

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 14, 2005 at 7:31 p.m.

The meeting was opened at 7:31 p.m. with the Pledge of Allegiance led by Trustee Seamans.

Present: F. Ray Hazlett, 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

Excused: Joseph P. Frese, Deputy Mayor

A proclamation was presented to the Williamsville Business and Professional Association to commemorate their 20 years of service and support to the community.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to approve the minutes of the regular meeting, held on January 24, 2005, as submitted.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, it was moved to approve the minutes of the special meeting held on January 27, 2005 as submitted.

Unanimously carried.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to open the first Public Hearing at 7:39pm.

Unanimously carried.

A Public Hearing was held to discuss amending the Community Block Grant allocation.

ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, it was moved to close the Public Hearing at 7:44 pm

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 Monday, February 14, 2005 at 7:31 p.m.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to open the second Public Hearing at 7:45pm.

Unanimously carried.

A Public Hearing was held to discuss the addition of subsection D to Section 12 (Penalties and Offenses) of Chapter 47 (Historic Preservation) of the Village Code.

ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, it was moved to leave the Public Hearing open until March 28, 2005.

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 members of the audience addressed the Board:

Basil Piazza, 186 N. Long St., read a list of questions for the record and gave a copy to Administrator Kuzon (see attached)

Trustee Lowther commented that all five (5) board members unanimously supported the bond resolution for the Mill. She stated that there has been a lot of public explanation, and that she would be happy to speak with him after the meeting.

Bill Wutz, 236 Highland Drive, questioned how much of the money paid for the purchase of the Mill mortgage is to pay off personal debt of the owner? He also asked if the Village has the deed yet? Is there any private debt? Mayor Hazlett commented that the bank had \$580K into this property. The Village purchased the mortgage from the bank, not from Mr. Miller. Mr. Wutz asked how much of the \$580,000 was personal debt? He is in favor of purchasing the Mill, but is not in favor of paying off personal debt. He also commented that he believes it was a good move to table the motion for HPC code.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 14, 2005 at 7:31 p.m.

Dick Gallagher, 38 Chalmers Street, asked what increase there will be in the village tax this year related to the sale of the Mill. Mayor Hazlett commented that we are in the budget process now and will have a public hearing on the budget. Trustee Seamans stated that there is an 11.33% increase at this time. Mr. Gallagher stated that if he were sitting in the Mayor's chair, he would look at the tax impact to the Village taxpayers. His question is that, with such a large expenditure, did the Trustees factor the tax increase into their decision? Trustee Daniels stated that the Trustees don't know if a tax increase will be necessary because the idea was to go out to RFP to developers who would then purchase the property. He stated that it was not the intent to sit on the \$450,000 in debt. Secondly, he stated that if a home is assessed at \$100K, an 11% increase would be \$46 per year. Trustee Seamans again stated that right now there is an 11.33% increase. This would be to cover the first payment on the debt only, and does not include any maintenance, repairs, or other operating costs. Mr. Gallagher hopes the Board will proceed very cautiously in the next weeks and months. He feels that many decisions have been rushed and that this is a significant financial responsibility. Trustee Seamans commented that State funding could be a great possibility, but that it would have covenants attached. This could negatively impact the development of the site. The Board is talking about an RFP (Request for Proposal). Trustee Seamans is pleading with the Board to proceed cautiously. Trustee Lowther commented that we are still in the preliminary budget stages and not finished. The Board will be continuing with budget this evening. They are still in the whittling down process. Mr. Gallagher's concern is that with such a significant expenditure, there is no way to make this happen without a tax increase. If there is (a tax increase), there will be problems. Trustee Daniels commented that if all else fails, there will be a \$46 per year increase in taxes on a \$100,000 home. There was some debate between Board members regarding whether or not there is any income from the Mill property. Trustee Daniels commented that as a point of procedure, public participation does not require an answer but it is just to listen to the residents. Mr. Gallagher commented that if Trustee Daniels takes that mentality, he will have major problems.

Mary Lindow, 22 Garden Parkway, wondered if, when the Board talks about the Mill, are they including the two houses that are there? If so, then she feels we got a bargain.

Maryann Avery, 64 Garrison Rd., stated she has lived in the Village all her life. She has seen the demolition of the Mansion House, old Village Hall, and many other historical properties. She stated that everything went on Main Street except for the Roneker building and the Meeting House. She feels it took a lot of courage for the Village Board members to vote for this. It is easy to let the developers come in and demolish buildings and say there is nothing you can do. People who move into the Village now are coming here for the atmosphere and are willing to pay the \$46 extra. They are not coming here for the old houses, but the entire atmosphere. The Mill is one of the central parts of this atmosphere. Ms. Avery has been going to the Amherst Town Board for 15 years and feels you can not trust the developers. She thinks the board has taken a big chance and should be commended for it.

