

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, July 24, 2017 at 7:30 p.m.

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Mayor Kulpa.

Present: Brian J. Kulpa, Mayor
Daniel O. DeLano, Deputy Mayor
Deb Rogers, Trustee
Basil J. Piazza, Trustee

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer
Judith A. Kindron, Deputy Treasurer
Charles Grieco, Village Attorney
Maggie Hamilton, Director of Community Development
Ben Vilonen, DPW Crew Chief

Excused: John "Al" Yates, Jr., Trustee

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to approve the minutes of the regular meeting held on June 26, 2017 as submitted.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to approve the minutes of the Annual Re-organization Meeting, held on July 5, 2017, as submitted.

Motion carried. 4 – 0.

<p style="text-align: center;">Public Hearing Proposal to Amend Chapter 103 (Vehicles and Traffic) To add No Standing on east and north sides of Oakgrove Dr. from Park Dr. to Garrison Rd.</p>
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ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open the public hearing at 7:33 p.m.

Motion carried. 4 - 0.

The Administrator read aloud the legal notice as it appeared in the Amherst Bee on June 21, 2017.

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Member(s) of the audience who spoke and the topics of their comment(s) [*The Village Board's comments are in italics*]:

1. Dave Bauer, 102 Oakgrove Dr. – Submitted a petition with 21 signatures in favor of one-sided parking. Thanked the Board for posting No Parking during Old Home Days.

2. Larry Brenton, 31 Monroe Dr. – Asked if this issue has been referred to Traffic & Safety Committee and, if so, what their recommendation was. [*The members have mixed opinions.*] Oakgrove Drive is one of the wider streets. Concerned with overall safety-should consider a community-wide base. Oakgrove gets parking for a lot of community events.

3. Nick Roth, 135 Oakgrove Dr. – Is a member of the Traffic & Safety Committee. They are waiting for information from the Fire Dept.

4. Roslyn Sciascia, 63 Oakgrove Dr. – Complimented neighbors for coming and giving input. Not convinced one-sided parking is the solution. Visibility issue with snow. No Parking was very effective during Old Home Days. For 9 or 10 days it is very problematic – post on those days.

5. Amy Alexander, 153 Mill St. – Should have a standard for the entire Village. Certain events affect Mill Street. Determine by street width? [*DeLano – Idea of No Parking during events did come up but there are a lot of moving parts.*]

6. Dave Bauer, 102 Oakgrove Dr. – Didn't observe more or faster traffic during Old Home Days event. Anticipation of events that require parking restrictions cannot always be relied upon. Signs can fall down due to wind and weather.

ON MOTION by Mayor Kula, seconded by Trustee Piazza, it was moved at 7:51 p.m. to hold the public hearing open until August 14, 2017.

Motion carried. 4 – 0.

<p style="text-align: center;">Public Hearing Proposal to Amend Chapter 103 (Vehicles and Traffic) To modify No Standing on Main St. near Grove St.</p>
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ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to open this public hearing at 7:51 p.m.

Motion carried. 4 - 0.

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The Administrator read aloud the legal notice as it appeared in the Amherst Bee on July 5, 2017.

Deputy Mayor DeLano stated the No Standing zone is currently between the crosswalk and Grove Street. This would move the No Standing zone to 10' beyond (west of) the crosswalk.

No one from the audience addressed the Board.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved at 7:54 p.m. to close the public hearing.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to open the public participation portion of the meeting.

Motion carried. 4 – 0.

Member(s) of the audience who spoke and the topics of their comment(s) [*The Village Board's comments are in italics*]:

1. Nick Roth, 135 Oakgrove Dr. – There are a lot of teens swimming in the creek at the tip of Island Park. Could a No Swimming sign be posted at tip of the Island?
2. Chuck Akers, 170 S. Cayuga Rd. – What is the time schedule for Main Street Project? [*Kulpa – Will bid out soon for construction in the spring.*]
3. Larry Brenton, 31 Monroe Dr. – Sound barriers are being installed by NYS Thruway Authority. Has the Village ever requested the installation of these within the Village? [*Kulpa - Have made requests. Authority has brought in fill and created berms and heavy pine plantings.*] Does not think this is enough.
4. Tim McDonald, 133 Garden Pkwy. – Lives just down the road from Williamsville Toll Barrier. Should move the toll barrier. [*Kulpa - Village has continuously asked for this. Thruway Authority has policy of not building toll barriers. Will likely implement a high speed barrier but have no timeline.*]
5. Barbara Whitney, 54 Oakgrove Dr. – Has large lot with gardens that the deer love. Any hope that the deer problem will be solved? [*Amherst Police have the deer management program.*]

