

**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, August 13, 2007 at 7:30 p.m.**

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

Present: Mary E. Lowther, Mayor  
Jeffrey L. Kingsley, Trustee  
Basil J. Piazza, Trustee  
Brian J. Geary, Trustee  
Brian J. Kulpa, Trustee

Sally A. Kuzon, Administrator/Clerk-Treasurer  
Deborah A. Habes, Deputy Clerk  
Marc Schuttleworth, DPW Crew Chief

Absent: Lynda L. Juul, Deputy Treasurer

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to approve the minutes of the regular meeting held on July 23, 2007.

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:

*Carolyn Schlifke, 192 Evans Street* – Mrs. Schlifke stated that she was confused about the requirements for recycling and asked for clarification on the rules. Mayor Lowther informed her that under the new contract with Waste Management, there no longer is a need for residents to sort recyclables for placement at the curb. Administrator Kuzon explained that the trucks now use a “single stream” technology whereby the items are sorted at the plant. Trustee Piazza would like WM to send us information about this technology. Administrator Kuzon will follow through with this request. Mrs. Schlifke, then stated her opinion on the state of the right-of-way along the Village’s Main Street commercial corridor. She was sorry to see that many businesses/property owners do not care for the strip between the sidewalk and the street. She recently took a walk along Main Street and tried to view it as any visitor might and found weeds, raised bricks, stones, dead trees and mud holes along the way. She praised some of the properties that are doing a good job, such as The Eagle House and Village Hall. She believes this is a sorry state and that the Village should be approaching business owners and property owners and holding them accountable. Mayor Lowther informed Mrs. Schlifke that the Village is working with the Williamsville Business Association on educating property owners on their right-of-way



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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 Williamsville Preservation Foundation for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two-week period from *Aug. 14, 2007 to Aug. 28, 2007*. This display period for this banner replaces the display period of *Aug. 9, 2007 to Aug. 23, 2007* that was previously approved by the Village Board of Trustees at the May 14, 2007 Village Board meeting. This banner reads: "www.walkthevillages.com - May - October, Akron, Clarence, Kenmore, Williamsville, Batavia, Leroy".

Unanimously carried.

**ON MOTION** by Trustee Kingsley, seconded by Trustee Kulpa, the following resolution was adopted:

**RESOLVED**, that the Village Board of Trustees hereby accepts with regret the *resignation of Stefani Goddard from the Mill Restoration Committee*, effective immediately.

Unanimously carried.

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

**RESOLVED**, that *Dan Chase of 157 Carefree Lane, Cheektowaga, New York*, is hereby appointed to the *Mill Restoration Committee*.

Unanimously carried.

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

**RESOLVED**, that Mary E. Lowther, as Mayor of the Village of Williamsville, or such person's successor in office, is hereby authorized and directed to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Village of Williamsville for a Western New York Municipal Urban Forest Restoration Assistance Grant in an amount not to exceed \$4,200.00.

Unanimously carried.

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

**RESOLVED**, that *Paul Krieter of 29 S. Ellicott Street, Williamsville, New York*, is hereby appointed *Co-chairman of the Parks Committee* until the end of the *2007-2008* official Village year.

Unanimously carried.

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

**RESOLVED**, that *Nancy Locke of 46 Hillside Drive, Williamsville, New York*, is hereby appointed to the *Parks Committee* until the end of the *2007-2008* official Village year.

Unanimously carried.

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

**RESOLVED**, that *Shawn Michel of 54 Garden Pkwy., Williamsville, New York*, is hereby appointed *Co-chairman of the Beautification Committee* until the end of the *2007-2008* official Village year.

Unanimously carried.

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

**RESOLVED**, that *Deborah Draman of 18 Union Place, Williamsville, New York*, is hereby appointed to the *Tree Board* until the end of the *2009-2010* official Village year.

Unanimously carried.

