

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2018 at 7:30 p.m.**

The meeting was opened with the Pledge of Allegiance led by Mayor DeLano.

Present: Daniel O. DeLano, Jr., Mayor  
Basil J. Piazza, Deputy Mayor  
Deborah L. Rogers, Trustee  
Matthew J. Etu, Trustee

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

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

**ON MOTION** by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to approve the minutes of the regular meeting held on October 22, 2018, as submitted.

Motion carried. 4 – 0.

**Public Hearing**

***Proposed amendment to Chapter 84 of the Village Code (Signs)***

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:38 p.m. to continue this public hearing which was previously left open by the Village Board at their October 22, 2018 meeting.

Motion carried. 4 – 0.

No one from the audience addressed the Board.

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu it was moved at 7:38 p.m. to continue this public hearing at the November 26, 2018 Village Board meeting.

Motion carried. 4 – 0.

Mayor DeLano reported that the Village Board is awaiting the updated code from the consultant.

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**Public Hearing**

*Use of the Community Development Block Grant funds for 2019 - 2020*

Deputy Mayor Piazza reported that CDBG funds can be used on landmark properties, and for home improvements for those who qualify.

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:42 p.m. to open this public hearing.

Motion carried. 4 – 0.

No one from the audience addressed the Board.

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:42 p.m. to close the public hearing.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

Member(s) of the audience who spoke and their topic(s):

Thomas Frank, 5403 Main St. – Opening ceremony for walkable village; TEP Grant; Removal of toll booths; War of 1812 Cemetery; Access/egress from Wehrle Dr.; Multi-modal transportation.

**ON MOTION** by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to close the public participation portion of the meeting.

Motion carried. 4 – 0.

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**Report – Mayor DeLano**

*Mayor DeLano reported on the following topic(s):* Village received NYSDEC grant to plant trees on Union Rd.; Veteran’s Day ceremony at Williamsville Cemetery.

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

**RESOLVED**, that the following *budget transfers* are hereby made in the *General Fund* for the 2018-2019 fiscal year:

To:	001-1620-2000 (Buildings – Equipment)	\$920.00
From:	001-3620-2000 (Safety Inspection – Equipment)	\$280.00
	001-6989-2000 (Other Econ Oppty & Development – Equipment)	\$61.00
	001-1410-2000 (Village Clerk – Equipment)	\$579.00
To:	001-1620-4240 (Buildings – Paint/Carpet/Etc.)	\$906.00
From:	001-1620-4230 (Buildings – Maint.)	\$906.00
To:	001-1640-2000 (Central Garage – Equipment)	\$63.00
	001-1640-4450 (Central Garage – Misc.)	\$56.00
From:	001-1640-4260 (Central Garage – Maint. Supplies)	\$119.00
To:	001-3410-4160-3401 (Fire Protection – Truck Expense/Engine 1)	\$2961.00
	001-3410-4160-3402 (Fire Protection – Truck Expense/Engine 2)	\$225.00
	001-3410-4160-3404 (Fire Protection – Truck Expense/Rescue 4)	\$348.00
	001-3410-4160-3406 (Fire Protection – Truck Expense/Ladder 6)	\$7,207.00
	001-3410-4160-3471 (Fire Protection – Truck Expense/Polaris ATV)	\$486.00
	001-3410-4160-3492 (Fire Protection – Truck Expense/Asst. Chief 9-2)	\$1,076.00
From:	001-3410-4160 (Fire Protection – Truck Expense)	\$12,303.00
To:	001-3620-4450 (Safety Inspection – Misc.)	\$643.00
From:	001-3620-4040 (Safety Inspection – Education Exp./Travel)	\$300.00
	001-3620-4020 (Safety Inspection – Postage)	\$343.00
To:	001-5110-4161-0904 (Street Maintenance – Repairs/2005 Freightliner)	\$212.00
	001-5110-4161-0905 (Street Maintenance – Repairs/2007 Int’l Dump)	\$664.00
	001-5110-4161-0907 (Street Maintenance – Repairs/2018 Dump)	\$300.00
From:	001-5110-4161 (Street Maintenance – Repairs/Equipment)	\$1,176.00
To:	001-7110-4162 (Parks – Repairs/Pool)	\$1,971.00
	001-7110-4165 (Parks – Repairs/Shelter Maint.)	\$342.00
	001-7110-2010 (Parks – Capital Improvements)	\$3,967.00
From:	001-7110-2040 (Parks – Capital Reserve)	\$6,280.00
To:	001-7530-4460 (Village Meeting House – Arts & Culture Committee)	\$2,018.00
	001-7550-4970 (Celebrations – Casino Night/Party-in-the Park)	\$270.00
From:	001-7550-4540 (Celebrations – Glen Park Art Festival)	\$2,288.00

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To:	001-7550-4170 (Celebrations – Community Events)	\$210.00
From:	001-7550-4520 (Celebrations – Music in the Park)	\$210.00
To:	001-8161-4990 (Recycling – Recycling Contract)	\$3,799.00
From:	001-8160-4330 (Refuse & Garbage Collection – Dump Fees)	\$3,799.00
To:	001-8560-4450 (Shade Trees – Misc.)	\$995.00
From:	001-8560-4350 (Shade Trees – Trees/Maint.)	\$995.00

Motion carried. 4 – 0.

