

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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

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 Frese, the minutes of the regular meeting of October 25, 2004 are hereby approved.

Unanimously carried.

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

Unanimously carried.

The following persons addressed the Board:

Caroline Schlifke, 192 Evans St., noticed the water tower is down and was curious as to whether the property would be up for sale, what the Village paid to remove the tower, and what price we would put on the lot. Mayor Hazlett commented that the property has been appraised at \$110,000 and that we paid \$5,000 to have the tank removed. Mary Lowther commented that the pump house was removed by our own DPW.

Ms. Schlifke asked if Trustee Daniels was proceeding with having Erie County take over the Village water system. He commented that the actual cost of takeover may not be to the Village's advantage, given the fact that our rate of loss is much lower than that of ECWA. It's a learning process and it is on hold right now. Ms. Schlifke commented that she was never in favor of it. She read that East Aurora just let ECWA take over theirs, and that other places are unhappy with the takeover.

Ms. Schlifke informed the Board that her leaves have been out at the street for over 3 weeks and have not been picked up by the Village at all. She has 4 very large trees on her property whose leaves fall at different times. Usually the Village has picked up leaves 2 or 3 times already at her location. The lawn has been damaged in the past due to leaves, and she does not want to have to replace her lawn again. Mayor Hazlett responded that the DPW has been out, including this past weekend on Saturday. Trustee

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

Frese stated that the leaves all fell at once this year. The Administrator said the Village would call her tomorrow and let her know when they will be on Evans Street for leaf pickup.

Ms. Schlifke lives on a County Highway and recalls that the County reimburses the Village for plowing County highways. She has heard that the County may bid out the plowing of County roads as opposed to having the Village do it. She would like to suggest that if the County wants to pay a private contractor, and it's less than what the Village has been getting, that the Village plow the roads for the same price. She doesn't want to see an outside source coming in to the Village to plow.

William Taylor, 50 Chalmers, asked the status of the Chalmers Street road construction. He commented reconstruction of Chalmers Street has been going on since approximately July 27th, when they came in and milled it. Mayor Hazlett commented that everything is being buttoned up this week. Administrator Kuzon commented that there were some binder issues on that Chalmers and that it had to be replaced prior to paving. Mayor Hazlett commented that he knows Mr. Taylor has spoken to our Engineer and that he is the person who really plans the contracts for us. Trustee Frese explained that this was the first time that the Village has had a project of this magnitude in quite a while and that a problem like this will not happen again. Mary Lowther commented that our Engineer was in and spoke to the Board about ways to prevent this in the future. Mayor Hazlett asked Mr. Taylor if he knew when NYS was going to move the toll barrier.

Maryann Avery, 64 Garrison, wondered when the leaves on her street were going to be picked up. Mayor Hazlett asked Michael Parker, DPW Crew Chief, to call her tomorrow with the schedule.

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

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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

RESOLVED that payroll and vouchers in the amount of \$413,935.15 covering the period October 18, 2004 – November 2, 2004 are approved as follows:

Payroll covering 10/18/04 – 10/31/04	\$31,341.28
Vouchers covering 10/20/04 – 11/2/04	
General Fund	44,661.74
Water Fund	45,876.92
Sewer Fund	4,017.08
Glen Park Fund	846.51
Trust & Agency Fund	9,842.50
Debt Service	74,007.50
Community Development	0.00
Capital Fund	203,341.62
	<u>\$382,593.87</u>
Grand Total:	<u>\$413,935.15</u>

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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

WHEREAS, the County of Erie is replacing the Glen Ave. Bridge over Ellicott Creek, and

WHEREAS, the Village of Williamsville had requested that the County incorporate in their construction contract to replace the above noted bridge, plans and specifications for sidewalks on the north side of the Glen Avenue, and

WHEREAS, the Village of Williamsville has passed a resolution authorizing the assumption of ownership and maintenance of various constructed items incorporated in the project, and

WHEREAS, the Village of Williamsville has obtained Multi-Modal 3 Program Funds, in the amount of \$142,000 for the addition of these sidewalks, and

WHEREAS, the County of Erie has represented that they will provide invoices documenting their construction costs,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Williamsville hereby approves the reimbursement of the County of Erie for the cost of these sidewalks incorporated in their construction contract utilizing the said Multi-Modal 3 Program Funds.

Unanimously carried.

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

Unanimously carried.

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

RESOLVED that the resolution unanimously approved at the October 25, 2004 Village Board meeting regarding the designation of Lead Agency status under SEQRA to the Village of Williamsville for an Exceptional Development Permit for a proposed Pharmacy and Retail building at 5305 and 5325 Main Street and 23 and 29 South Long Street, is hereby rescinded.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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 October 28, 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.

BE IT FURTHER RESOLVED that this action shall supersede any and all prior actions.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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

Unanimously carried.

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

RESOLVED that the following Williamsville Fire Department equipment is hereby declared surplus:

One (1) Motorola Maxtrac Low Band Radio
Serial No. 428Auc2050

and

One (1) Portable Motorola MT 1000 Low Band Radio
Serial No. 546Avw0382 w/charger

Unanimously carried.

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

RESOLVED that Michael Hannon and Thomas Ratzel, members of the Williamsville Fire Department, are hereby authorized to attend the Conference for Principles of Building Construction at the NYS Fire Academy, Montour Falls, November 20 – 21, 2004, at a cost not to exceed \$120.00, to be paid by the Village of Williamsville.

Unanimously carried.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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

RESOLVED that Michael Hannon and Thomas Ratzel, members of the Williamsville Fire Department, are hereby authorized to attend the U.S. Dept. of Energy Fire Training Program at the Fire Science Academy, University of Nevada at Reno, December 5 - 8, 2004, at a cost not to exceed \$250, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED that the Mayor is hereby authorized to sign an Inter-municipal Agreement between the Village of Williamsville and the Town of Amherst. The agreement requires users of the Town of Amherst Water Pollution Control Facility (WPCF) to keep in effect, implement and enforce a Sewer Use Ordinance Program relating to pre-treatment controls for industrial users in the Village.

Unanimously carried.

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

RESOLVED that the following resolution be adopted as follows:

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 \$ 28,280.22 containing description of the land upon which taxes are unpaid as the same were placed upon the tax roll together with the amount assessed and interest thereon, and

WHEREAS the said Village Administrator under oath has sworn 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

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, November 8, 2004 at 7:30 p.m.

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 \$ 28,280.22 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 within 15 days to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Frese, it was moved to adjourn to Executive Session at 8:10pm.

Unanimously carried.

ON MOTION by Trustee Frese, seconded by Trustee Daniels, it was moved to return to the regular meeting at 8:55 pm.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to adjourn the meeting at 8:58pm.

Unanimously carried.

Sally A. Kuzon
Administrator