

Minutes of the Regular Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, April 25, 2005 at 7:30 p.m.

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

Present: 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

Excused: F. Ray Hazlett, Mayor

ON MOTION by Trustee Daniels, seconded by Trustee Lowther, it was moved to approve the minutes of the regular meeting, held on April 11, 2005 as submitted.

Unanimously carried.

ON MOTION by Trustee Daniels, seconded by Trustee Lowther, it was moved to approve the minutes of the public hearing regarding amendments to the Garbage Code held on April 11, 2005 as submitted.

Unanimously carried.

ON MOTION by Trustee Daniels, seconded by Trustee Lowther, it was moved to approve the minutes of the public hearing regarding an amendment to the Historic Preservation Code held on April 11, 2005 as submitted.

Unanimously carried.

ON MOTION by Trustee Daniels, seconded by Trustee Lowther, it was moved to approve the minutes of the public hearing regarding amendments to the Traffic Code held on April 11, 2005, as submitted.

Unanimously carried.

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ON MOTION by Trustee Daniels, seconded by Trustee Lowther, it was moved to approve the minutes of the public hearing regarding installation of a stop sign at Pfohl Place. and Pfohl Terrace, held on April 11, 2005, as submitted.

Unanimously carried.

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

Unanimously carried.

The following members of the audience addressed the Board:

Thomas Frank, 225C Evans Street - Mr. Frank requested a proclamation for the Friends of the Ellicott Creek – they cleaned up the creek. He also informed the Board that the deadline for an inter-municipal agreement is May 27th. If the Village doesn't comment by the 27th, they will be left out of a settlement in excess of a billion dollars. Trustee Daniels commented that he will contact the Town.

Chuck Akers, 170 S. Cayuga Road - Mr. Akers stated that there has been some discussion regarding a potential rodent problem, and the solution of totes. He stated that the City of Buffalo had success with totes, but is having a new problem – that is rodents and squirrels chewing holes through the totes. He asked the Board to please reconsider.

Vicky Lattin, 64 S. Cayuga Road - Mrs. Lattin stated she has lived here for years and has never seen a rat. She wants to know why the Village isn't doing anything about our trees. She stated that the Village took 123 trees down behind her back when she was the Tree Warden. Everywhere she looks, she sees things being done that clearly kill the trees. We need to take care of this now, not two or three years from now. There is a film around a tree called the cambium. If you cut into the cambium, it will kill the tree. Sometimes the cambium is as thin as a piece of paper. She wants to know why we would take dirt and put it up to a tree and kill it. Trustee Seamans commented that the Village could print up some guidelines and she could drop them off personally. Mrs. Lattin stated that she is talking about thousands of dollars of trees that are being ruined by improper care. She wants something done. She is a taxpayer and doesn't want her money spent on people who are ruining the trees. Trustee Daniels then gave some history. Two years ago, the Village started working on a Tree Board. They have done a lot of proactive things since then. Cornell University has come in and done an inventory 2000 of the Villages trees – including condition, height, species, diameter, etc. They also gave recommendations for reforesting our urban forest. They are developing a plan with two interns and are retaining a third intern for the summer to concentrate mainly on Main Street. The Village is now a Tree City USA community, based on meeting four required standards. The DPW conducted a day long clinic on tree trimming with Wright Frontier. We have obtained a \$7,500 matching grant, as well as \$7,000 from Assemblyman Hayes for reforesting. The Village planted two trees on Main St. on Saturday as part of a project that we are doing

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in conjunction with Cornell. A special soil mix will be introduced that is supposed to help the trees survive. Mrs. Lattin commented that she feels this is just a bunch of fancy words.

