

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Village Hall, 5565 Main Street, Williamsville, New York, on Monday, September 29, 2014 at 7:30 p.m.

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

Present: Brian J. Kulpa, Mayor
Basil J. Piazza, Trustee
Christopher J. Duquin, Trustee
Daniel O. DeLano, Trustee
John "Al" Yates, Trustee

Also present: Charles D. Grieco, Village Attorney
Lynda L. Juul, Administrator/Clerk-Treasurer
Judy A. Kindron, Deputy Treasurer
Kenneth Kostowniak, DPW Crew Chief
Charles Specht, Director of Community Development

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the regular meeting held on September 8, 2014, as submitted.

Unanimously carried.

<p>Public Hearing Continued at 7:38 p.m. – Re: Zoning Modifications</p>

No one from the audience addressed the Board.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved at 7:39 p.m. to continue to hold the public hearing regarding zoning modifications open until the next Village Board meeting on October 14, 2014.

Unanimously carried.

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

Unanimously carried.

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The following member(s) of the audience addressed the Board [*Village Board members' comments in italics*]:

1. Nick Roth, 135 Oakgrove Dr. – Island Park event went until 11:30 p.m.; Heard event at Sorrentino's went past 11:30 p.m. [*Event permitted until 11:00 p.m. – Police eventually closed it down. Board is discussing decibel level. Trustee DeLano stated he doesn't know what to do besides pulling the permit. Trustee Piazza suggested the applicant should lose deposit if an event runs over permit time. Trustee Duquin suggested making the noise ordinance 10:00 p.m.*] Rental registry; Snow plow registration? [*Yes. It's per vehicle*] Enforcement of snow plow requirements? [*Yes. We just need an address to enforce.*] Moratorium on teardowns and rebuilds until zoning modified? – There are 2 candidates now on Oakgrove. What will be done to avoid existing loopholes? [*Will likely address S. Cayuga and Oakgrove next.*] S. Cayuga owner is clearing trees along the waterway. Given DEC contact info. [*DPW Crew Chief Kostowniak stated the property owner is responsible for maintenance of shoreline – no regulations.*] SHPO grant for Mill. At end of day how does accounting work when we sell to a private party? [*Have had conversations with SHPO – SHPO has oversight – reimburse Village 50% of amount expended. Village will transfer title at end of day with SHPO approval. SHPO must approve the transfer – Primary concern is to protect historic resource.*]

2. Ed Zabel, 24 Pasadena Pl. – Any answer to questions regarding residents who have no water consumption in winter and will get hit with higher fees in the summer? [*Those who don't use 9,000 gallons will end up paying more for water due to ECWA 9,000 minimum. Summer surcharge will be calculated off the 9,000 gallon minimum, not zero usage.*] Any written policies regarding care of trees at Memory Trail? [*No. Policy changed over the years and was a mess. Rather than selling more trees we will maintain the existing trees. If a person wants a memorial they can purchase an engraved paver in Glen Park or possibly something like a plaque on a boulder at Memory Trail.*]

3. Carolyn Schlifke, 192 Evans St. – History of Lehigh Memory Trail; Suggested “Friends of the Trail”. If a person doesn't want a tree they could still donate; Proposed landmarks – She was the first trustee liaison to Historic Preservation Commission. They designated 5 properties in 1985: Meeting House, Roneker Building, the Castle, Academy St. School (site); The plaque at CCA is missing - Owner of Roneker Building removed the plaque and never put it back up. Those who were landmarked in 1985 were thrilled; Sts. Peter & Paul Church was closed for interior renovations for 2 months and looks outstanding; Oktoberfest – Loved it. We have many great events in the Village. Things that happen in the Village should benefit the Village or the WBA – We don't need outside events that don't benefit the Village.

4. Joseph Smith, Hamburg resident – Thanked Mayor and the Trustees for their effort on Local Law #9 (Cat Ordinance).

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5. Thomas Frank, 5403 Main St. – Father was mayor in the 1960's; History of Amherst; 10th Annual Cleanup of Ellicott Creek was on 9/20; Glen Park Joint Board; Recommends passing a law to merge Glen Park with Amherst State Park; Spring Street Project; Fracking; *[Duquin – Spoke to Town and State about setting up a meeting to create a trail from the Main Street Bridge to the canal.]*

6. Maryann Avery, 64 Garrison Rd. – Complaint about maintenance of shrubbery on Garrison Rd. - Iskalo property at Main & Garrison and yellow house – Bushes are hanging over the public sidewalk. *[Possible issue with sign on corner of Park & Main as well.]*

7. Tom Pilat, Shabby Chic Boutique, 5544 Main St. – Thanked Trustee Duquin for separating Music on Main from other events. Feels music should go until 11:00 p.m. Try to enforce with deposit. 5544 Main Street sign – It's on the Planning Board agenda. Will this be the new size and colors? *[Planning Board has architectural review capacity – Needs to go through the process. Can send a letter to Village Hall and can attend the meeting.]*

8. Howard Cadmus, Owner of My Sweet Jenny's LLC – Feeling on Mill grant funding and transfer of ownership– Doesn't necessarily increase the value of the building, but shores up a building that may not have been safe otherwise. Is the concern that grant money increases the appraisal? Not as simple as that. Many people mirror that sentiment.