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

**A RESOLUTION BY THE VILLAGE OF WILLIAMSVILLE BOARD OF TRUSTEES  
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQR”)  
DETERMINING SIGNIFICANCE UNDER SEQR FOR THE SIPHON REPLACEMENT  
PROJECT**

**WHEREAS**, the Village needs to replace three existing siphon barrels, chambers and overflow pipe near Ellicott Creek (the Siphon Replacement Project), and

**WHEREAS**, the Siphon Replacement Project is an Unlisted action under SEQR (the “Action”), and

**WHEREAS**, in accordance with SEQR the Village Board of Trustees has determined to conduct uncoordinated review of the Action under SEQR, and

**WHEREAS**, a Short 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

**RESOLVED**, that the Board of Trustees having completed and reviewed a Short 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.

**[SEE ATTACHED NEGATIVE DECLARATION – CONTINUED ON NEXT PAGE]**

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

**BOND RESOLUTION**

August 13, 2007

**A RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK, TO FINANCE THE CONSTRUCTION OF HIGHWAY IMPROVEMENTS, SANITARY SEWER IMPROVEMENTS, AND WATERLINE IMPROVEMENTS, AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF.**

**WHEREAS**, the VILLAGE OF WILLIAMSVILLE, in the County of Erie, by its Board of Trustees has determined it necessary for the Village, to repair and reconstruct portions of certain Village streets, to construct, replace or repair sanitary sewer improvements, to construct, replace or repair water line improvements, (the "Projects").

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Williamsville, Erie County, New York, as follows:

Section 1. The financing of the Projects (the "specific object or purpose"), is hereby authorized at a maximum estimated cost of \$1,865,000.

Section 2. The specific objects or purposes are objects or purposes described in Section 11 of the Local Finance Law.

Section 3. The Board of Trustees, acting as Lead Agency under the SEQRA regulations of the State of New York, has previously issued a NEGATIVE DECLARATION for the specific object or purpose finding that the same will not have a significant impact upon the environment.

Section 4. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the Town in an aggregate principal amount not exceeding \$1,865,000 which is hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 5. It is hereby determined that the weighted average period of probable usefulness of the aforesaid specific object or purpose is thirty-one (31) years, pursuant to

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paragraphs 1, 4, and 20 of Section 11.00.a. of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of thirty-one (31) years.

Section 6. The faith and credit of the Village of Williamsville, Erie County, New York, 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 every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 7. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby authorized as if by separate resolution and is delegated to the Village Treasurer, the Chief Fiscal Officer of the Village. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by the Village Treasurer, consistent with the provisions of the Local Finance Law. To the extent required by law, this Resolution shall also constitute a “Bond Anticipation Note Resolution” pursuant to the Local Finance Law.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, as the chief fiscal officer of the Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- 2) 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

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contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution shall be published in full in the official newspaper of the Village, which is hereby designated as the official newspaper of the Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is subject to permissive referendum and shall not become effective until either approved by the qualified voters of the Village pursuant to a petition being filed or 30 days shall have expired without a petition being filed.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

**ROLL CALL:**

Mary E. Lowther	voting YES
Jeffrey L. Kingsley	voting YES
Brian J. Geary	voting YES
Basil J. Piazza	voting YES
Brian J. Kulpa	voting YES

Unanimously carried.

**ON MOTION** by Trustee Piazza, seconded by Trustee Kulpa, it was moved to leave the regular agenda to consider a new resolution.

Unanimously carried.

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

**RESOLVED**, that CRA Infrastructure and Engineering, Inc. is hereby authorized to draw specifications and request sealed bids for an emergency repair to the sanitary sewer overflow pipe at the siphon, if the DEC demands that their requirements, as stated in their letter dated July 19, 2007, be followed.

Unanimously carried.

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

Unanimously carried.

**ON MOTION** by Trustee Kulpa, seconded by Trustee Kingsley, the following resolution was adopted:

**RESOLVED**, that *Victor Paquet of 43 Howard Ave., Williamsville, New York*, is hereby appointed *Chairman of the Traffic & Safety Committee* until the end of the *2007-2008* official Village year.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to adjourn to Executive Session to discuss a personnel matter at 8:47 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to close the Executive Session at 9:25 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther seconded by Trustee Piazza, it was moved to return to the regular agenda at 9:26 p.m.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Kulpa, it was moved to adjourn the meeting at 9:27 p.m.

Unanimously carried.

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Sally A. Kuzon  
Village Clerk-Administrator

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