

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, January 23, 2006 at 7:30 p.m.

The meeting was opened at 7:32 p.m. with the Pledge of Allegiance led by Trustee Daniels.

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

Sally A. Kuzon, Administrator/Clerk-Treasurer
Lynda L. Juul, Deputy Treasurer

Excused: Michael Parker, DPW Crew Chief

ON MOTION by Mayor Lowther, seconded by Trustee Daniels, it was moved to approve the minutes of the regular meeting held on January 9, 2006, as submitted.

Unanimously carried.

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

Unanimously carried.

No one from the audience addressed the Board.

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

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 to the *General Fund for the 2005 – 2006* fiscal year:

To:	001-8162-1000 (Leaf Pickup – Personal Services)	\$881.00
	001-8163-1000 (Trash Pickup – Personal Services)	\$986.00
	001-8560-1000 (Shade Trees – Personal Services)	\$2,059.00
From:	001-5110-1000 (Street Maintenance – Personal Services)	\$3,926.00
To:	001-5110-4111-0908 (Street Maintenance – Personal Services)	\$226.00
From:	001-5110-4111-0904 (Street Maintenance – Service Contracts)	\$226.00
To:	001-5110-4161-0906 (Street Maintenance – Repairs)	\$332.00
From:	001-5110-4161-0909 (Street Maintenance – Repairs)	\$332.00
To:	001-5110-4161-0902 (Street Maintenance – Repairs)	\$250.00
From:	001-5110-4161-0913 (Street Maintenance – Repairs)	\$250.00
To:	001-5110-4111-0906 (Street Maintenance – Service Contracts)	\$14.00
From:	001-5110-4111-0902 (Street Maintenance – Service Contracts)	\$14.00
To:	001-5110-4111-0908 (Street Maintenance – Service Contracts)	\$27.00
From:	001-5110-4111-0903 (Street Maintenance – Service Contracts)	\$27.00
To:	001-5110-4111-0910 (Street Maintenance – Service Contracts)	\$70.00
From:	001-5110-4111-0907 (Street Maintenance – Service Contracts)	\$70.00
To:	001-5110-4161-0910 (Street Maintenance – Repairs)	\$39.00
From:	001-5110-4161-0907 (Street Maintenance – Repairs)	\$39.00
To:	001-5110-4161-0912 (Street Maintenance – Repairs)	\$58.00
From:	001-5110-4161-0914 (Street Maintenance – Repairs)	\$58.00
To:	001-7540-4070 (Williamsville Water Mill – Utilities)	\$1,000.00
From:	001-7540-4230 (Williamsville Water Mill – Building Maintenance)	\$1,000.00
To:	001-3620-4450 (Safety Inspection – Miscellaneous)	\$90.00
From:	001-3620-4041 (Safety Inspection – Mileage Re-imburement)	\$90.00
To:	001-5110-4161-0902 (Street Maintenance – Repairs)	\$150.00
From:	001-5110-4161-0904 (Street Maintenance – Repairs)	\$150.00

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 transfer* is hereby made in the *Sewer Fund for the 2005-2006* fiscal year:

To: 007-8120-1001 (Sanitary Sewer – Personal Services - OT)	\$99.00
From: 007-8120-1000 (Sanitary Sewers – Personal Services)	\$99.00

Unanimously carried.

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

RESOLVED, that payroll and vouchers in the amount of **\$81,007.95**, covering the period from **December 26, 2005 to January 17, 2006**, are hereby approved as follows:

Payroll covering: 12/26/05 – 1/8/06 **\$28,045.68**

Vouchers covering: 1/4/06 – 1/17/06:

General Fund	\$43,135.70
Water Fund	\$139.35
Sewer Fund	\$97.76
Glen Park Fund	\$106.17
Trust & Agency Fund	\$9,483.29
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$0.00
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	\$52,926.27

Grand Total: **\$81,007.95**

Unanimously carried.

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

RESOLVED, that *David Vitka, 103 Lake Ledge Drive, Williamsville, New York*, representing Special Population/Business, is hereby appointed to the *Williamsville Community Plan Committee*.

Unanimously carried.

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

RESOLVED, that *Brian Kulpa, 81 Milton Street, Williamsville, New York*, representing Planning, is hereby appointed to the *Williamsville Community Plan Committee*, due to the resignation of Planning Board member Kevin Lester.

Unanimously carried.

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

RESOLVED, that *Steven Appler, 178 Arend Ave., Williamsville, New York*, representing Homeowner/Education, is hereby appointed to the *Williamsville Community Plan Committee*.

Unanimously carried.

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

BOND RESOLUTION DATED JANUARY 23, 2006

A RESOLUTION OF THE VILLAGE OF WILLIAMSVILLE VILLAGE BOARD OF TRUSTEES DATED JANUARY 23, 2006, AMENDING THE BOND RESOLUTION ADOPTED NOVEMBER 14, 2004, AUTHORIZING THE ACQUISITION OF HISTORIC PROPERTIES IN THE SPRING STREET AREA, IN A MAXIMUM AMOUNT NOT TO EXCEED \$500,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK, OFFSET BY ANY FEDERAL, STATE, COUNTY, AND/OR LOCAL GRANTS FOR SAID OBJECT OR PURPOSE OR REDEMPTION OF THE VILLAGE'S OBLIGATION ISSUED THEREFOR, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, on November 14, 2004 the Village of Williamsville, Erie County, New York (the "Village"), adopted a bond resolution authorizing the acquisition of historic properties in the Spring Street area in an amount not to exceed \$500,000; and

WHEREAS, the Village Board of Trustees desires to undertake the acquisition of historic properties in the Spring Street area (the "Project), including necessary site work; and

WHEREAS, the Village Board of Trustees of the Village of Williamsville, Erie County, New York, has determined that it is in the best interest of the Village to extend the length of time to pay off the project; and

WHEREAS, the Village Board has issued short-term obligations of the Village to finance the costs of the Project, but has not issued long-term bonds.

WHEREAS the Village Board of Trustees of the Village of Williamsville now wishes to extend the maximum payback period to be 15 years; and

BE IT RESOLVED, by the Village Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of historic properties in the Spring Street area. The maximum cost of said purpose will not exceed \$500,000.

SECTION 2. The Village Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$500,000 of said Village, hereby authorized

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to be issued therefore pursuant to the Local Finance Law, and the levy and collection of taxes from the parcels of land within the Village to pay the principal of said bonds and the interest thereon as the same

shall become due and payable. Any funds received or to be received from the United States of America, the State of New York, or the County of Erie shall be applied towards the cost of said object or purpose or redemption of said bonds issued therefore.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 11(c) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

SECTION 8. The expected source of funds to be used initially to pay for up to \$500,000 of the expenditures authorized by Section 1 of this resolution shall be from moneys held in various accounts of the Village. The Village then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the

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“Code”) and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing

provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village had issued a negative declaration determining that the undertaking of the Project will not have a significant effect on the environment.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This Resolution is subject to permissive referendum pursuant 36.00a.1 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in six (6) places) this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum.

SECTION 14. If no petitions requesting a referendum are submitted within thirty days of passage of this resolution, or after the passage of this resolution by a majority of voters at a referendum, the

Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

SECTION 15. Nothing in this amendment shall affect the validity of the original November 14, 2004 bond resolution or any action taken thereunder and any said actions are hereby ratified.

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On the question, Trustee Piazza asked for a roll call vote.

ROLL CALL:	Mayor Lowther	Yes
	Trustee Geary	Yes
	Trustee Sweeney	Yes
	Trustee Piazza	Abstain
	Trustee Daniels	Yes

Motion carried.

Trustee Sweeney stated that he would like to comment on this action. He stated that in the past the Village has bonded vehicles for fifteen years. This (the Mill properties) is real estate that has been around for a very long time and he hopes that it will last many more years into the future. The Village Board's purpose in acquiring the property is to preserve the property. He believes that trying to pay off the debt in five (5) years is unreasonable; ten (10) years *may* be practically feasible; but fifteen (15) years is justifiable. He stated he believes that it is wise to extend the payout for the property, since the Village is going to use the property for public benefit, and not turn it over to a private entrepreneur for individual profit. Trustee Sweeney said he believes the Village Board is going to preserve the Mill properties as a community resource and therefore this process is justified.

Trustee Piazza stated the reason for his abstention was that although he is not opposed to it (the Bond) in principle, he is concerned as to what is going to happen to the property since the Board is still not sure as to what direction they are going with it.

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

WHEREAS, the Special Village Election to fill unexpired terms in the Village of Williamsville is to be held on Tuesday, June 20, 2006, and

WHEREAS, the hours of voting will be from 12:00 noon until 9:00 p.m. on June 20, 2006;

NOW, THEREFORE BE IT RESOLVED that said Village shall be divided into two election districts and the places of holding such election shall be as follows:

DISTRICT #1 – At the Village Meeting House, 5658 Main Street,
District #1 includes the entire area north of Main Street;

DISTRICT #2 – At the Williamsville Village Hall, 5565 Main Street,
District #2 includes the entire area south of Main Street.

Unanimously carried.

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

RESOLVED, that the offices to be filled for the Special Village Election to fill unexpired terms, to be held on Tuesday, June 20, 2006, shall be as follows:

One (1) Mayor for a term of one (1) year

One (1) Trustee for a term of one (1) year

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Daniels, it was moved to adjourn to Executive Session to discuss employment issues at 8:10 p.m.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Sweeney, it was moved to close the Executive Session at 8:21 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Daniels it was moved to return to the regular meeting at 8:22 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to adjourn the regular meeting at 8:23 p.m.

Unanimously carried.

SALLY A. KUZON
Administrator/Clerk-Treasurer

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