

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Village Hall, 5565 Main Street, Williamsville, New York, on Monday, January 8, 2007 at 7:30 p.m.

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

Present: Mary E. Lowther, Mayor
Beatrice A. Slick, Trustee
Basil J. Piazza, Trustee
Brian J. Geary, Trustee
Richard P. Sweeney, Trustee

Sally A. Kuzon, Administrator/Clerk-Treasurer
Lynda L. Juul, Deputy-Treasurer
George Van Nest, Village Attorney
Michael Parker, Crew Chief, DPW

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to approve the minutes of the regular meeting held on December 18, 2006, as submitted.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Slick, it was moved to approve the minutes of the public hearing for revision of NYS Building Code, held on December 18, 2006, as submitted.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Slick, it was moved to approve the minutes of the public hearing for a request for rezoning of 56 S. Union Rd., held on December 18, 2006, as submitted.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Sweeney, it was moved to approve the minutes of the public hearing for a proposed 2007 water rate increase, held on December 18, 2006, as submitted.

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Slick, it was moved to approve the minutes of the special meeting, held on December 28, 2006, as submitted.

Unanimously carried.

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

Unanimously carried.

The following member of the audience addressed the Board:

Thomas Frank, 225 C Evans Street – Mr. Frank brought to the Board’s attention the fact that the final EIS for the Niagara Power Project was released on December 29th. He discussed the greenway, and removal of brush from Ellicott Creek.

ON MOTION by Mayor Lowther, seconded by Trustee Slick, 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 2006 – 2007* fiscal year:

| | | |
|-------|---|------------|
| To: | 001-5110-2000 (Street Maint./Equip.) | \$317.00 |
| From: | 001-5110-4040 (Street Maint./Education Exp. /Travel) | \$317.00 |
| To: | 001-5110-4161-0912 (Street Maint./Repairs/Proj. 912) | \$1,600.00 |
| From: | 001-5110-4161-0901 (Street Maint./Repairs/Proj. 901) | \$1,500.00 |
| | 001-5110-4161-0919 (Street Maint./Repairs/Proj. 919) | \$100.00 |
| To: | 001-5110-4605 (Street Maint./Safety Clothing Accessories) | \$174.00 |
| From: | 001-5110-4280 (Street Maint./Equip. Rental) | \$174.00 |
| To: | 001-3410-2010 (Fire Protection-Major Equip.) | \$8,000.00 |
| From: | 001-3410-2040 (Fire Protection-Capital Reserve-Trucks) | \$8,000.00 |

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| | | |
|-------|---|----------|
| To: | 001-1110-4800 (Village Justices - Microfilming) | \$101.00 |
| From: | 001-1110-4161 (Village Justices-Audit) | \$101.00 |
| To: | 001-1210-4450 (Mayor-Misc.) | \$40.00 |
| From: | 001-1210-4040 (Mayor-Educ. Exp./Travel) | \$40.00 |
| To: | 001-3620-4010 (Safety Insp.- Office Supplies) | \$23.00 |
| From: | 001-3620-4040 (Safety Insp.- Ed. Exp./Travel) | \$23.00 |
| To: | 001-5142-2000 (Snow Removal – Equip.) | \$298.00 |
| From: | 001-5142-4161 (Snow Removal – Repairs-Plows) | \$298.00 |

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 2006-2007* fiscal year:

| | | |
|-------|--|----------|
| To: | 007-8120-4117 (Sanitary Sewers-Engineer-Siphon Flushing) | \$838.00 |
| From: | 007-8120-4112 (Sanitary Sewers-Engineer) | \$838.00 |

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 **\$238,757.20**, covering the period from **December 11, 2006 to January 2, 2007**, are hereby approved as follows:

| | |
|---|----------------------------|
| Payroll covering: 12/11/06 – 12/24/06: | \$30,821.29 |
| Vouchers covering: 12/13/06 – 1/2/07: | |
| General Fund | \$71,662.53 |
| Water Fund | \$39,728.32 |
| Sewer Fund | \$7,386.53 |
| Glen Park Fund | \$41.73 |
| Trust & Agency Fund | \$13,888.65 |
| Debt Service | \$0.00 |
| Community Development | \$0.00 |
| Capital Fund | \$75,228.15 |
| | <u>\$207,935.91</u> |
| Grand Total: | <u>\$238,757.20</u> |

Unanimously carried.

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

RESOLVED, that Sally A. Kuzon, Village Administrator, is hereby authorized to attend the NYCOM Winter Legislative Meeting in Albany, New York, February 25 – 27, 2007, at a cost not to exceed \$600.00, to be paid by the Village of Williamsville.

Unanimously carried.

ON MOTION by Trustee Geary, seconded by Trustee Sweeney, it was moved to leave the regular agenda to consider a new resolution.

Unanimously carried.

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

**VILLAGE OF WILLIAMSVILLE
BOARD OF TRUSTEES**

**A RESOLUTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
("SEQR") FOR THE REZONING OF 56 SOUTH UNION ROAD AND DETERMINING
SIGNIFICANCE UNDER SEQR**

WHEREAS, an application requesting rezoning from R-3M to C-1 (Professional and Administrative) zoning has been submitted by Anthony S. Ragusa, Jr. and is duly on file in the office of the Village Clerk for rezoning and development of lands identified as Tax Map Parcel No. 80.08-6-51, and

WHEREAS, the application for re-zoning of 56 South Union Road is an Unlisted action under SEQR (the "Action"), and

WHEREAS, in accordance with SEQR the Village Board of Trustees has declared itself lead agency for the Action and to conduct coordinated review under SEQR, and

WHEREAS, a full Environmental Assessment Form ("EAF") has been completed for the Action, a copy of which is attached as Schedule A, and

WHEREAS, the Village Board of Trustees has carefully reviewed the potential environmental impacts of the proposed action against the criteria set forth in 6 NYCRR 617.7(c) and has taken a hard look at the potential environmental impacts required by SEQR, and

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WHEREAS, that the Village of Williamsville Board of Trustees in accordance with SEQR and 6 NYCRR 617.6 established itself as Lead Agency for the purpose of completing SEQR review of the Action; and it is further

RESOLVED, that the Board of Trustees having completed and reviewed a full Environmental Assessment Form which is part of the record of this Action and having considered the environmental impacts of the proposed action against the criteria in 6 NYCRR 617.7(c), finds that the proposed action will not result in any significant adverse environmental impact; and it is further

RESOLVED, the Board of Trustees does hereby authorize and direct the Clerk of the Village to duly file this Negative Declaration.

Unanimously carried.

ON MOTION by Trustee Geary, seconded by Trustee Piazza, it was moved to return to the regular agenda.

Unanimously carried.

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

WHEREAS, the record owner of 56 South Union Road, tax map parcel 80.08-6-51, has requested a rezoning of this property from R-3M (Multiple Dwelling District) to C-1 (Professional and Administrative District), and

WHEREAS, a public hearing was held by the Village of Williamsville Board of Trustees on December 18, 2006, to consider all public comment pertaining to the proposed rezoning of this parcel, now,

THEREFORE, BE IT RESOLVED, that the zoning map as described in Section 112-7 of Chapter 112 of the Village Code, is hereby amended so as to include tax map parcel 80.08-6-51 within the boundaries of the C-1 (Professional and Administrative) District.

On the question, Mayor Lowther stated that she feels that everything Paul Iskalo has done in the Village has been done extremely well, however she is very concerned about rezoning a parcel to a zoning classification that is completely different than that of an adjoining zoning classification; that is, changing from a residential use to a commercial use. The Community Plan is moving in the direction of taking the entire parcel or section of the Village from Union Road to Garden Parkway Extension and will probably be recommending mixed use or commercial development for that area, based on what we have seen and the desires of the Village. To take one parcel, despite the improvements Mr. Iskalo has proposed for that parcel, and rezone it now, would not be

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a good idea. Some of the questions that were brought up at the public hearing were valid. She has still never heard from anybody about whether the residents around there are in approval. They didn't come to the public hearing. When she asked why notices were not mailed out, she was told that it was difficult to mail them out because somebody might be missed. She does not think this is an appropriate way to do a notification. If it was a variance that was being proposed, everyone within a certain number of feet would have been notified. She thinks this situation is much more critical than a zoning variance. She is concerned that those who live on S. Union or any adjacent parcel did not receive formal notification about this. She thinks that it is our own failing, here in the Village. Mayor Lowther stated she believes that elected officials should be responsible to make sure that mailed notification goes out when a zoning change is proposed on a parcel. These are the concerns that she has about this project. She thinks ultimately the project will enhance the Village and the parcel, but the mechanics of the rezoning procedure have left her extremely uncomfortable. Mayor Lowther then requested Administrator Kuzon to call for a roll call vote.

| | | |
|------------|-----------------|-----|
| ROLL CALL: | Trustee Sweeney | Yes |
| | Trustee Slick | Yes |
| | Trustee Geary | Yes |
| | Trustee Piazza | Yes |
| | Mayor Lowther | No |

Motion passed. 4 – 1.

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

RESOLVED, that the Mayor is hereby authorized to execute, on behalf of the Village of Williamsville, contracts with the Town of Amherst and Williamsville Fire Department/Hutchinson Hose Company, for fire protection for the year 2007 in the following districts:

| | |
|----------------|--------------|
| Autumn Harvest | District #1 |
| Lamm Post | District #2 |
| Lehn Springs | District #3 |
| Mill Street | District #4 |
| Park Club Lane | District #15 |
| Williamsville | District #16 |

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 8:06 p.m.

Unanimously carried.

SALLY A. KUZON
Administrator/Clerk-Treasurer

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 13, 2006 at 7:30 p.m.