

**Minutes of the Regular Meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, November 14, 2005 at 7:30 p.m.**

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

Present: Mary E. Lowther, Mayor  
Basil J. Piazza, Trustee  
Ronald W. Daniels, Trustee  
Brian J. Geary, Trustee  
Richard P. Sweeney, Trustee

Lynda L. Juul, Deputy Treasurer  
Deborah A. Habes, Deputy Clerk  
J. Michael Hayes, Village Attorney  
Michael Parker, DPW Crew Chief

Excused: Sally A. Kuzon, Administrator/Clerk-Treasurer

**ON MOTION** by Mayor Lowther, seconded by Trustee Sweeney, it was moved to approve the minutes of the regular meeting held on October 24, 2005 as submitted.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Daniels, it was moved to go off the regular agenda.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to approve the minutes of the public hearing regarding an Exceptional Development permit application for 5305 Main Street, 5325 Main Street, 23 S. Long Street, and 29 S. Long Street, held on October 24, 2005, as submitted.

Unanimously carried.

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

Unanimously carried.

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**ON MOTION** by Trustee Piazza, seconded by Trustee Daniels, it was moved to open the first public hearing at 7:45 p.m.

Unanimously carried.

*A public hearing was held to discuss the proposed designation of the Village-owned properties at 60 E. Spring Street and 80 E. Spring Street as local historic landmarks.*

**ON MOTION** by Trustee Piazza, seconded by Trustee Daniels, it was moved to close the first public hearing at 8:05 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Daniels, it was moved to open the second public hearing at 8:06 p.m.

Unanimously carried.

*A public hearing was held to discuss an amendment to Chapter 103-14 to restrict parking on the south side of the Village portion of Plymouth Place at all times and on all days.*

**ON MOTION** by Trustee Sweeney, seconded by Trustee Daniels, it was moved to close the second public hearing at 8:15 p.m. and return to the regular agenda.

Unanimously carried.

**ON MOTION** by Mayor Lowther, 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:

*Carolyn Schlifke, 192 Evans* – Ms. Schlifke wanted to know what happened to her recent request for a crosswalk behind St. Peter and Paul school. Mayor Lowther said that the Traffic and Safety Committee is in the process of prioritizing the crosswalks in the Village and will be presenting their priority list to the Village Board soon. Ms. Schlifke said she believed that there was some mention of crosswalks in previous Village codes of 1985 or 1989. She suggested that this be looked into. Ms. Schlifke said she thinks this is a matter of public safety. Trustee Sweeney said that the Traffic & Safety Committee is

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having a work session on November 15<sup>th</sup> about finalizing the crosswalk priority listing for the Board of Trustees and will be discussing crosswalk design. He indicated that Traffic & Safety Committee recommendations will be made very soon. The question is how soon they can be adopted by the Board and incorporated into the code.

***Jerry Bennett, 151 Mill St.*** – Mr. Bennett asked for an update on the possibility of installation of a storm drain on Orchard Place. He submitted for the record a petition signed by concerned residents (See attached). Mayor Lowther stated that it is not in the current budget, but that it will be a high priority in the next budget year.

***Stephen Dyson, 86 S. Cayuga*** – Dr. Dyson spoke about the lack of water in the Creek. His property backs up to the Creek at Island Park. He said his granddaughter wanted to take a canoe ride down the Creek but he had to tell her it wasn't possible since there was no water in it. He said there is a ruling from the courts that requires the Village to keep water in the Creek. He claimed riparian rights are of utmost importance. He referred to the lack of water in the creek today. It has not rained in several days and wanted to know why the gates are out. Dr. Dyson claimed the Creek is without water for half of the year. Winter removal of the gates has been extended every year. He claimed that the court required that the gates be left in except in times of danger of imminent flooding. He said he thinks that the Village does not want to put water in the Creek. Trustee Daniels said that the Village Board is fully aware of it and would like to have water in both channels year round. Trustee Daniels said he has on file an Army Corps of Engineers report on the drop in elevation from the tip of the Island to the dam. He said the Village needs to see what level of water we could have so that the gates could be left in and still keep the water on both sides of the Island. Trustee Daniels said there is no money in the budget to install a new gate system. We are in the process of looking at it. The Village Attorney said that the court ruling he believed Dr. Dyson was referring to was made in 1939 but was not passed until 1946. He said he did not believe that Dr. Dyson was a party to this particular ruling. Village Attorney Hayes said that there would have to be a new hearing. He stated he does not understand the document. Dr. Dyson said it should be in effect until such time as a new solution is found. Trustee Daniels stated that the Village wants water in the Creek too. They will be looking into this issue.

***Thomas Frank, 225 C Evans St.*** – Mr. Frank explained that the Greenway Commission is going to have their meeting on the 29<sup>th</sup> of this month and he will be attending. There are legal amendments that have to be put in. He claimed that the Town of Amherst has been the object of subterfuge for its reliance on the cumulative impact of the Robert Moses Power Project. He stated that this issue affects many towns and villages in this area. Mayor Lowther said she had a meeting with the Village grant writer and she reported that we have been told by the Niagara Commission and Paul Bowers that Ellicott Creek is not going to be considered part of this. Mayor Lowther said the Village is working cooperatively with the Town of Amherst on this topic. Mr. Frank claimed that this will impact the Mill redevelopment. He wants Ellicott Creek to be connected to the Erie Canal. Mayor Lowther said she will check into it.

