	\$38.32
Personal Services	AA-61325-110	\$5000.08
Flex Card Fees	AA-61375-401	\$30.50
Central Garage	AA-61640-405	\$386.19
Street Maintenance	AA-65110-401	\$343.46
Snow Removal	AA-65142-100	\$385.07
Social Security	AA-69030-800	\$577.77
Contingency	FF-61990-400	\$8827.64
Personal Service	FF-68340-100	\$4225.36
Water Testing	FF-68340-410	\$1247.80
Unallocated Insurance	FF-61910-400	\$2850.00
Contractual Expense	FF-68310-400	\$716.28

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 June 22, 2026.

Moved by Trustee Hartung , seconded by Trustee Even to adjourn at 7:26 p.m.

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

Heather Tucciarone-Richeal, Village Clerk-Treasurer