

**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 27, 2006 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  
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  
George Van Nest, 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 March 13, 2006, as submitted.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to open the first public hearing at 7:35 p.m.

Unanimously carried.

*A public hearing was held to hear all persons interested in discussing the proposed 2006-2007 General Fund/Glen Park Activities/Debt Service Budget.*

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to close the first public hearing at 7:38 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to open the second public hearing at 7:39 p.m.

Unanimously carried.

*A public hearing was held to hear all persons interested in discussing the proposed 2006-2007 Sewer Fund Budget /Sewer Rent Rates.*

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**ON MOTION** by Mayor Lowther, seconded by Trustee Daniels, it was moved to close the second public hearing at 7:50 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to open the third public hearing at 7:51 p.m.

*A public hearing was held to hear all persons interested in discussing the proposed 2006-2007 Water Fund Budget.*

**ON MOTION** by Mayor Lowther, seconded by trustee Piazza, it was moved to close the third public hearing and return to the regular agenda at 7:55 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Sweeney, 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:*

**Mrs. Weissman, 196 Reist Street** - Mrs. Weissman asked about her neighbor in the Village at 188 Reist Street. She stated that the property is in deplorable condition. She has received copies of notices that were sent to the resident, and he was due in court on March 3<sup>rd</sup>. He was given 30 days by the Judge to start to work on the property. Mrs. Weissman wanted it noted that Istvan Varadi has been dead for about 10 years. She stated that she thinks the person who came to court is a squatter. Administrator Kuzon stated that the Judge is aware of the situation and they are trying to find out who is the owner of the property. She suggested that Mrs. Weissman call the Court Clerk to find out when he is due back in court. She is very concerned; she stated that they may have a need to move in the next year or two, and thought may be hard pressed to sell the house. She asked if things would move along and take the proper steps. Mayor Lowther stated that she can't speak for the judge, but it is much more serious when a situation is in the court than it is when it's going through the Building Department. Trustee Daniels stated that if the person who showed up in court has no ties to the property, the court may not be able to enforce anything.

**Thomas Frank, 255C Evans Street** - Mr. Frank wanted to encourage the Village Board to have a joint meeting with the Town of Amherst. He stated that he made a presentation to Williamsville Central School district regarding a proposal for the First Annual Alumni Association reunion convention. He

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suggested something similar to what they did at Amherst high school. He would like to build on some of the momentum. They are trying to get cooperation from the Old Home Day Committee. Mary suggested getting approval from the school district as first step. Mr. Frank then discussed the Niagara River Greenway Commission, water issues with Erie County, designating the Mill as a national historic landmark.

**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, 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:	001-1620-2020 (Buildings)	\$9,000.00
From:	001-1620-4160 (Buildings – Repair)	\$9,000.00
To:	001-5110-4161-0906 (Street Maintenance - Repairs)	\$41.00
From:	001-5110-4161-0909 (Street Maintenance - Repairs)	\$41.00
To:	001-5110-4161-0914 (Street Maintenance - Repairs)	\$196.00
From:	001-5110-4161-0919 (Street Maintenance – Repairs)	\$196.00
To:	001-5110-4250 (Street Maintenance, Gas & Oil)	\$2009.00
From:	001-5110-4273 (Street Maintenance, Sidewalks)	\$2009.00
To:	001-5110-4161-0907 (Street Maintenance – Repairs)	\$1352.00
From:	001-5110-4161-0912 (Street Maintenance – Repairs)	\$1334.00
	001-5110-4161-0913 (Street Maintenance – Repairs)	\$18.00
To:	001-7110-4660 (Parks, Trees, maintenance & Replacement)	\$1685.00
From:	001-7110-4070 (Parks, Utilities.)	\$604.00
	001-7110-4165 (Parks, Repairs – Shelter Maintenance.)	\$296.00
	001-7110-4280 (Parks, Equipment Rental)	\$387.00
	001-7110-4430 (Parks, Sanitary Waste Disposal)	\$398.00
To:	001-8560-4340 (Shade Trees – Removal/Maintenance)	\$453.00
	001-7110-4660 (Parks, tree Maintenance/Replacement)	\$1,100.00
From:	001-8560-4350 (Shade Trees, Trees- Maintenance)	\$396.00
	001-8560-4450 (Shade Trees, Misc.)	\$57.00
	001-7110-4920 (Parks, CPR Training)	\$500.00
	001-7110-4161 (Parks, Repairs – Lights)	\$600.00