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6. Thomas Frank, 5403 Main St. – Imagine Amherst; CFA deadline; NYSERDA; Empire State Development; Amherst IDA; NFTA.
7. Kim Connelly, 52 California Dr. – Feral cat issue in the Village; Working to implement the process in the Village Code.
8. Noel Bartlo, 55 California Dr. – Asked Trustee Rogers to give an update on the Natale Project and what offer has been made. *[Trustee Rogers – On July 14th the Administrator sent a lead agency notice to all interested and involved parties under SEQRA. They have 30 days to respond. This is due to potential land swap.]*

Village Attorney Grieco – Natale submitted an Environmental Assessment Form; have to submit lead agency solicitation. Village has not committed itself to anything. *[Trustee Rogers – a portion of the Village Board is interested in discussion and pursuing a possible land swap.]*

9. Timothy McDonald, 133 Garden Pkwy. – Asked why Trustee Rogers is interested in pursuing this. *[Rogers – She wants to look at what is in the best interest of the Village as a whole. Makes sense due to railway Section House and connection to Lehigh Memory Trail.]* He is opposed to the land swap. There is a lot of traffic that goes through the neighborhood. Should combine the International Chimney parcel with the park. *[Village Attorney Grieco – Village Board as the lead agency will look at traffic.]*

10. Peter Bahler, 138 Garden Pkwy. – Traffic issues; people don't stop at the stop sign. Rick Lohr has demonstrated his interest in community and may be willing to look at sale of warehouse. *[Kulpa – The company has been sold and new owner is not showing interest in selling the S. Long properties.]*

11. Josette Salvatore Hickey, 32 Garden Pkwy. – Not for or against land swap. Concerned about pedestrian safety. Cars drive very fast and don't stop at stop signs.

12. Amy Alexander, 153 Mill St. – Has a traffic study been done on Option A presented at last Village Board meeting? (building only on their own property)? *[No. Only on the initial proposal.]* How do you know difference if not doing traffic study for Options A & B? *[Village Attorney Grieco – Can ask them but cannot require. Kulpa - Would request they do that traffic study as a comparison. Grieco – Traffic is not the only reason to look at land swap. Apartment buildings are better suited closer to Main Street.]* What discussion has gone on so far as park improvements by Natale if land swap were to occur? *[Rogers – If an agreement was made on land swap, Natale would need to make the area into a park, and include upgrades. What those upgrades would be has not been discussed – getting numbers together. Kulpa - Natale can move forward on their site at any time. If they want land swap would have to bring that forward.]*

13. Kim Connelly, 52 California Dr. – Next Door has become really sad for discussion of this particular issue. Have discussed doing a formal survey. What is the update? Opting into optional public participation portion of SEQR? *[Kulpa - Survey can be a part of the conversation. Will be public participation heavy on SEQRA. Looking for best solution. Rogers – Not in favor of*

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survey. Doesn't know all would be informed properly. Delano - Suggestion of a survey was shot down by the public.]

14. Mike Carrato, 162 N. Long St. – Did some drawings. Should have consistent before and after. No practical place for ball diamond. Have a fully functional park. *[Kulpa - Land swap did not come from Natale. Came from residents.]*

15. Chuck Akers, 170 S. Cayuga Rd. – Has a PhD in bio physics. Not simple to take bias out of surveys.

16. Dawn Jones, 81 Milton St. – Is building proposed by Natale one building or two? Have a chance to make the park look like a park. *[Rogers - Option A is four 25-unit buildings on California Dr.]*

17. Annette Schmidt, 64 Academy St. – Doesn't understand how land swap will alleviate any traffic problems. There won't be room for a ball diamond. Developer purchased property and should build on their own property.

18. Elaine Levine, 54 Harvard Ct. – Frequently drives that area. Years of work would be needed. Finds it upsetting that this is happening.

19. Josette Salvatore Hickey, 32 Garden Pkwy. – Asked about the number of apartments in each scenario. California Drive – four 25-unit buildings; S. Long Street – one 80-unit building.