***Dan Chase, 52 Wellington Ct.*** – Mr. Chase said that the Williamsville Business Association will be having the unveiling this Saturday of the "Windows of Williamsville" holiday display by Main Street businesses. He explained that they are working with Senator Mary Lou Rath for funding for a Walk the Village event and will be sponsoring a Holiday Walk on Main Street on Dec. 10<sup>th</sup>. Mr. Chase asked if the Village could put the holiday lights up on the utility poles by November 18<sup>th</sup> to coordinate with the

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Windows of Williamsville event. DPW Crew Chief Michael Parker said he has already scheduled the installation of the holiday decorations for the light poles the week of November 21<sup>st</sup>.

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

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made to the *General Fund for the 2005 – 2006* fiscal year:

To:	001-8010-4450 (Zoning – Miscellaneous)	\$11.00
From:	001-8010-4030 (Zoning – Printing / Advertising)	\$11.00
To:	001-8140-1000 (Storm Sewers – Personal Svc.)	\$1,916.00
	001-8170-1000 (Street Cleaning – Personal Svc.)	\$275.00
	001-8510 -1000 (Community Beautification – Personal Svc.)	\$813.00
From:	001-5110-1000 (Street Maintenance - Personal Svc.)	\$3,004.00
To:	001-3620-4450 (Safety Inspection – Miscellaneous)	\$87.00
From:	001-3620-4620 (Safety Inspection – Books & Publications)	\$87.00
To:	001-5110-4161-0906 (Street Maintenance - Repairs)	\$425.00
From:	001-5110-4161-0902 (Street Maintenance - Repairs)	\$425.00
To:	001-5110-4161-0920 (Street Maintenance - Repairs)	\$789.00
From:	001-5110-4161-0901 (Street Maintenance - Repairs)	\$789.00
To:	001-5110-4161-0920 (Street Maintenance - Repairs)	\$1,470.00
From:	001-5110-4161-0910 (Street Maintenance – Repairs)	\$1,470.00
To:	001-5110-4161-0920 (Street Maintenance – Repairs)	\$628.00
From:	001-5110-4161-0913 (Street Maintenance – Repairs)	\$628.00
To:	001-7110-4169 (Parks – Repairs – Other)	\$10.00
From:	001-7110-4280 (Parks – Equipment Rental)	\$10.00

Unanimously carried

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

RESOLVED, that the following *budget transfers* are hereby made in the *Water Fund* for the *2005 – 2006* fiscal year:

To:	006-8340-2010 (Water Transmission – Meters)	\$398.00
From:	006-8340-4160 (Water Transmission – Repairs – Lines)	\$398.00
To:	006-8340-2010 (Water Transmission – Meters)	\$152.00
From:	006-8340-2000 (Water Transmission – Equipment)	\$152.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund for the 2005 – 2006* fiscal year:

Increase:	001-0001-2411 (Lease on Mill Properties)	\$2,400.00
Increase:	001-7540-4230 (Williamsville Water Mill – Building Maintenance)	\$2,400.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *Water Fund for the 2005 – 2006* fiscal year:

Increase:	006-0006-2770 (Miscellaneous Revenue)	\$2,559.56
Increase:	006-0006-2665 (Sale of Equipment)	\$2,062.89
Increase:	006-8340-2010 (Water Transmission – Meters)	\$2,062.89
Increase:	006-8340-4100 (Water Transmission – Professional Fees)	\$2,000.00
Increase:	006-8340-4101 (Water Transmission – Engineer)	\$559.56

Unanimously carried.



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

RESOLVED, that the Mayor is hereby authorized to sign the *2005 – 2007 Erie County Snow Removal and Ice Control Agreement*.

Unanimously carried.

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

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 \$19,464.74 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

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 \$19,464.74 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.

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

RESOLVED, that *Steve Feldberg, 35 Segsbury Drive, Williamsville, New York*, is hereby appointed to the *Williamsville Fire Department*.

Unanimously carried.

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

RESOLVED, that David Kubiak is hereby authorized to travel to the NYS Fire Training Academy, Montour Falls, New York from November 18 to November 20, 2005, at a cost not to exceed \$175.00.

Unanimously carried.

**ON MOTION** by Trustee Geary, seconded by Trustee Daniels, it was moved to adopt the following resolution:

RESOLVED, that the following *budget transfer* is hereby made in the *Glen Park Fund* for the *2005 – 2006* fiscal year:

To:	009-7141-2000 (Glen Park Equipment)	\$2,271.00
From:	009-7141-2020 (Glen Park – Capital Improvement)	\$2,271.00

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Daniels, it was moved to adjourn to Executive Session at 9:15 p.m. to discuss a personnel matter.

Unanimously carried.

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

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Daniels, it was moved to adjourn the meeting at 10:02 p.m.

Unanimously carried.

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LYNDA L. JUUL  
Deputy Treasurer