Rich Sweeney, 325 Mill Street, congratulated the Mayor, the Village Board and the Parks Committee as well in holding a successful Winterfest that he enjoyed with his grandsons. It was a great event for him. He then asked for clarification regarding the hearing on the HPC code amendment – if

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 14, 2005 at 7:31 p.m.

the public hearing is held open until March 28th, can comment still be made at the next board meeting, or only on the 28th? Trustee Lowther responded that the public can comment at each board meeting between now and March 28th. Mr. Sweeney then told the Board that part of the Mill property abuts Glen Park and the Glen Park Joint Board was planning on putting a new path there, not realizing where the property line was. Before the board sells or releases the property, he would like the Glen Park Joint Board to have the opportunity to present a proposal for some new paths in the park that would extend onto the Mill property.

Shawn Michel, 54 Garden Parkway, wondered if the Board held a public hearing on this. The response was that no, there hadn't been one. The Mayor has a motion tonight that they are going off the agenda for. Trustee Seamans commented that the Board has not had a public hearing in 3 months, but that she is hoping for a public forum to get resident input for the development of the site. There was then a debate between Trustee Seamans and Mayor Hazlett. Mr. Michel agrees with the purchase of the Mill, but feels the residents should have been given an opportunity to speak before the purchase was made. He was wondering why the Village didn't have a public hearing.

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 resolution was adopted:

RESOLVED that payroll and vouchers in the amount of \$175,734.15, covering the period January 10, 2005 - February 8, 2005, are approved as follows:

Payroll covering 1/10/05 – 1/23/05	\$35,401.28
Payroll covering 1/24/05 – 2/8/05	\$27,270.16
Vouchers covering 1/19/05 – 2/8/05	
General Fund	\$43,359.47
Water Fund	43,634.51
Sewer Fund	252.37
Glen Park Fund	1,836.14
Trust & Agency Fund	22,475.22
Debt Service	0.00
Community Development	0.00
Capital Fund	1,505.00
	<u>\$113,062.71</u>
Grand Total:	<u>\$175,734.15</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 Monday, February 14, 2005 at 7:31 p.m.

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

RESOLVED, that the fiscal years 2003 through 2007 Community Development Block Grant Funds, which were the subject of a public hearing tonight, are hereby re-allocated as follows:

RESOLVED, that \$31,977 in remaining 2003 funding is re-allocated from street reconstruction on Farber Lane (which is no longer in the target area) to the Williamsville Community Plan, and be it further

RESOLVED, that up to \$50,820 in 2004 funding is reallocated from waterline and street reconstruction on Garden Parkway to the Village Master Plan, and be it further

RESOLVED, that 2005 through 2007 funding (approximately \$48,000 per year) shall be allocated to waterline and street reconstruction on Garden Parkway, and be it further

RESOLVED, THAT \$40,000 in housing rehabilitation loan repayments are hereby reprogrammed for street reconstruction on Garden Parkway Extension.

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 Monday, February 14, 2005 at 7:31 p.m.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to go off the regular agenda to entertain a new resolution.

Unanimously carried.

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

WHEREAS, the Village of Williamsville has acquired a secured interest in the Williamsville Water Mill pursuant to an assignment of mortgage, and

WHEREAS, foreclosure of the property is scheduled for March 31, 2005, and

WHEREAS, the Village of Williamsville finds that it is in the best interest of the Village to obtain title to the property in fee simple while retaining its rights to the foreclosure, and

WHEREAS, a list of contents has been drafted, specifying Mill contents to stay with the Mill upon transfer of title and detailing those contents that constitute personal property of the owner.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Mayor be authorized to execute the Williamsville Water Mill agreement dated February 14, 2005 including the allocation of contents upon the condition that a deed in lieu of foreclosure be executed and presented contemporaneously by the owner.

ROLL CALL:	Seamans	No
	Lowther	Yes
	Hazlett	Yes
	Daniels	Yes

Motion carried. 3 - 1.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 14, 2005 at 7:31 p.m.

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

Unanimously carried.

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

WHEREAS, the Village of Williamsville has committed resources and funding to develop a Community Plan, which will engage Village residents in creating a vision for the future of their community including the Village's goals for creating a "walkable community", and

WHEREAS, the Amherst Planning Department has been authorized by Town Board approval to partner with the Village of Williamsville in their community planning efforts, and

WHEREAS, the New York State Department of State's Quality Community Program provides funds for Main Street projects that encourage community based planning, inter-municipal cooperation, economic development and downtown revitalization, and

WHEREAS, the Village of Williamsville and Town of Amherst are interested in applying cooperatively for a Quality Communities Grant from New York State Department of State, now therefore be it

RESOLVED, that the Village of Williamsville agrees to serve as a co-applicant for a Quality Communities grant application in conjunction with the Town of Amherst, who will serve as lead agency for the purpose of securing and administering this project, and be it further

RESOLVED, that the Village of Williamsville Board of Trustees hereby authorizes Mayor F. Ray Hazlett to act on behalf of the Village in all matters related to this financial assistance, and be it further

RESOLVED, that the Village of Williamsville hereby certifies that the information contained in this application is true and accurate to the best of our knowledge.

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 Monday, February 14, 2005 at 7:31 p.m.

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

RESOLVED that the following transfers are hereby made in the Glen Park Fund:

To:	009-7141-2000	Equipment	\$1,400.00
From:	009-7141-4106	Turf cutting/trimming	\$1,400.00

(For installation of hand/safety railing)

To:	009-7141-1000	Personal Services	\$2,600.00
From:	009-7141-4106	Turf cutting/trimming	\$2,600.00

(For additional labor expense)

To:	009-7141-2010	Capital replacement	\$1,600.00
From:	009-7141-4103	Fertilization	\$1,600.00

(For installation of fire & security alarm and knox box at Glen Park Nature Building)

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 Monday, February 14, 2005 at 7:31 p.m.

ON MOTION by Trustee Seamans, seconded by Trustee Daniels, the following resolution was considered:

WHEREAS, it is the intention of the Trustees and Mayor of the Village of Williamsville to encourage communication and awareness with our residents, and

WHEREAS, listings for meetings in our official newspaper may not be recognized by all interested residents, and

WHEREAS, the sign in front of Village Hall serves as a means of informing our residents of upcoming events, be it

RESOLVED, that the lower portion of the sign include a minimum three (3) day and maximum five (5) day notification of regular and special Board meetings.

General discussion followed about the legal requirements for meeting notification, and wording for a final resolution.

ON MOTION by Trustee Lowther, seconded by Trustee Daniels, it was moved to TABLE the resolution.

Roll Call:	Seamans	No
	Lowther	Yes
	Hazlett	Yes
	Daniels	Yes

Motion carried. 3 – 1.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 14, 2005 at 7:31 p.m.

ON MOTION by Trustee Lowther, seconded by Trustee Daniels, it was moved to TABLE the following resolution:

WHEREAS, the Village of Williamsville and its committees fully support youth and their learning experiences, and

WHEREAS, students are seeking opportunities to serve the community, and

WHEREAS, the Village of Williamsville and its committees seek volunteers on occasion, and

WHEREAS, a liaison relationship would promote efficient communication between Williamsville South High School and the Village, now, therefore, be it

RESOLVED, that Trustee Joan Seamans serve as community service coordinator to Williamsville South High School.

ROLL CALL:	Seamans	No
	Lowther	Yes
	Hazlett	Yes
	Daniels	Yes

Motion carried. 3-1.

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 14, 2005 at 7:31 p.m.

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

WHEREAS, the Youth & Recreation Committee has asked the Board to pay Mr. Jim Oliveri for his services as Santa Claus during the December 2004 Holiday Tree Lighting event, and

WHEREAS, in the past, the Board has authorized payment of \$150.00 for Santa services, and

WHEREAS, the omission of this item from the current year budget was an oversight by the committee chair, and

WHEREAS, Mr. Jim Oliveri has been waiting two months for a payment of services, be it

RESOLVED, that the Board of Trustees hereby authorizes payment of \$150.00 to Mr. Jim Oliveri for providing services as Santa Claus during the December 2004 Holiday Tree Lighting event.

Unanimously carried.

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

RESOLVED, that the Administrator is authorized to publish Notice of Public Hearing to be held on Monday, March 28, 2005 at 7:35pm at Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in amending Chapter 39 of the Village of Williamsville Code titled *Garbage, Rubbish and Refuse*.

ROLL CALL:	Seamans	No
	Lowther	Yes
	Hazlett	Yes
	Daniels	Yes

Motion carried. 3 – 1.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to adjourn the meeting at 9:09pm.

Unanimously carried.

SALLY A. KUZON
Administrator/Clerk-Treasurer