20. Amy Alexander, 153 Mill St. – If swap occurs, what becomes of DPW side yard? Blocks connection. *[Could stay or go. Could become park or not.]*

21. Ken Harhawk, 65 University Ct. – Can building hold sewage. Have had flooding issues. *[Kulpa-Must have storm drainage.]*

22. Noel Bartlo, 55 California Dr. – Meetings earlier this year did not discuss land swap. Those on the east side will accept the traffic and keep the park. Nothing in Natale drawings for stormwater.

23. Paul Steinbruckner, 86 Milton St. – Many people are in favor of land swap, but didn't put up signs.

24. Carol Bartlo, 55 California Dr. – There are many who don't want the land swap. Looked at on a lower level so got signs. Lives in big white house built within the code. There are other options to connect the parks. The park is used.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to close the public participation portion of the meeting.

Unanimously carried.

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Report – Mayor Kulpa

No report

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adopt Mayor Kulpa’s resolutions #1 – 3, as written.

Motion carried. 4 – 0.

RESOLVED, that payroll and vouchers in the amount of **\$1,863,417.44** covering the period from 6/20/17 to 7/18/17, are hereby approved as follows:

Payroll covering 6/12/17 – 6/25/17:	\$41,946.17
Payroll covering 6/26/17 – 7/10/17:	\$37,636.16

Vouchers covering 6/20/17 – 7/05/17:

General Fund	\$97,018.64
Water Fund	\$0.00
Sewer Fund	\$352,469.87
Glen Park Fund	\$472.32
Trust & Agency Fund	\$20,659.85
Debt Service	\$5,062.50
Community Development	\$0.00
Capital Fund	<u>\$27,635.25</u>
	\$503,318.43

Vouchers covering 7/06/17 – 7/18/17:

General Fund	\$74,014.01
Water Fund	\$190,922.04
Sewer Fund	\$338.54
Glen Park Fund	\$1,673.84
Trust & Agency Fund	\$14,568.25
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$999,000.00</u>
	\$1,280,516.68

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GRAND TOTAL: **\$1,863,417.44**

Motion carried. 4 – 0.

RESOLVED, that the following *budget transfer* is hereby made in the *General Fund* for the *2017-2018* fiscal year:

To:	001-3410-4160-3404 (Fire Protection-Truck Expense/Rescue 4)	\$106.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$106.00

Motion carried. 4 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2016-2017* fiscal year to account for revenue received from Amherst IDA to cover half the cost of public relations and public affairs consulting services provided by Momentum, LLC (Dec. 2016, Jan. 2017 and Feb. 2017):

Increase:	001-0001-2770 (Misc. Revenue)	\$3,000.00
Increase:	001-6410-4925 (Publicity/Marketing)	\$3,000.00

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adopt the following resolution:

WHEREAS, the Code Enforcement Officer of the Village of Williamsville has inspected the building at 96 S. Long St. ("Subject Building"); and

WHEREAS, such inspection has identified structural issues including rotted floors, a failing roof, bowing exterior walls, and black mold, resulting in dangerous and unsafe conditions; and

WHEREAS, the Subject Building has remained unoccupied for a period of over 5 years, and because of damage and destruction to doors, windows, and other portals, as well as other physical deterioration, this building constitutes a hazard to health and safety; and

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WHEREAS, in accordance with Section 15 of the Village Code, the Code Enforcement Officer recommended demolition of the Subject Building in a letter to the Village Board of Trustees, dated May 18, 2017; and

WHEREAS, on May 22, 2017, the Village Board of Trustees, pursuant to Section 15-5 of the Village Code, adopted a resolution ordering the record owner to demolish the Subject Building, which was to be commenced within 15 days of receipt of the demolition order by the record owner of the Subject Building and which demolition was to be completed within 60 days of receipt to said order; and

WHEREAS, the demolition order was served upon the record owner by certified mail, return receipt requested, on May 26, 2017, with copies of said order served upon Wells Fargo Bank and Gross Polowy LLC by mailing such copies by certified mail, return receipt requested; and

WHEREAS, to date no attempt has been made by the record owner or the lender to commence demolition;

THEREFORE, BE IT RESOLVED, that pursuant to Section 15-6 of the Village Code, the Village Board of Trustees hereby orders the Code Enforcement Officer to re-inspect the Subject Property no later than July 25, 2017 to ensure compliance with the order to demolish the Subject Property; and

BE IT FURTHER RESOLVED, that in the event the Subject Property has not been demolished by July 25, 2017, the Village Board authorizes and instructs the Village Attorneys of Record to make an application to the New York State Supreme Court, within 120 days of this resolution, for an order declaring the Subject Property to be a public nuisance and directing its demolition in accordance with the order of the Trustees; and

BE IT FURTHER RESOLVED, that pursuant to Section 15-6(B) of the Village Code, all expenses incurred by the Village in demolishing the Subject Property shall be immediately presented to the record owners for payment, which expenses shall be assessed as a charge against the Subject Property if not paid within 30 days of such demand for payment.