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

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the *2018-2019* fiscal year to account for the use of assigned funds:

Increase:	001-0001-0599 (Appropriated Surplus)	\$50,000.00
Increase:	001-1930-4000 (Judgements & Claims – Settlements)	\$50,000.00

Motion carried. 4 – 0.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$1,734,124.59** covering the period from *10/17/18* to *11/06/18* are hereby approved as follows:

**Payroll covering** 10/15/18 – 10/28/18: \$38,409.36

**Vouchers covering** 10/17/18 – 11/06/18:

General Fund	\$138,885.10
Water Fund	\$0.00
Sewer Fund	\$368,544.76
Glen Park Fund	\$362.42
Trust & Agency Fund	\$15,445.93
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$1,172,477.02</u>
	\$1,695,715.23

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**GRAND TOTAL:**

**\$1,734,124.59**

Motion carried. 4 – 0.

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

**WHEREAS**, the Village Administrator has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$49,329.07, containing a description of the land upon which taxes are unpaid, the person whose name is assessed, together with the amount of unpaid tax; and

**WHEREAS**, the Village Administrator has filed a verified statement that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same; and

**WHEREAS**, upon receiving such account from the Village Administrator, the Board of Trustees compared the same with the original tax roll of the Village; and

**WHEREAS**, said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct.

**NOW, THEREFORE, BE IT RESOLVED**, that the Administrator of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return; and

**BE IT FURTHER RESOLVED**, that a Certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$49,329.07 and reciting that the account has been compared and found to be correct; and that the Administrator transmit said account and certificate to the appropriate officer of the County of Erie by November 15, 2018, to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Motion carried. 4 – 0.

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu, the following resolution was adopted:

**RESOLVED**, that Adam Oehmler, Mike Measer, Chris Petrie, Tim Garrison, and Rich Maddigan, are hereby authorized to travel to 4 Guys Fire Trucks, Meyersdale, PA, from 11/11/18 to 11/12/18, for the purpose of the pre-paint inspection for engines, with expenses to be paid by 4 Guys Fire Trucks.

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Motion carried. 4 – 0.

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu, the following resolution was adopted:

**RESOLVED**, that the following three (3) Change Orders for Milherst Construction, as related to the Rock St. project, are hereby approved as follows:

- **Change Order #2 - Dated 10/24/17** – In the amount of \$300.00, as it relates to labor and materials for saw cutting the curb at the driveway of the VFW to accommodate a 4' wider driveway opening.
- **Change Order #3 - Dated 10/24/17** – In the amount of \$3,378.00, as it relates to labor and materials for placing stone fill in the space measuring 2' x 120' adjacent to the east edge of VFW parking lot.
- **Change Order #4 – Dated 11/2/18**, in the amount of \$563.00, as it relates to labor and materials for placing stone fill in the space measuring 2' x 20' adjacent to the north edge of the VFW driveway.

Motion carried. 4 – 0.

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

**RESOLVED**, that the *War of 1812 Field Hospital Committee* is hereby created for the purpose stated in the mission statement dated November 13, 2018 and incorporated herein; and

**BE IT FURTHER RESOLVED**, that Mayor DeLano and Deputy Mayor Piazza will serve as co-liaisons to the committee.

Motion carried. 4 – 0.

**Mission Statement, Williamsville, NY War of 1812 Field Hospital Committee  
November 13, 2018**

To recover, preserve and eventually display irreplaceable historic artifacts relative to Williamsville's historic role in the War of 1812 and beyond so that the relics of the sacrifices and struggles of the US Army, British, Canadian Forces and Native Peoples may be used to better inform the people of today as to the history literally underfoot.

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A principal goal is to uncover the sites of US Military Field Hospitals located in and around Garrison Park, in which at least 500 men of all nations may have perished from illness and injury.

Far earlier studies on the War of 1812 Cemetery on Aero Drive, Cheektowaga, 1.3 miles via today's roads from Garrison Park, shows a minimum of 500 human remains, which according to contemporary sources were transported in many cases from the Garrison Rd. site to today's cemetery. In short, there is every reason to believe that there is a significant American history site in the area of Garrison Park. A primary exploration on November 4, 2018 warrants further exploration.

Any excavations done on the site will be done with Village approval. We are committed to leaving all areas in pristine condition following the documentation and recovery of artifacts.

For far too long, the story of the War of 1812 and our village has been largely a mystery and source of much conjecture, and by using primary sources in combination with cutting edge technology, we hope to revivify the memories of those who served and died, and to bring new life into understanding the village's unique role not only in 1812, but beyond, on the Niagara Frontier.

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

**RESOLVED**, that the following persons are hereby appointed to the *War of 1812 Field Hospital Committee*:

1. Tom Bauerle, 11 Columbia Dr., Williamsville
2. Frank Minnolera, 1241 Ostrander, East Aurora
3. Chuck Guzzetta, 15 Cornell Ave., Amherst
4. Dave Sherman, 69 Columbia Dr., Williamsville

Motion carried. 4 – 0.