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

Unanimously carried.

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Village Board is open to conversation – Not a top down approach. Trying to determine what people want and deliver on those desires; Local landmark designation of 26 proposed properties is not an easy undertaking – inviting everyone to be part of that conversation. One church does not want the Village Board to talk to their congregation, which is unfortunate; Oktoberfest was an overwhelming success aside from some sound issues. Commended the WBA and all those involved including Tom Pilat, Maria MacPeek, Ellie Grenauer, Dave Schutte and Annette Herrman; Properties are not being locally landmarked until historic design standards are in place; Zoning work for residential districts is moving forward.

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

Payroll covering: 8/25/14 – 9/7/14:	\$32,626.38
Payroll covering: 9/8/14 – 9/21/14:	\$37,549.11
Vouchers covering 9/4/14 – 9/24/14:	
General Fund	\$123,230.21
Water Fund	\$0.00
Sewer Fund	\$7,059.02
Glen Park Fund	\$3,898.85
Trust & Agency Fund	\$150.00
Debt Service	\$119,687.50
Community Development	\$0.00
Capital Fund	<u>\$9,369.27</u>
	<u>\$263,394.25</u>
 GRAND TOTAL	 <u>\$296,020.63</u>

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the *2014-2015* fiscal year:

To:	001-1640-4161 (Central Garage-Sm. Equip. Repairs)	\$99.00
From:	001-1640-4260 (Central Garage-Maint. Supplies)	\$99.00
To:	001-3410-4160-3406 (Fire Protection-Truck Exp./Truck 6)	\$4156.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$4156.00
To:	001-3410-4160-3471 (Fire Protection-Truck Exp./ATV 7-1)	\$48.00
	001-3410-4160-3451 (Fire Protection-Truck Exp./Utility 5-1)	\$163.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$211.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$4138.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$4138.00

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To:	001-5110-4161-0901 (Street Maint.-Repairs/2012 Chevy Tahoe)	\$943.00
	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump)	\$196.00
	001-5110-4161-0903 (Street Maint.-Repairs/2015 Dump Truck)	\$158.00
	001-5110-4161-0905 (Street Maint.-Repairs/2007 Int'l Dump)	\$109.00
	001-5110-4161-0912 (Street Maint.-Repairs/2012 Cat 924K Hi-Lift)	\$800.00
	001-5110-4161-0913 (Street Maint.-Repairs/1993 GMC Sewer Jet)	\$33.00
	001-5110-4161-0915 (Street Maint.-Repairs-2013 RAVO Sweeper)	\$63.00
	001-5110-4161-0916 (Street Maint.-Repairs/2012 Chevy HD4 x 4)	\$158.00
	001-5110-4161-0918 (Street Maint.-Repairs/2010 Ford F350)	\$6.00
	001-5110-4161-0919 (Street Maint.-Repairs/2007 Chevy 4x4)	\$179.00
	001-5110-4161-0921 (Street Maint.-Repairs/2008 Ford F250)	\$6.00
	001-5110-4161-0925 (Street Maint.-Repairs-2013 Mini Excavator)	\$101.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$2752.00
To:	001-7530-4990 (Village Meeting House-Repairs)	\$294.00
From:	001-7530-4230 (Village Meeting House-Maintenance)	\$294.00
To:	001-8170-1001 (Street Cleaning-Personal Services/OT)	\$39.00
From:	001-8163-1001 (Trash Pickup-Personal Services/OT)	\$39.00

Unanimously carried.

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

RESOLVED, that the following *budget transfer* is hereby made in the *Sewer Fund* for the **2014-2015** fiscal year:

To:	007-8120-1001 (Sanitary Sewers-Personal Services/OT)	\$102.00
From:	007-8120-1000 (Sanitary Sewers-Personal Services)	\$102.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year to account for payment of trash service from Greater Buffalo Events Management for Moonlight Run on 8/20/14:

Increase:	001-0001-2590 (Permits-Parks/Other)	\$250.00
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Increase: 001-8160-4330 (Refuse & Garbage Collection-Dump Fees)

\$250.00

Unanimously carried.

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

RESOLVED, that the following Fire Dept. equipment is hereby declared as surplus and will be advertised through the Amherst Bee, EBay, and on Craigslist:

ATV dump body
ATV front bumper
ATV rear bumper
ATV tool box
ATV spare tires – set of 6
ATV springs
iPad truck mounts (3)

BE IT FURTHER RESOLVED, that any funds obtained will replenish the truck maintenance line item in the 2014-2015 budget for the Fire Department.

Unanimously carried.