Roll call:	Deputy Mayor DeLano	Abstain
	Trustee Piazza	Yes
	Trustee Rogers	Yes
	Mayor Kulpa	Yes

Motion carried. 3 – 0.

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ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adopt the following resolution:

RESOLVED, that *Michael Zook* of *259 Sherbrooke Dr., Williamsville*, is hereby appointed as a member of the *Williamsville Fire Department*, effective *August 1, 2017*.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adopt the following resolution:

RESOLVED, that the following travel is hereby approved retroactively:

Michael Measer, John Licata, Chris Petrie, Christina Haffa and Adam Oehlmer of the Williamsville Fire Department are authorized to travel to 4 Guys Inc. Fire Trucks in Meyersdale, PA from July 9 to July 10, 2017, at no cost to the Village of Williamsville, for the purpose of meeting regarding the purchase of two new fire trucks.

Motion carried. 4 – 0.

Report – Trustee Rogers

No report.

ON MOTION by Trustee Rogers, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that *Elizabeth Holden* of *47 N. Long St., Williamsville*, is hereby appointed as a member of the *Planning and Architectural Review Board* until the end of the *2019-2020* official Village year.

Motion carried. 4 – 0.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Music in the Parks on Tuesday evenings; Glen Park Art Festival this weekend; AUC meeting last week.

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ON MOTION by Trustee Piazza, seconded by Deputy Mayor DeLano, the following resolution was adopted:

RESOLVED, that the Administrator is hereby authorized to publish legal notice of public hearings to be held on Monday, September 11, 2017 at 7:30 p.m., at Williamsville Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in commenting on the proposed designation of the following properties as Local Landmarks:

- 5429 Main Street (Alex and Ani/Starbucks)
- 34-42 W. Spring St. (Brewery Hill)
- 150 Milton St. (Lehigh Valley Section House)
- 80 E. Spring St. (Zent House)

Motion carried. 4 – 0.

Report – Deputy Mayor DeLano

No report.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that Village Justice Court Clerk Gail Jahreis is hereby authorized to attend the New York State Association of Magistrate Court Clerks 37th Annual Fall Conference held in Ellicottville, New York, on September 25 and September 26, 2017, at a cost not to exceed \$210.00, to be paid by the Village of Williamsville.

Motion carried. 4 – 0.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Piazza, the following resolution was adopted:

WHEREAS, the 2017 Milling & Paving project was advertised, and bids were publicly opened on July 12, 2017; and

WHEREAS, nine (9) bids were received for the project;

NOW, THEREFORE, BE IT RESOLVED, that the contract for 2017 Milling & Paving is hereby awarded to Occhino Corporation for their low bid of \$265,148.00.

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Motion carried. 4 – 0.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Piazza, the following resolution was adopted:

WHEREAS, the Village of Williamsville, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Williamsville Village Board of Trustees

1. That Mayor Brian Kulpa or such person's successor in office, is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance, to submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance, through the Consolidated Funding Application; Green Infrastructure Grant Program;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution takes effect immediately.

Motion carried. 4 – 0.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Piazza, it was moved to leave the regular agenda to consider an additional resolution.

Motion carried. 4 – 0.

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ON MOTION by Deputy Mayor DeLano, seconded by Trustee Piazza, the following resolution was adopted:

RESOLVED, that *Patricia Armitage of 253 Hirschfield Dr., Williamsville, New York*, is hereby appointed to the *Traffic & Safety Committee* until the end of the *2017-2018* official Village year.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to return to the regular agenda.

Motion carried. 4 – 0.

Staff Reports - None

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open the Executive Session at 9:54 p.m. for the purpose of discussing a personnel issue and pending litigation.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to close the Executive Session at 10:18 p.m.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adjourn the regular meeting at 10:18 p.m.

Motion carried. 4 – 0.

Lynda L. Juul
Administrator/Clerk-Treasurer