Jeffrey Voelkl, 118 N. Long Street - Judge Voelkl commented that he thinks that what Vicky is trying to say is that everything is for naught if the trees are improperly pruned and hopes the Village Board will take her concerns into consideration. He also hopes that the Village will consider Long Creek (drainage ditch #9) into consideration regarding the Main & S. Union project. This is a home to countless animals. He hopes the Village Board will vote accordingly if they don't have sufficient information to make this decision tonight. Deputy Mayor Frese commented that he doesn't want the residents to be alarmed. At this time, there is some discussion regarding the storm sewer that runs under the building. However, nothing has been said about moving the drainage pipe. The negative declaration for SEQR for this project has no bearing on this as it stands today. What was discussed this evening was nothing more than hearsay. The Village Board has to intelligently base their decision of a negative declaration on the facts they have been presented with.

Maryann Avery, 64 Garrison Road - Ms. Avery stated that she didn't know the Board was considering a negative declaration pertaining to SEQR for Main & S. Union without the plans. Deputy Mayor Frese stated that we don't need the plans, just the information for the SEQR form. If the plans change from what the Village has in front of them, the negative declaration can be altered. Ms. Avery stated she didn't think they had turned in a traffic study on the north side of Union Road. Attorney Hayes commented that the Village Board must come forward with a positive or negative declaration within 20 days and must make this determination. The engineer has recommended a negative declaration and should things change, this can be opened again. The Board can not make a decision that is irrational. They must follow the Engineer's recommendation. Ms. Avery feels the traffic study would have a positive impact. Trustee Daniels commented that they are not basing this on a car wash, it is a retail space. Ms. Avery expressed that the restaurant portion could be a Tim Horton's with a lot of traffic. Trustee Daniels then stated that because it's Exceptional Development, all requests and changes must still come before the Village Board. This is only one step in the process. The Village Board is being asked to vote based on what the Engineer has determined. If a change was made to a 24-hour coffee shop, this would be re-evaluated.

Dan Chase, 52 Wellington Court - Mr. Chase stated that he has been out of town and is not up to speed on what is happening with the Mill, and has some concerns. He is wondering where we stand. Has any money been forthcoming from other government entities that had made promises? Deputy Mayor Frese reported that we have sent out an RFEI (Request for Expressions of Interest) to various developers – about 50 of them. May 17th is when these are due back. Not too much has happened due to this. The Village is working on clean up and maintenance issues at this point. Mr. Chase is concerned that we are going to end up in a fiscal bind. Trustee Lowther informed Mr. Chase that the rentals on the property are paying for the heater replacement. The Board is looking for good news by mid-May.

Gary Novotny, 169 S. Forest Road - Mr. Novotny had a request for Milton St. Park – he stated that some of the rims on the basketball court are bent and/or broken. He stated that a lot of people use the court. Trustee Lowther stated that she had a meeting with about 50 of the neighbors and this was one of the items identified as needing attention. This summer is going to be devoted to the S. Long playground. Deputy Mayor Frese requested that they consider the collapsible type of rims.

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Heide Voigt, 4644 Harlem Road - Ms. Voigt is a UB nursing student doing a community assessment on the Village of Williamsville. She was wondering if there are any health related programs directed at the prevention and promotion of cardiovascular disease. Trustee Lowther commented that the Sr. Citizen Committee has a free exercise program every week. Trustee Daniels also commented that the Village mostly defers to the Town of Amherst and Erie County. The County has a Cluster Services program and the Town of Amherst has a Senior Services facility on Audubon Parkway. Ms. Voigt asked about screening for other age groups. Trustee Lowther discussed adult education through Williamsville Central Schools. The Village is really too small, which is why the Village residents pay for these services in their Town tax. Ms. Voigt asked if anything was being done at the local festivals. Trustee Daniels reported on Senator Mary Lou Rath's "Walk the Villages" program to promote physical fitness. This is a state program to encourage people in Kenmore, Clarence, Akron and Williamsville to walk during the summer months. There is a punch card, and if a person walks so many miles, they become eligible for a drawing. There is a 5-mile tour of Williamsville. Ms. Voigt asked if the Village would ever open this up to one of our festivals or have volunteer nurses come in for screenings? Trustee Daniels advised her that she could contact the Village Glen or Mary Lou Rath's office if she has some volunteers. Deputy Mayor Frese stated that he could give her contacts for Taste of Williamsville or Old Home Days Committee for those events, but informed her that they are not events runs by the Village of Williamsville.

ON MOTION by Deputy Mayor Frese, seconded by Trustee Daniels, it was moved to close the public participation portion of the meeting and return to the regular agenda.

Unanimously carried.

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

RESOLVED that payroll and vouchers in the amount of \$91,896.12, covering the period 4/4/05 - 4/19/05, are approved as follows:

Payroll covering 4/4/05 – 4/17/05	\$31,394.09
Vouchers covering 4/6/05 – 4/19/05	
General Fund	33,442.17
Water Fund	2,377.04
Sewer Fund	6,714.54
Glen Park Fund	795.63
Trust & Agency Fund	12,326.51
Debt Service	0.00
Community Development	0.00
Capital Fund	4,846.14
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	\$60,502.03
 Grand Total:	 <u>\$91,896.12</u>

Unanimously carried.

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

RESOLVED, that *Daniel Kosakowski, 12128 Centerline Rd., South Wales, New York* is hereby appointed Seasonal Laborer, part-time, in the Department of Public Works at \$8.50 per hour.

Unanimously carried.

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

RESOLVED, that CRA Infrastructure & Engineering, Inc. is hereby authorized to draw specifications and perform engineering services in connection with Contract 15 – Infrastructure Improvement 2005 at a cost not to exceed \$107,000.00 as per their proposal dated April 21, 2005.

Unanimously carried.

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

RESOLVED, that the Board of Trustees of the Village of Williamsville, has acknowledged and hereby determines that the proposed action for the project located at 5305 Main Street, Williamsville, New York, for a Walgreen’s Pharmacy/Retail, will not result in any adverse environmental impacts.

Roll Call:	Trustee Seaman	Yes
	Trustee Frese	Yes
	Trustee Lowther	No
	Trustee Daniels	Yes

Motion carried. 3 -1

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

RESOLVED, that the amendment to the *Historic Preservation Code (Chapter 47-12 D)*, which was the subject of public hearings on February 14, 2005, March 28, 2005 and continued on April 11, 2005, is hereby adopted.

Unanimously carried.

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

RESOLVED, that the amendments to *Chapter 103-7 A*, regarding traffic fines, which were the subject of a public hearing on April 11, 2005, are hereby adopted.

Unanimously carried.

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

RESOLVED, that the following budget transfer take place in the General Fund to designate funds donated to Youth & Recreation Committee that will not be expended this budget year:

Increase:	001-0001-0895	Designated for Youth & Recreation	\$552.48
Decrease:	001-7310-4170	Youth & Recreation	\$552.48

Unanimously carried.

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

RESOLVED, that the Administrator is hereby authorized to publish Legal Notice of a public hearing to be held May 23, 2005 at 7:35 p.m. for the purpose of hearing from all those interested in commenting on a proposed amendment to Section 103-16 – No Standing, of the Village of Williamsville Vehicle and Traffic Code, for East Spring Street.

Unanimously carried.

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

RESOLVED that the following budget amendment is made to the General Fund to account for unanticipated revenue, and expense to replace a heater, at the Williamsville Water Mill:

Increase Revenue	001-0001-2411	Lease on Mill Properties	\$1,400.00
Increase Expense	001-7540-4230	Williamsville Water Mill - Building Maintenance	\$1,400.00

Unanimously carried.

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ON MOTION by Deputy Mayor Frese, seconded by Trustee Daniels, it was moved to adjourn to Executive Session at 8:34pm.

Unanimously carried.

ON MOTION by Deputy Mayor Frese, seconded by Trustee Daniels, it was moved to close the Executive Session at 9:07pm.

Unanimously carried.

ON MOTION by Deputy Mayor Frese, seconded by Trustee Daniels, it was moved to return to the regular agenda at 9:08pm.

Unanimously carried.

ON MOTION by Deputy Mayor Frese, seconded by Trustee Lowther, it was moved to adjourn the regular meeting at 9:09 pm.

Unanimously carried.

SALLY A. KUZON
Administrator/Clerk-Treasurer