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To:	007-8020-4450 (Planning – Misc.)	\$15.00
From:	007-8020-4040 (Planning - Education Exp./Travel)	\$15.00
To:	001-9063-8000 (Flexible Spending Plan)	\$85.00
From:	001-9055-8000 (Disability Insurance)	\$85.00
To:	001-7310-4173 (Youth Programs – Winterfest)	\$76.00
From:	001-7310-4171 (Youth Programs – Halloween Parade)	\$76.00
To:	001-1920-4000 (Association Dues)	\$35.00
From:	001-1950-4100 (Refund of Village Taxes)	\$35.00
To:	001-1411-4010 (Records Mgmt. – Office Supplies)	\$79.00
From:	001-1410-4030 (Village Clerk – Planning & Advertising)	\$79.00

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:	006-8340-2010 (Water Transmission - Meters)	\$5792.00
From:	006-1990-4000 (Contingency)	\$5792.00

Unanimously carried.

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

**RESOLVED**, that payroll and vouchers in the amount of \$148,891.32, covering the period from **March 6, 2006** to **March 21, 2006**, are hereby approved as follows:

<b>Payroll covering: 3/6/06 – 3/19/06</b>	<b>\$32,389.64</b>
<b>Vouchers covering: 3/8/06 – 3/21/06:</b>	
General Fund	\$50,825.50
Water Fund	\$12,880.60
Sewer Fund	\$1,629.00
Glen Park Fund	\$201.37
Trust & Agency Fund	\$12,740.21
Debt Service	\$38,225.00
Community Development	\$0.00
Capital Fund	\$0.00
	<u>\$116,501.68</u>

**Grand Total:** **\$148,891.32**

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to Village Preservation Foundation for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two week period from *May 22 – June 5*. Banner to read “*Walk the Villages, May – October, Akron, Clarence, Kenmore, Williamsville, Batavia, Leroy*”.

Unanimously carried.

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

**RESOLVED**, that *Mark Klepadlo, 49 Fifth Ave., Williamsville, New York*, is hereby appointed to the *Parks Committee* until the end of the *2005-2006* official Village year.

Unanimously carried.

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

**RESOLVED**, that the following policy, herein referred to as the *Security Breach and Notification Act Policy*, is hereby adopted by the Village of Williamsville Board of Trustees:

**Security Breach and Notification Act Policy**

- A. This policy is consistent with the State Technology Law, § 208 as added by Chapters 442 and 491 of the Laws of 2005. This policy requires notification to affected New York residents and non-residents. New York State values the protection of private information of individuals. The municipality of the Village of Williamsville is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the information Security Breach and Notification Act and this policy.
- B. The municipality, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, must notify an individual when it has been determined that there has been, or is reasonably believed to have been a compromise of the individual's private information through unauthorized disclosure.
- C. A compromise of private information means the unauthorized acquisition of unencrypted computerized data with private information.
- D. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- E. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises any investigation.
- F. The municipality will notify the affected individual directly by one of the following methods:  
Written Notice;

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Electronic Notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form;

Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or

Substitute notice, if the municipality demonstrates to the state Attorney General that the cost of providing notice would exceed \$250,000, that the affected class of persons to be notified exceeds 500,000, or that the municipality does not have sufficient contact information. The following constitute sufficient substitute notice:

E-mail notice when the municipality has an e-mail address for the subject persons;

Conspicuous posting of the notice on the municipality's web site page, if the municipality maintains one;

and Notification to major statewide media.

G. The municipality must notify CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons.

H. The municipality must notify the Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.

I. Regardless of the method by which notice is provided, the notice must include contact information for the municipality making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

J. This Policy also applies to information maintained on behalf of the municipality by a third party.

K. When more than 5,000 New York residents must be notified at one time, then the municipality must notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

### **Definitions**

**Consumer Reporting Agency:** Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The state attorney general is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.

**Data:** Any information created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to personally identifying information, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.

**Information:** The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

**Personal Information:** Any information concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.

**Private Information:** Personal Information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

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Social security number; or driver's license number or non-driver identification card number; or account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account. Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

**Third Party:** Any non-municipal employee such as a contractor, vendor, consultant, intern, other municipality, etc.

Unanimously carried.

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

**RESOLVED**, that the Village of Williamsville Board of Trustees hereby authorizes the Town of Amherst to maintain the *South Long Street ball diamonds for the 2006 softball season*. As part of this authorization, the Town of Amherst will collect fees and be responsible for scheduling all games with the full understanding that any Village of Williamsville team will be given first preference in the scheduling of games.

Unanimously carried.

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

**RESOLVED**, that Donald Dehn, of the Village of Williamsville Water Department, is hereby authorized to attend New York's Water Event, sponsored by the American Water Works Association, to be held in Albany, New York, from April 4 -6, 2006, at a cost not to exceed \$600.00, to be paid by the Village of Williamsville.

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to issue a Mayor's Permit to the Williamsville Rotary Club for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two (2) week period from June 7 - 22. Banner to read "*Williamsville Rotary/ Village of Williamsville Youth Committee Strawberry Social, Wednesday, June 21, 5-8pm, Island Park*".

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to Williamsville/Amherst Old Home Days Organization for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two (2) week period from June 30 – July 15. Banner to read “*Williamsville – Amherst Old Home Days, July 11 – July 14, Island Park*”.

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to Williamsville Preservation Foundation for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two (2) week period from July 17 – Aug. 2, 2006. Banner to read “*Taste of Williamsville, August 1<sup>st</sup>, 11am – 9pm, Island Park*”.

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to issue a *Mayor's Permit* to the Amherst Museum for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two (2) week period from Sept. 11 – Sept. 25, 2006. Banner to read “*Harvest Festival & Craft Show, Amherst Museum, Sept. 23 & 24*”.

Unanimously carried.

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

**RESOLVED**, that *Gail Jahreis, Court Clerk*, and *Toni Canazzi, Part-time Court Clerk*, are hereby authorized to attend a Service Education meeting on May 25, 2006 in the Town of Newfane Court, Town of Newfane, Niagara County, New York .

Unanimously carried.

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

**RESOLVED**, that Williamsville Fire Dept. members James Zymanek and Michael Measer, are hereby authorized to attend the Fire Department Instructors Conference in Indianapolis, Indiana, from April 26 – 30, 2006, at a cost not to exceed \$2,084.00, to be paid by the Village of Williamsville.

Unanimously carried.

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

**WHEREAS**, the Williamsville Fire Department is celebrating its 150<sup>th</sup> Anniversary this year, and

**WHEREAS**, the Williamsville Business and Professional Association, Inc. has proposed to donate thirty-nine (39) canvas banners saluting the dedicated volunteers of the Fire Department, and

**WHEREAS**, the thirty (30) inch by eighty (80) inch banners will be of blue canvas material with white lettering to read: “*Salute... Rough & Ready Fire Engine Company No. 1, 150 years of Dedicated Volunteers, Williamsville Fire Dept.*”, and will be attached to designated light poles along Main Street, and

**WHEREAS**, the banner display season is from May through October of 2006, and

**WHEREAS**, the Village of Williamsville, as requested by the Williamsville Business and Professional Association, Inc., agrees to install the banners after receiving permission from the NYSDOT and also agrees to remove the banners at the end of the banner season.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Williamsville Board of Trustees hereby accepts the donation of the thirty-nine banners honoring the Williamsville Fire Department’s 150<sup>th</sup> Anniversary.

Unanimously carried.

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

**RESOLVED**, that *Kathryn Nikisch of 118 Los Robles, Williamsville, New York*, is hereby appointed to the *Beautification Committee* until the end of the *2005-2006* official Village year.

Unanimously carried.

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

**RESOLVED**, that *Wendy Schutte, 114 S. Cayuga Road, Williamsville, New York*, is hereby appointed to the *Beautification Committee* until the end of the *2005-2006* official Village year.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to adjourn to Executive Session at 8:45 p.m. to discuss a personnel matter.

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Daniels, it was moved to close the Executive Session at 9:35 p.m.

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Daniels, it was moved to return to the regular agenda at 9:36 p.m.

Unanimously carried.

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

**RESOLVED**, that *Daniel Kosakowski, 12128 Centerline Road, South Wales, New York*, is hereby appointed *Seasonal Laborer, part-time*, in the *Department of Public Works*, at a rate of \$10.00 per hour.

Unanimously carried.

**ON MOTION** by Trustee Daniels, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 9:38 p.m.

Unanimously carried.

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SALLY A. KUZON  
Administrator/Clerk-Treasurer

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