**ON MOTION** by Mayor DeLano, seconded by Trustee Etu, the following resolution was adopted:

**RESOLVED**, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, December 10, 2018 at 7:30 p.m., at Williamsville Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in commenting on a proposed amendment to Chapter 8 of the Village Code (Animals) which would regulate the feeding of non-domesticated animals within the village.

Motion carried. 4 – 0.

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

**RESOLVED**, that the change order dated October 30, 2018, in the amount of \$318.00, and related to the purchase of two (2) fire engines, is hereby authorized to 4 Guys Fire Trucks, Inc.

Motion carried. 4 – 0.

**Report – Trustee Etu**

*Trustee Etu had no report.*

*Trustee Etu announced he was going to table his resolution #1 regarding the proposed designation of 34 & 42 W. Spring St. (Brewery Hill) and instead, bring forth a new resolution.*

**ON MOTION** by Trustee Etu, seconded by Deputy Mayor Piazza, it was moved to leave the regular agenda to consider a new resolution.

Motion carried. 4 – 0.

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

**RESOLVED**, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, December 10, 2018 at 7:30 p.m., at Williamsville Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in commenting on the proposed designation of 34 & 42 W. Spring St. (Brewery Hill) as local landmarks.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

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

**RESOLVED**, that *Linda Nowak*, residing at *38 Scott Dr., Williamsville*, is hereby appointed to the *Environmental Advisory Committee* until the end of the *2018-2019* official Village year:

Motion carried. 4 – 0.

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

**RESOLVED**, that *Marisa Riggi*, residing at *3 Hillside Dr., Williamsville*, is hereby appointed to the *Environmental Advisory Committee* until the end of the *2018-2019* official Village year:

Motion carried. 4 – 0.

**Report – Deputy Mayor Piazza**

*Deputy Mayor Piazza reported on the following topic(s):* Amherst Utility Co-op will be ceasing operation.

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

**WHEREAS**, the Village of Williamsville (“Williamsville”), and the Town of Amherst (“Amherst”), Amherst Central School District, Sweet Home Central School District and Williamsville Central School District (collectively the “Participating Entities”) have previously formed and established the Amherst Utility Cooperative (“AUC”) pursuant to Article 5-G of the New York General Municipal Law; and

**WHEREAS**, the purpose of the AUC was that Williamsville and the Participating Entities enter into joint inter-municipal agreements with other municipal corporations in an attempt to secure lower than retail prices or cost certainty for electricity, natural gas and other commodities through joint purchases in the open market; and

**WHEREAS**, since the inception of the AUC in 1998, Williamsville and all of the Participating Entities have cooperated in joint purchases of electricity and natural gas securing lower than retail prices or cost certainty as a result of such joint purchases; and

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**WHEREAS**, as the energy markets for electricity and natural gas have changed over time since the inception of the AUC, Williamsville and all of the Participating Entities may be able to realize even lower prices from volume discounts by joining larger, existing cooperatives such as the School-Municipal Energy Cooperative or the Erie County Energy Cooperative; and

**WHEREAS**, each of Williamsville and the Participating Entities have determined that it is in each of their respective best interests to join such other larger existing cooperatives, as applicable, and terminate the operation of the AUC;

**NOW, THEREFORE, BE IT RESOLVED**, that the AUC will terminate operations on the date set by the Board of Managers of the AUC and Williamsville and the Participating Entities shall join, at each of their options, other cooperatives as each of them determine is in its own best interest; and

**BE IT FURTHER RESOLVED**, that the Board of Managers of the AUC is hereby authorized to take any and all appropriate action, necessary or desirable to terminate operations of the AUC and to otherwise carry out the intent of these resolutions, as the Board of Managers may determine, with advice of counsel, to be advisable and in the best interests of the AUC.

Motion carried. 4 – 0.

**Report – Trustee Rogers**

*Trustee Rogers reported on the following topic(s):* Thanked Audrey Manzella, a Village resident who donated a star for the Village Holiday tree dedicated to the memory of Sebastian Bradley, a Forest Elementary School student who lost his battle with cancer last year.

**ON MOTION** by Trustee Rogers, seconded by Trustee Etu, it was moved to leave the regular agenda to consider a new resolution.

Motion carried. 4 – 0.

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

**RESOLVED**, that the proposal from Barton & Loguidice, dated November 9, 2018, for additional services related to the Sign Code Update project, is hereby accepted.

Motion carried. 4 – 0.

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**ON MOTION** by Trustee Rogers, seconded by Trustee Etu, it was moved to return to the regular agenda.

Motion carried. 4 – 0.

**Staff Report(s)**

*DPW Crew Chief Vilonen reported on the following topic(s):* In the peak of leaf season, DPW will be collecting leaves for another week or two.

*Community Development Director DePriest reported on the following topic(s):* Village Newsletter Autumn edition is ready to go out.

There was no Executive Session.

**ON MOTION** by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to adjourn the meeting at 8:09 p.m.

Motion carried. 4 – 0.

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Lynda L. Juul  
Administrator/Clerk-Treasurer