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

RESOLVED, that *Administrator/Clerk-Treasurer Lynda L. Juul* is hereby appointed as *Registrar of Vital Statistics* through the end of the **2016-2017** official Village year.

Unanimously carried.

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

RESOLVED, that *Deputy Clerk Deborah A. Habes* is hereby appointed as *Deputy Registrar of Vital Statistics* through the end of the **2016-2017** official Village year.

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Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): New phone system – voice over internet phones will provide greater functionality and better communication; Halloween festivities – October 25th in the Fire Hall will include a parade; Bones Day in Glen Park is October 4th.

ON MOTION by Trustee Duquin, seconded by Trustee Piazza, it was moved to go off the regular agenda to consider two (2) new resolutions.

Unanimously carried.

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

RESOLVED, that the Board of Trustees, having completed Parts 1, 2 and 3 of the Environmental Assessment Form (EAF) analyzing the potential environmental impacts associated with a proposed local law authorizing the practice of TNVR (trap, neuter, vaccinate and release) with respect to “community cats” (as defined in said local law) within the Village, has concluded that the local law will not result in any adverse environmental impacts and therefore adopts the Negative Declaration set forth in Part 3 of the EAF, which is expressly incorporated by reference herein.

Unanimously carried.

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

RESOLVED, that the local law amending Chapter 8, Animals, of the Village Code, which was the subject of a public hearing on September 8, 2014, is hereby adopted.

Unanimously carried.

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ON MOTION by Trustee Duquin, seconded by Trustee Yates, it was moved to return to the regular agenda.

Unanimously carried.

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

WHEREAS, the Village of Williamsville is currently leasing part of the first floor of the Williamsville Water Mill to My Sweet Jenny's LLC; and

WHEREAS, My Sweet Jenny's wishes to modify the lease to include portions of the second and third floors;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the revised lease with My Sweet Jenny's LLC upon approval of such lease by NYS Office of Parks, Recreation, and Historic Preservation.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Success of Oktoberfest events – New vendors were a great addition. Drew people from outside the Village; Arts & Culture Committee sponsored a Knit-a-thon, and raised \$1,000 for the Wounded Warriors Project; Thanked Sweet Jenny's, the Irishman and Sharon and Richard Rich for putting this together.

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

RESOLVED, that the proposal for E. Spring Street Reconstruction received from DiDonato Engineering and Design Professionals, dated September 16, 2014, in the amount of \$170,032.00 is hereby approved, pending approval from the Environmental Facilities Corporation (EFC) and the Dormitory Authority of the State of New York (DASNY); and

BE IT FURTHER RESOLVED, that upon approval from both entities identified above, the Mayor is hereby authorized and directed to sign the proposal.

Unanimously carried.

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Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Oktoberfest; Positive things going on in the Village; Traffic issues in Evans Street area – GBNRTC will model the area without the north/south Stop signs at Eagle and Evans; Right-of-way restorations throughout the Village; Tree replacement on Main Street; Curb cut elimination; Fall Tree Planting Day is November 1st; Emerald Ash Borer.

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

RESOLVED, that the following Department of Public Works equipment is hereby declared surplus and will be disposed of via on-line auction:

Asset #253	1989 Log Splitter
Asset #268	1987 Eager Beaver Roller with Trailer (roller to be sold, but trailer to be kept)
Asset #360	2002 Stahl Hoist

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Recycling totes are being delivered the week of October 27th; Electronics recycling at Amherst Highway Dept.

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

WHEREAS, the Village advertised for bids for the construction of sidewalks under a Safe Routes to School Grant; and

WHEREAS, bids were opened on September 10, 2014, with only one bid being received; and

WHEREAS, the only bid received was in an amount greater than the engineer's estimate and the grant received from the Safe Routes to School program;

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NOW, THEREFORE, BE IT RESOLVED, that all bids received on September 10, 2014 for the Safe Routes to School project are hereby rejected, and the project will be re-bid over the winter for construction commencing in the spring of 2015.

Unanimously carried.

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

WHEREAS, the Justice Court Assistance Program has been invaluable in its aid to local courts; and

WHEREAS, the Williamsville Court wishes to apply to the Justice Court Assistance Program for improvements to their court's security through the installation of security cameras; and

WHEREAS, the Village Board of Trustees fully supports this application, under which a match is not required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the 2014-2015 Justice Court Assistance Program Grant Application, as completed by the Williamsville Court.

Unanimously carried.

Staff Reports

Administrator Juul – *Reported on the following topic(s):*

Those who want a 35 gallon recycling tote instead of the standard 65 gallon recycling tote should contact Village Hall at 632-4120.

DPW Crew Chief Kostowniak - *Reported on the following topic(s):*

S. Long Park bathrooms.

Community Development Director Specht – No report.

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ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to leave the regular agenda at 9:15 p.m. and open the Executive Session to discuss a legal matter related to a personnel matter.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to close the Executive Session and return to the regular agenda at 9:50 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adjourn the regular meeting at 9:50 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer