

**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, March 13, 2006 at 7:30 p.m.**

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

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

Sally A. Kuzon, Administrator/Clerk-Treasurer  
Lynda L. Juul, Deputy Treasurer  
James A. Coniglio, Village Attorney  
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 February 27, 2006, as submitted.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, it was moved to suspend the rules to open the public participation portion of the meeting.

Unanimously carried.

*The following members of the audience addressed the Board:*

**Maryann Avery, 64 Garrison Road** - Ms. Avery wondered what was going on with the purchase of totes. She is concerned about transporting large heavy totes. Mayor Lowther stated that the totes are balanced and on wheels, so it is easy for small people to move large totes. Mayor Lowther also thought that there would be different sizes available, but stated that we have not yet gone out to bid. Ms. Avery asked if branches and other yard waste would have to go in the tote as well. Mayor Lowther responded that no, they can go into an open container.

**Paul Krieter, 29 S. Ellicott Street** - Mr. Krieter stated that he read in the Amherst Bee that the garbage trucks are already equipped to handle totes. He stated that he found a decapitated rat in his back yard, and also showed the Village Board the top to one of his garbage cans that had been eaten through. He feels there are definitely rats on S. Ellicott. He also stated that his wife found a trail in the snow of four paws and a slithery little tail. Due to all these factors, he would like to buy a tote and wondered if this was possible at this point. Mayor Lowther was unsure if he could purchase one individually at this point; usually an entire community is toterized at on time. Mike Parker informed Mr. Krieter that at this point, our code states that garbage will only be picked up if the can weighs 60 pounds or less. Anything over 60 pounds will not be picked up. Mayor Lowther advised him that Erie County is getting involved in the process and may come in with a better price; this is why the topic of totes is not on the agenda

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tonight. Mr. Krieter then asked if he should call someone like Erie County to come out and assist him with his rodent problem. Mike Parker advised him that he would probably receive more timely service if he called in a private company.

**Bob Krieter, 26 Monroe Drive** - Mr. Krieter wondered if anything has been done regarding the past comments pertaining to the sewer rate structure being modified. The issue is that some people feel they are being over charged for sewer due to the fact that it is based on water consumption, and when watering your lawn the water does not go into the sewer. The option of adding an additional meter for lawn watering only was discussed. Mayor Lowther felt that if enough people did this, the sewer rate would be increased and the total charge would end up being the same. The cost of a new meter would be approximately \$100, plus the cost for a plumber, etc. This may also call for a change of code. It may not be legal to allow residents to do this at this time. Rich Sweeney suggested that Mr. Krieter look at his water consumption during the winter months to try and determine the actual cost of sewer for the portion of the water that is used for lawn watering. It may not be worth while to even consider adding a meter.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, 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:	001-3410-4471 (Fire Protection – Building Repair)	\$62.00
From:	001-3410-4110 (Fire Protection – Service Protection)	\$62.00
To:	001-3410-4471 (Fire Protection – Building Repairs)	\$1000.00
From:	001-3410-4110 (Fire Protection – Service Contracts)	\$1000.00
To:	001-3620-4020 (Safety Inspection – Postage)	\$300.00
From:	001-3620-4490 (Safety Inspection – General Code Updates)	\$300.00
To:	001-1920-4000 (Municipal Assoc. Dues)	\$15.00
From:	001-1950-4000 (Taxes on Village Properties)	\$15.00
To:	001-5110-4161-0914 (Street Maintenance – Repairs)	\$107.00
From:	001-5110-4161-0909 (Street Maintenance – Repairs)	\$107.00
To:	001-1640-1000 (Central Garage – Personal Svc.)	\$2965.00
	001-7310-1000 (Youth Programs – Personal Svc.)	\$381.00
	001-7540-1000 (Water Mill – Personal Svc.)	\$1045.00
	001-8162-1000 (Leaf Pickup – Personal Svc.)	\$412.00

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001-8163-1000 (Trash Pickup – Personal Svc.)	\$5655.00
001-8560-1000 (Shade Trees – Personal Svc.)	\$1426.00
From: 001-5110-1000 (Street Maintenance – Personal Svc.)	\$11,884.00

Unanimously carried

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, 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: 007-1920-4000 (Dept. – Municipal Assoc. Dues)	\$168.00
From: 007-8120-4162 (Dept. – Sanitary Sewers, Repairs, Equip)	\$168.00
To: 007-8120-1001 (Sanitary Sewers – Personal Svc. – OT)	\$137.00
From: 007-8120-1000 (Sanitary Sewers – Personal Svc.)	\$137.00

Unanimously carried.

**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 *Water Fund* for the *2005-2006* fiscal year:

To: 006-1920-4000 (Dept. – Municipal Assoc. Dues)	\$161.00
From: 006-8340-4163 (Water Transmission – Repair Valves)	\$161.00

Unanimously carried.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$708,735.20**, covering the period from **February 20, 2006 to March 7, 2006**, are hereby approved as follows:

**Payroll covering: 2/20/06 – 3/5/06** **\$29,875.10**

**Vouchers covering: 2/22/06 – 3/7/06:**

General Fund	\$127,771.40
Water Fund	\$35,892.72
Sewer Fund	\$485,100.63
Glen Park Fund	\$291.87
Trust & Agency Fund	\$12,007.54
Debt Service	\$15,711.25
Community Development	\$0.00
Capital Fund	\$2,084.69
	<b><u>\$678,860.10</u></b>

**Grand Total:** **\$708,735.20**

Unanimously carried.

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

**RESOLVED**, that the Village Administrator is hereby authorized to publish a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville at 7:35 P.M. on Monday, March 27, 2006, in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing the proposed ***2006-2007 General Fund, Glen Park Activities Fund and Debt Service Fund budgets.***

Unanimously carried.

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

**RESOLVED**, that the Village Administrator is hereby authorized to publish a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville at 7:40 P.M. on Monday, March 27, 2006, in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in expressing an opinion on the proposed ***Sewer Fund Budget and the Sewer Rent rates for the 2006-2007 year*** per Section 78-2(A) of the Sanitary Sewer Rents Code.

Unanimously carried.

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

**RESOLVED**, that the Village Administrator is hereby authorized to publish a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville at 7:45 P.M. on Monday, March 27, 2006 in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing the proposed ***2006-2007 Water Fund Budget***.

Unanimously carried.

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

**RESOLVED**, that ***David A. Brody of 5547 Main Street, Williamsville, New York***, is hereby appointed to the ***Community Plan Committee*** to represent the ***business community***.

Unanimously carried.

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

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF WILLIAMSVILLE ADOPTING A  
LOCAL LAW TO PROVIDE FOR THE DESIGNATION OF CROSSWALK INTERSECTIONS**

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Williamsville (the "Village") for a public hearing to be held by said Governing body on February 13, 2006 at 7:35 p.m. at the Williamsville Village Hall, 5565 Main Street, Williamsville, New York, to hear all interested parties on a proposed Local Law adding § 103-22 to Chapter 103 of the Village Code to

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grant the Board of Trustees the authority to designate certain intersections within the Village as Crosswalk Intersections (the "Local Law").

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper designated by the Village for the publication of legal notices, and

**WHEREAS**, said public hearing was duly held on February 13, 2006 at 7:35 p.m. at the Village Hall, 5565 Main Street, Williamsville, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Local Law, or any part thereof, and

**WHEREAS**, the Board of Trustees of the Village of Williamsville, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environment Quality Review Act (SEQRA) the Board of Trustees of the Village hereby determines that adoption of the proposed Local Law will not have a significant effect upon the environment, and be it further

**RESOLVED**, that the Board of Trustees hereby adopts the Local Law which is entitled "A local law amending Chapter 103 of the Village Code to provide for the designation of crosswalks at certain intersections", and be it further

**RESOLVED**, that the Village Clerk is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Williamsville, and to give due notice of the adoption of said Local Law to the Secretary of State.

Unanimously carried.

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

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF WILLIAMSVILLE ESTABLISHING  
A SCHEDULE OF DESIGNATED OF CROSSWALK INTERSECTIONS**

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Williamsville (the "Village") approving a Local Law adding § 103-22 to Chapter 103 of the Village Code to grant the Board of Trustees the authority to designate certain intersections within the Village as Crosswalk Intersections (the "Local Law").

**WHEREAS**, the Local Law requires the Village to adopt a resolution designating intersections within the Village as Crosswalk Intersections, and

**WHEREAS**, the Local Law requires the Village to maintain a Schedule of Designated Crosswalk Intersections in the office of the Village Clerk, and

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**NOW, THEREFORE, BE IT RESOLVED**, that the Intersections set forth hereinafter as Schedule A are Designated Crosswalk Intersections, and be it further

**RESOLVED**, that Schedule A annexed hereto shall be maintained in the office of the Village Clerk as the Schedule of Designated Crosswalk Intersections.

Unanimously carried.

**ON MOTION** by Trustee Daniels, seconded by Trustee Piazza, 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	001-0001-2262	Fire Protection Services, Other Governments	\$1,966.00
Increase	001-3410-4220	Fire Department - Share of Fire District	\$1,966.00

Unanimously carried.

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

**RESOLVED**, that the following persons are hereby appointed to the *Williamsville Explorer Post #2004*:

Katie Dugan	258 Union Rd	Williamsville 14221
Rob Finley	41 Drummond	Williamsville 14221
Randi Hubbard	60 N Cayuga Rd	Williamsville 14221
Zach McClure	48 Howard Ave	Williamsville 14221
Kevin Muck	121 Columbia	Williamsville 14221
Adam Oehmler	17 Howard Ave	Williamsville 14221
Adam Petrie	44 N Forest	Williamsville 14221
Shanell Schmitt	30 Eagle St	Williamsville 14221
Spencer Schmitt	30 Eagle St	Williamsville 14221
John Sherman	69 Columbia	Williamsville 14221
Sicong Zhao	333-B Evans St	Williamsville 14221
Jill Zymanek	74 Orchard St	Williamsville 14221

Unanimously carried.

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

**RESOLVED**, that the following Justice Court check, which remains uncashed, is hereby returned to the account of the Williamsville Village Court, and will be turned over to the Village of Williamsville General Fund as miscellaneous revenue:

Check # 184	Check Date	2/15/05	Amount	\$1.00
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Unanimously carried.

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

**RESOLVED**, that the Administrator is hereby authorized to sign an Intermunicipal Agreement between the Village of Williamsville and the Town of Amherst for Code Enforcement services.

**INTERMUNICIPAL AGREEMENT**

**Between**

**The Village of Williamsville, New York**

**and**

**The Town of Amherst, New York**

WHEREAS, the Village of Williamsville (hereinafter the "Village") employs the services of one full-time building inspector/code enforcement officer (hereinafter C.E.O.); and

WHEREAS, the Town of Amherst (hereinafter the "Town") employs multiple code enforcement officers (C.E.O.); and

WHEREAS, from time to time a situation may arise where the C.E.O for the Village is unavailable to perform an inspection or the Village may require assistance in the performance of an inspection, or, the C.E.O for the Village is unavailable to issue a citation for a code violation; and

WHEREAS, the Town employs the services of multiple individuals who are qualified to make New York State code enforcement inspections related to the Building Code, Residential Code, Fire Code, Property Maintenance Code, Energy Conservation Construction Code, Plumbing Code, Mechanical Code and Fuel Gas Code of New York State; and

WHEREAS, the Village wishes to engage, from time to time, the services of a qualified C.E.O.;

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NOW THEREFORE, it is hereby agreed as follows:

1. That the Town will provide the services of a New York State qualified C.E.O., on a request basis, for the purpose of making New York State code-related inspections when such inspections are requested by an authorized Village representative.

2. That the Town will provide the services of a New York State qualified C.E.O., on a request basis, for the purpose of issuing a code violation citation when such a citation is necessary.

3. That whenever services required under paragraphs 1 and 2 above are performed by an employee of the Town, the cost of said services shall be reimbursed by the Village to the Town at applicable hourly rates as per the appropriate employment contract as determined by the Commissioner of Building of the Town of Amherst. Said payment shall be deemed a fee payable by the Village to the Town.

4. That the Village will maintain suitable liability insurance to cover the Town for claims arising out of the activities of Town employees performed pursuant to this Agreement. The Town will maintain the customary workers' compensation insurance coverage, unemployment insurance coverage and health insurance coverage ordinarily provided to its employees, while its employees are providing services under this agreement. It will not be the responsibility of the Village to provide workers' compensation insurance coverage, unemployment insurance coverage or health insurance coverage for any of the Town employees nor will the Village be responsible for any portion of the premiums paid by the Town for said coverage.

5. That the Village will indemnify the Town with regard to all reasonable and necessary "out-of-pocket" expenses incurred by the Town or the Town employee in the course of performing services pursuant to this Agreement and reimburse the Town for all out-of-pocket expenses expended in connection with a subject incident.

6. That either party may cancel this Agreement on ninety (90) days advance written notice. Such notice is to be served by regular mail upon the Village Administrator of the Village in the case of the notice being served on the Village and upon the Supervisor of the Town in the case of the notice being served on the Town.

7. That all services performed by the Town pursuant to this Agreement shall be performed by a New York State certified C.E.O.

8. That the C.E.O. services to be performed by the Town will be performed only when requested. The parties authorized to request such services, on behalf of the Village shall be either the Village C.E.O., the Village Administrator, or such other person as shall be designated, in writing, by the Village Administrator.

9. That the services to be performed hereunder will be performed by persons who are employees of the Town, and that this is not an arrangement between a contractor and sub-contractor.

10. That the Commissioner of Building of the Town of Amherst reserves the right to refuse a request for the services of a C.E.O.

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THE TOWN OF AMHERST

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Supervisor

THE VILLAGE OF WILLIAMSVILLE

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Administrator

Unanimously carried.

**ON MOTION** by Trustee Piazza, 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 No. 17 – Infrastructure Improvement 2006**, at a cost not to exceed \$131,000.00, as per their proposal dated March 9, 2006.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Daniels, it was moved to adjourn to Executive Session at 8:15 p.m. to discuss a contract for a Village property.

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Daniels, it was moved to close the Executive Session at 8:58 p.m.

Unanimously carried.

**ON MOTION** by Trustee Daniels, seconded by Trustee Sweeney, it was moved to return to the regular agenda at 8:59 p.m.

Unanimously carried.

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**ON MOTION** by Trustee Daniels, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 9:00 p.m.

Unanimously carried.

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SALLY A. KUZON  
Administrator/Clerk-Treasurer