

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, December 11, 2017 at 7:30 p.m.

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Village Administrator Juul.

Present: Brian J. Kulpa, Mayor
John “Al” Yates, Jr., Trustee
Basil J. Piazza, Trustee
Deborah L. Rogers, Trustee
Daniel O. DeLano, Deputy Mayor

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer
Judith A. Kindron, Deputy Treasurer
Riane Lafferty, Village Attorney
Charles Grieco, Village Attorney (*arrived after the meeting began*)
Maggie Winship, Director of Community Development
Ben Vilonen, DPW Crew Chief

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to approve the minutes of the regular meeting held on November 27, 2017 as submitted.

Unanimously carried.

The public hearing for the proposed local landmark designation of 5429 Main St. (Starbucks/Alex and Ani) was tabled until the January 8, 2018 Village Board meeting.

To observe Mayor Brian J. Kulpa’s last Village Board meeting before vacating his seat as Mayor of the Village of Williamsville and assuming his new position as Supervisor of the Town of Amherst, Deputy Mayor DeLano and Trustees Rogers, Piazza and Yates changed the regular meeting format for this evening’s meeting. The meeting was held “late night” style, with a desk and “sofa” and included a live band.

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Mayor Kulpa thanked all who have guided him throughout his tenure, first as an elected trustee in 2007, then as elected mayor since 2011. He thanked his fellow Village Board members and Fire Chief Measer for their support. Mayor Kulpa also thanked the Village staff, including Administrator Lynda Juul, Deputy Treasurer Judy Kindron, DPW Crew Chief Ben Vilonen, Community Development Director Maggie Winship, Deputy Clerk Deborah Habes, DPW and Payroll Clerk Joyce Brewer, and Secretary to the Mayor Kelly Poules. He announced he will be taking the oath of office for supervisor on December 28, 2017. Mayor Kulpa further stated how much he looks forward to leading the entire Town of Amherst.

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Mayor Kulpa went on to give a brief presentation of the Village accomplishments he is proudest of. He asked each of his fellow Village Board members what village accomplishments of their own they were proud of and what they would like to focus on in the future.

The topics of their comments were as follows:

Trustee Rogers: A dog park in the Village; Glen Park; Noll Nature Center.

Trustee Yates: Events such as the Taste of Williamsville; the Community Plan; developing the Williamsville Co-op; sanitary sewer merger with the Town of Amherst.

Trustee Piazza: Community Plan; the successful restoration of the mill; Natale Development project that will fit in with the Village plan; reroute Thruway traffic; increase volunteerism.

Deputy Mayor DeLano: Budget process changes; success of Main Street tree plantings; sanitary sewer consolidation with the town; Natale Project; alleviate traffic issues; create master plan for the parks; Village take-over of Garrison Rd. from Erie County.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adopt Mayor Kulpa's resolutions #1, #2 and #3 as written.

Unanimously carried.

Kulpa #1

RESOLVED, that payroll and vouchers in the amount of **\$320,463.69** covering the period from 11/22/17 to 12/05/17, are hereby approved as follows:

Payroll covering 11/13/17 – 11/26/17: \$39,134.76

Vouchers covering 11/22/17 – 12/05/17:

General Fund	\$71,432.60
Water Fund	\$0.00
Sewer Fund	\$1,643.93
Glen Park Fund	\$0.00
Trust & Agency Fund	\$18,121.14
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$190,131.26</u>

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\$281,328.93

GRAND TOTAL: **\$320,463.69**

Unanimously carried.

Kulpa #2

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

To:	001-1110-4110 (Village Justices-Service Contracts)	\$10.00
From:	001-1110-4010 (Village Justices-Office Supplies)	\$10.00
To:	001-1620-4231 (Buildings-Buildings Maint./HVAC)	\$1,241.00
From:	001-1620-4230 (Buildings-Building Maint.)	\$1,241.00
To:	001-1640-2000 (Central Garage-Equipment)	\$116.00
From:	001-1640-4161 (Central Garage-Sm. Equip. Repair)	\$116.00
To:	001-3310-4450 (Traffic Control-Misc.)	\$39.00
From:	001-3310-4041 (Traffic Control-Mileage Reimbursement)	\$39.00
To:	001-3410-4160-3409 (Fire Protection-Truck Expense/Car 9)	\$100.00
	001-3410-4160-3401 (Fire Protection-Engine 1 Expense)	\$474.00
	001-3410-4160-3406 (Fire Protection-Truck Expense/Truck 6)	\$170.00
	001-3410-4160-3402 (Fire Protection-Truck Expense/Engine 2)	\$445.00
	001-3410-4160-3405 (Fire Protection-Truck Expense/Rescue 5)	\$264.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$1,453.00
To:	001-3620-4100 (Safety Inspection-Professional Fees)	\$79.00
From:	001-3620-4040 (Safety Inspection-Education Exp./Travel)	\$79.00
To:	001-5110-4000 (Street Maintenance-Seasonal Help)	\$10,683.00
From:	001-5110-1000 (Street Maintenance-Personal Services)	\$10,683.00
To:	001-5110-4161-0902 (Street Maintenance-Repairs/2002 Int'l Dump w/Plow)	\$1,274.00
	001-5110-4161-0903 (Street Maintenance-Repairs/2015 Dump Truck)	\$24.00
	001-5110-4161-0904 (Street Maintenance-Repairs/2005 Freightliner)	\$89.00
	001-5110-4161-0905 (Street Maintenance-Repairs/2007 Int'l Sander/Plow/Dump)	\$300.00
	001-5110-4161-0907 (Street Maintenance-Repairs/1992 Autocar Dump)	\$49.00
	001-5110-4161-0912 (Street Maintenance-Repairs/2012 Cat Hi-lift)	\$96.00
	001-5110-4161-0913 (Street Maintenance-Repairs/1993 GMC Sewer Jet)	\$885.00
	001-5110-4161-0919 (Street Maintenance-Repairs/2007 Chevy 4x4 w/Plow)	\$150.00
	001-5110-4161-0925 (Street Maintenance-Repairs/2013 Mini Excavator)	\$522.00

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From:	001-5110-4161 (Street Maintenance-Repairs/Equip.)	\$3,389.00
To:	001-5142-2000 (Snow Removal-Equipment)	\$546.00
From:	001-5142-4000 (Snow Removal-Repairs/Plow Trucks)	\$546.00
To:	001-7110-2000 (Parks-Equipment)	\$204.00
From:	001-7110-2020 (Parks-Park Equipment)	\$204.00
To:	001-7110-4165 (Parks-Repairs/Shelter Maint.)	\$247.00
	001-7110-4430 (Parks-Sanitary Waste Disposal)	\$63.00
	001-7110-4450 (Parks-Misc.)	\$85.00
From:	001-7110-4169 (Parks-Repairs/Other)	\$247.00
	001-7110-4360 (Parks-Park Supplies)	\$148.00
To:	001-7550-1000 (Celebrations-Personal Services)	\$71.00
From:	001-7110-1000 (Parks-Personal Services)	\$71.00
To:	001-8745-1001 (Flood & Erosion Control-Personal Services/OT)	\$315.00
From:	001-8560-1001 (Shade Trees-Personal Services/OT)	\$315.00

Unanimously carried.

Kulpa #3

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

To:	009-7141-4102 (Glen Park-Landscaping)	\$1,305.00
From:	009-7141-1000 (Glen Park-Personal Services)	\$1,305.00

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, the following resolution was adopted:

WHEREAS, Garrison Road within the Village of Williamsville (Village) is an Erie County (County) highway (CR 289); and

WHEREAS, the Village is interested in assuming ownership of Garrison Road from the Village line to Main Street and assume all future maintenance obligations with respect to said road in exchange for the County completing certain improvements to the road to restore it to acceptable standards; and

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WHEREAS, the County is willing to complete such improvements and transfer ownership of Garrison Road from the Village line to Main Street upon completion of such improvements, and

WHEREAS, the County and Village Attorneys are presently finalizing a Memorandum of Understanding which will set the basis for this matter to proceed to fruition, and

WHEREAS, upon completion of the highway improvements by the County, said transfer of the portion of Garrison Road between the Village line and Main Street by the County to the Village shall be governed by the provisions of New York State Highway Law, §§ 115-b and 115-c,

THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the Village to enter into a Memorandum of Understanding, as approved by its counsel, and that the Mayor is authorized to execute the document on behalf of the Village.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, the following resolution was adopted:

RESOLVED, that Mark Kutner is hereby approved for Transitional Duty for a period of 30 days, effective 12/15/17; and

BE IT FURTHER RESOLVED, that the Administrator must receive updated written approval from his physician upon his next scheduled appointment for Transitional Duty to continue past December 19, 2017.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, the following resolution was adopted:

WHEREAS, on May 22, 2017, the Board of Trustees of the Village of Williamsville duly adopted a resolution pursuant to Section 15-5 of the Village Code ordering the record owners of an abandoned home located at 96 South Long Street in the Village (“Subject Building”) to demolish the Subject Building within 15 days of receipt of said order (“Demolition Order”); and

WHEREAS, the Demolition Order was served upon the record owners by certified mail, return receipt requested, at their then last known address (i.e., the subject property) on May 26, 2017, with copies of said order served upon Wells Fargo Bank and its attorneys; and

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WHEREAS, on July 25, 2017, no action having been taken by the record owners or the lender with respect to the Demolition Order, the Village Board duly adopted a resolution pursuant to Section 15-6 of the Village Code authorizing the Village Attorneys of Record to make an application to the New York State Supreme Court, within 120 days of said resolution, for an order declaring the Subject Property to be a public nuisance and directing its demolition in accordance with the Demolition Order and further ordering that any and all costs incurred by the Village in demolishing said structure shall be assessed as a charge against the Subject Property if not paid by the record owners within 30 days of demand of such payment; and

WHEREAS, subsequent to the adoption of the July 25, 2017 resolution but prior to the making of such application, Wells Fargo Bank voluntarily discontinued its pending action to foreclose upon the subject property and filed a discharge of mortgage in the office of the Erie County Clerk; and

WHEREAS, upon a review of the papers in the aforementioned foreclosure action, the Village has learned that the record owners were served in such action at addresses other than 96 South Long Street and that an additional lender, Mellon Bank f/k/a The Bank of New York as Trustee for the Benefit of the Certificate Holders of the CWHEQ, Inc. ("Mellon Bank"), possesses a lien on the property and appeared in the foreclosure action by and through its attorneys, Berkman, Henoch, Peterson, Peddy & Fenchel, P.C.; and

WHEREAS, more than 120 days has elapsed since the adoption of the July 24, 2107 resolution;

NOW THEREFORE BE IT RESOLVED, that the Village Clerk is hereby directed to serve, by certified mail, return receipt requested, the Demolition Order on the record owners at their last known addresses, with a copy served in the same manner upon Mellon Bank and its attorneys; and

BE IT FURTHER RESOLVED, that if no action is taken to comply with said Demolition Order within 15 days of service of such order, the Attorneys of Record for the Village are hereby authorized and directed to make an application to the New York State Supreme Court, within 120 days of said resolution, for an order declaring the Subject Property to be a public nuisance and directing its demolition in accordance with the Demolition Order and further ordering that any and all costs incurred by the Village in demolishing said structure shall be assessed as a charge against the Subject Property if not paid by the record owners within 30 days of demand of such payment.

Unanimously carried.

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Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Wished everyone a very nice Christmas holiday.

Trustee Piazza had no resolutions on the agenda.

Report – Deputy Mayor DeLano

Deputy Mayor DeLano reported on the following topic(s): Wished everyone happy holidays; congratulated the Mayor on his election to the position of Town of Amherst Supervisor; announced that Matt Etu will be joining the Village Board of Trustees, filling his soon to be vacated position. Deputy Mayor DeLano welcomed Matt and stated that Matt, an engineer, is a valued member of the Zoning Board of Appeals and was recently also appointed to the Traffic and Safety Committee.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Yates, 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, January 8, 2018, at 7:30pm, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 103 of the Village Code (Vehicles and Traffic) which would reduce the speed limit on Park Drive from Oakgrove Drive to Garrison Road from 30 mph to 25 mph.

Unanimously carried.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Yates, 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, January 8, 2018, at 7:30pm, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 103 of the Village Code (Vehicles and Traffic) which would reduce the speed limit on South Ellicott Street from Main Street to Oakgrove Drive from 30 mph to 25 mph.

Unanimously carried.

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ON MOTION by Deputy Mayor DeLano, seconded by Trustee Yates, 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, January 8, 2018, at 7:30pm, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 103 of the Village Code (Vehicles and Traffic) which would reduce the speed limit on South Long Street from Main Street to Garden Parkway from 30 mph to 25 mph.

Unanimously carried.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Yates, 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, January 8, 2018, at 7:30pm, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 103 of the Village Code (Vehicles and Traffic) which would reduce the speed limit on Village Square Lane from Main Street to South Long Street from 30 mph to 25 mph.

Unanimously carried.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Yates, 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, January 8, 2018, at 7:30pm, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 103 of the Village Code (Vehicles and Traffic) which would reduce the speed limit on Rock Street from E. Spring Street to Glen Avenue from 30 mph to 25 mph.

Unanimously carried.

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ON MOTION by Deputy Mayor DeLano, seconded by Trustee 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, January 8, 2018, at 7:30pm, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 103 of the Village Code (Vehicles and Traffic) which would reduce the speed limit on Glen Avenue from Reist Street to North Cayuga Road from 30 mph to 15 mph.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Congratulated Mayor Kulpa; holiday concert at the Meeting House last week.

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

RESOLVED, that the minutes of the Village Board meeting of June 27, 2016, as revised to reflect the approval of **Local Law 5 of 2016**, which was mistakenly left out of the original minutes, are hereby approved, as amended.

Unanimously carried.

Report – Trustee Rogers

Trustee Rogers reported on the following topic(s): Wished everyone a Merry Christmas.

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

RESOLVED, that the proposal from Steinmetz Planning Group dated 8/31/17 for services related to an update to the Village of Williamsville Sign Code, is hereby approved.

Unanimously carried.

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Staff Report(s)

Village Administrator Juul reported on the following topic(s): Congratulated Mayor Kulpa on his election to Town of Amherst Supervisor and wished him luck in his new position.

Village Deputy Treasurer Kindron reported on the following topic(s): Congratulated Mayor Kulpa. Looks forward to working with the new mayor in the future.

Community Development Director Maggie Winship reported on the following: Thanked Mayor Kulpa for his leadership. Thanked the rest of the Board and Village Attorney Grieco for sponsoring the band “The Darts” at tonight’s meeting.

DPW Crew Chief Ben Vilonen reported on the following: Congratulated Mayor Kulpa; Reminded the community that the winter parking ban is in effect.

Mayor Kulpa wished everyone a Merry Christmas and a very Happy New Year.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza it was moved to adjourn the regular meeting at 8:51 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer