

**Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, October 25, 2004 at 7:30 p.m.**

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

Present: F. Ray Hazlett, Mayor  
Joseph P. Frese, Deputy Mayor  
Mary E. Lowther, Trustee  
Ronald W. Daniels, Trustee  
Joan E. Seamans, Trustee

Sally A. Kuzon, Administrator/Clerk-Treasurer  
Lynda J. Juul, Deputy Treasurer  
J. Michael Hayes, Village Attorney  
Michael Parker, DPW

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, the minutes of the regular meeting of October 12, 2004 are hereby approved.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, it was moved to suspend the rules for public participation.

Unanimously carried.

The following persons addressed the Board:

*Hilda Hui, 49 N. Union Rd.* stated that she was not very familiar with the procedures of all the committees, and attended the Traffic & Safety meeting thinking that Benderson would be there and that she could speak. She then found out that it is a closed meeting and any discussion must be entered on the agenda 10 days prior to the meeting. She is therefore speaking at this meeting instead. Ms. Hui wanted to know about the possibility of lowering the speed limit on Union. It is currently 40 mph, but the neighbors would like to see it lowered to 30 mph. She stated that there are many things going on on N. Union – Quality Market, Mobil, McDonalds, CVS, medical buildings, etc. In the middle of the block is a home for People’s Inc. which has trucks loading and unloading. There is also Forest Elementary School down at N. Forest. Lowering the speed limit could limit the potential for accidents. There are also many large jet fuel trucks traveling on Union Rd. She is hoping that with new Walgreens, the speed limit could be addressed. This would make the speed limit consistent with N. Forest and Main Street. She also submitted a letter for the record with her concerns to the Board. Ron Daniels commented that the Village has very little to say about the speed limit on Union Rd., since it is mostly in the Town. Ms. Hui stated she is hoping the Village will take the lead.

*Maryann Avery, 64 Garrison Rd.*, asked the Board if the Village is taking a position on the drainage on Wehrle with respect to the two proposed developments that border the Village. Mayor Hazlett answered yes, and that he would respond in his report. The Mayor further stated that he met with the Town Planning Department, but that we have nothing to do with their zoning. There is a 13-home proposed sub-division on the south side of Wehrle Drive. The Mayor indicated that he has asked the Town for further information before making any recommendations, but has not heard anything as of yet.

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

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, the following motion was adopted:

RESOLVED that payroll and vouchers in the amount of \$75,409.72 covering the period October 4, 2004 – October 19, 2004 are approved as follows:

Payroll covering 10/4/04 – 10/17/04	\$32,105.76
Vouchers covering 10/6/04 – 10/19/04	
General Fund	27,022.35
Water Fund	2,075.85
Sewer Fund	1,301.21
Glen Park Fund	246.71
Trust & Agency Fund	12,657.84
Debt Service	0.00
Community Development	0.00
Capital Fund	0.00
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	43,303.96
<b>Grand Total:</b>	<b><u>\$75,409.72</u></b>

Unanimously carried.

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ON MOTION by Mayor Hazlett, seconded by Trustee Frese, the following resolution was adopted:

WHEREAS, in three separate meetings of record with officials of the Buffalo Region NYSDOT, plans to resurface Main Street (Route 5) in this Village, between Exit 50 and Youngs Road, were outlined by these officials as being a five-eighths (5/8) inch of topping identical to that used in Snyder west of Exit 50, and there was commitment to apply intense bar markings at cross walks, and

WHEREAS, the said application applied in September and October only to Evans/Garrison Streets was of a coarse aggregate, which was visually of a much larger size and type, and that in many instances exceeded three times the thickness specified, and

WHEREAS, the excessive height has created serious driving and safety hazards on the differential of the finished surface with utility covers, and

WHEREAS about 2 dozen water shut off boxes and several utility hole covers were completely covered by the topping, and

WHEREAS, the striping has not been applied, and

WHEREAS, the New York State Department of Transportation has to date failed to notify this municipality of the changes in the stated plans, the hazardous conditions to be expected and /or planned for, nor documented in any way either the burial of utility access points or the correction of the same, and

WHEREAS, the Village, in good faith, has negotiated with the New York State Department of Transportation job contract agent for mitigation and correction of these hazards with only token results,

NOW, THEREFORE BE IT RESOLVED, this day, Monday, October 25, 2004 by the Village of Williamsville Board of Trustees to hereby present a certified copy of this resolution to PUT ON NOTICE the Buffalo Region NYSDOT that they have not only created hazardous conditions for the safety, welfare and health of drivers of vehicles and pedestrians, but have delayed, if not postponed, adequate remedial action of both exposed and 'hidden' hazards, and

BE IT FURTHER RESOLVED, that should committed and documented correction and remedial action not be forthcoming within five (5) working days, certified copies of the within instrument be deposited with the New York State Department of Transportation, the New York State Legislature through the offices of Senator Rath and Assemblyman Hayes, the New York State Attorney General's Office, and the Governor of the State of New York, and further that Legal Counsel be directed to initiate all legal remedies for the hazardous conditions.

Unanimously carried.

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ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to go off the agenda to consider additional resolutions this evening.

Unanimously carried.

ON MOTION by Trustee Frese, seconded by Trustee Lowther, the following resolution was adopted:

WHEREAS, Chapter 260 of the Laws of 2004 changes the annual payment for employers who participate in the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement system; and

WHEREAS, it is the position of the Office of the State Comptroller that a local government with a calendar fiscal year would not have to recognize a fund expenditure or accrue a fund liability in its governmental funds at fiscal year-end December 31, 2004 for its retirement contribution since that payment will not be contractually due and payable to the Systems until February 1, 2005; and

WHEREAS, local governments with a fiscal year on any basis other than a calendar year will receive no benefit from the change in payment dates and that said date change will in fact result in increased payments and higher expense to the participating local governments, (due to a reduced discount); and

WHEREAS, the informal advice from the Government Accounting Standards Board supports this accounting principal and this accounting treatment with respect to the retirement contribution.

NOW, THEREFORE BE IT RESOLVED, that the New York State Society of Municipal Finance Officers disagrees with the view expressed by the Office of the State Comptroller that calendar year-end local governments would not have to recognize a fund level expenditure or accrued liability at year-end December 31, 2004; and

BE IT FURTHER RESOLVED, that The Society views the change in due date to be an unfunded mandate in that the change would increase expenditures to the local governments which comprise our membership; and

BE IT FURTHER RESOLVED, that as an alternative, local governments should be given the option to make the payment as originally scheduled, on December 15, 2004, at the originally published rates, which included the discount; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New York State Office of the State Comptroller, the Governmental Accounting Standards Board, the New York State Conference of Mayors, and the New York State Government Finance Officers Association.

Unanimously carried.

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ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, the following resolution was adopted:

WHEREAS, the Village of Williamsville, on or about September 21, 2004, received an application, pursuant to Section 28-7 of the Village Code, on behalf of Benderson Development, Inc. requesting an Exceptional Development Permit for a proposed Pharmacy and Retail Building at 5305 and 5325 Main Street and 23 and 29 S. Long Street; and

WHEREAS, it appears that the aforementioned application constitutes an “Unlisted Action” as defined at Section 617.2(ak) of the regulations promulgated under the State Environmental Quality Review Act (SEQRA), and, therefore, is subject to environmental review under SEQRA, and, furthermore, that more than one “involved agency”, as that term is defined at Section 617.2(s) of the SEQRA regulations, is involved; and

WHEREAS, the Village Board of Trustees of the Village of Williamsville, as a result of its authority under the Village Code and Section 7-725-b of the Village Law of the State of New York to review and approve, approve with modifications or disapprove the exceptional development permit, appears to be the involved agency “principally responsible” for approving the action, and in the best position to determine whether an environmental impact statement is required in connection with the action; and

WHEREAS, it appears that a “coordinated review” under SEQRA would be in the best interests of the project sponsor, the public and the Village of Williamsville; and

WHEREAS, the Village Board of Trustees of the Village of Williamsville proposes to act as lead agency under SEQRA regarding the proposed Pharmacy and Retail Building; it is therefore

RESOLVED, that the Village Administrator is instructed to notify other involved agencies identified in Benderson Development Inc.’s September 21, 2004, Full Environmental Assessment Form (FEAF), including, without limitation, the Erie County Health Department, the New York State DOT, and the New York State DEC, that the Village of Williamsville has received Benderson Development Inc.’s application for an exceptional development permit, that the Village Board of Trustees wishes to serve as lead agency regarding this action, and that such involved agencies are asked to advise the Village Board of Trustees within 30 calendar days of the date of such lead agency notice whether or not they concur with the Village Board of Trustees desire to serve as lead agency; and it is further

RESOLVED, that the Village Administrator shall transmit to the other involved agencies, along with the aforementioned lead agency notice, Part 1 of Benderson Development, Inc.’s FEAF, the Exceptional Development Permit Application, and FRA Engineering, Inc.’s Traffic Impact Study for the proposed Pharmacy and Retail Building.

Unanimously carried.

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ON MOTION by Trustee Frese, seconded by Trustee Seamans, it was moved to return to the regular agenda.

Unanimously carried.

ON MOTION by Trustee Frese, seconded by Trustee Lowther, the following resolution was adopted:

WHEREAS, the Village Administrator has advertised for the sale of surplus DPW equipment and the bids were opened on Wednesday, October 20, 2004 at 9:00am, and

WHEREAS, the Village Board of Trustees has the right to reject any and all bids,

NOW, THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby rejects any and all bids submitted for the following equipment:

*One (1) AAMCO lift, 9,000 lbs. capacity, Model AO-9 Rev 2, S/N: P000010408*

Unanimously carried.

ON MOTION by Trustee Seamans, seconded by Trustee Frese, the following resolution was adopted:

RESOLVED that the following budget transfer be made in the General Fund to account for a \$200.00 donation made by the Jolly Boys of Williamsville NY, Inc., and,

FURTHER BE IT RESOLVED that these funds are to be used towards the Halloween Parade and Party.

Increase:	001-0001-2705 Gifts and Donations	\$200.00
Increase:	001-7310-4170 Youth & Recreation	\$200.00

Unanimously carried.

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ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to adjourn to Executive Session at 8:18pm to discuss the sale of real property.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Frese, it was moved to close the Executive Session at 9:10pm.

Unanimously carried.

ON MOTION by Trustee Frese, seconded by Trustee Daniels, it was moved to return to the regular meeting at 9:10pm.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Frese, the following resolution was adopted:

RESOLVED that property owned by the Village of Williamsville and located at 80 Rinewalt Street, SBL: # 69.17-5-17, is hereby declared surplus property, and

FURTHER BE IT RESOLVED that the Village Administrator is authorized to advertise for sealed bids for the sale of the vacant land at 80 Rinewalt Street, to be opened on Wednesday, December 15, 2004 at 10:00am in the Village Clerk's Office.

Unanimously carried.

ON MOTION by Trustee Frese, seconded by Trustee Lowther, it was moved to adjourn the meeting at 9:14pm.

Unanimously carried.

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Sally A. Kuzon  
Administrator