

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 27, 2007 at 7:30 p.m.

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

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
Lynda L. Juul, Deputy Treasurer
Marc Shuttleworth, DPW Crew Chief
R. Scott DeLuca, Village Attorney

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to approve the minutes of the special meeting held on August 8, 2007.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, it was moved to approve the minutes of the regular meeting held on August 13, 2007.

Unanimously carried

Mayor Lowther presented proclamations to the following DPW employees for their many years of continued dedicated service to the residents of the Village of Williamsville:

- Donald R. Dehn – 35 years
- Douglas A. Washburn – 35 years
- Paul V. McMenemy – 30 years
- Michael A. Olszanski – 25 years

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

Unanimously carried.

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The following members of the audience addressed the Board:

Larry Brenton, 31 Monroe Dr. - Mr. Brenton stated that, unfortunately, he is not here when the Village develops their budget. He said that over 1,000 people voted for him at one time. He is responsible for this building and the fire hall next door. It appears that this year \$320,000 will be spent on street paving. He asked how that figure was arrived at. Mayor Lowther stated that the streets selected are on a continual rotating basis. He asked who develops these figures.

Administrator Kuzon stated that each year, the DPW reviews the streets and they are put on the 5-year capital plan. Mr. Brenton stated that he drove those streets. He asked if the engineer develops the list. He also asked if there are any engineering charges pertaining to putting the street on the list, other than those from the DPW. Administrator Kuzon stated there are not. She can not answer if the DPW contacted the Engineer, but there is not a bill for the engineer to develop the list. Mr. Brenton stated that the way it used to work is that the Superintendent would develop the list of streets to be repaved. Streets on a 5-year capital plan do not make sense to him. This should go out at least 20 years. The plan shows that next year, there will be a 40% increase in street repaving. Mayor Lowther commented that bonds will be paid off, and that is why this will escalate. Mr. Brenton feels the Village should consider raising taxes to pay for street paving. Trustee Kingsley discussed a committee he would like to form called the Village Community Response Committee, and stated that he would like to speak to Mr. Brenton more about this in the future.

Thomas Frank, 225C Evans St. - Mr. Frank stated he hopes Mr. Brenton will be on the Village Community Response Committee. He also discussed Ellicott Creek and the erosion of the creek. There are many inter-related issues. He is drafting a bid for Congressman Reynolds. More than 50% of the people he has dealt with have turned over. He also spoke regarding the Community Plan. Trustee Kulpa summarized that he feels Mr. Frank thinks we should recognize shared heritage corridor; it is important to look for ways to develop a comprehensive corridor plan for Ellicott creek for both our own erosion problems, as well as how our water management plays a role in the Town and County flood plains. Our intent is to work cooperatively with all those agencies. He also commented that most of this will be covered in the Community Plan.

Kate Waterman-Kulpa, 81 Milton - Ms. Kulpa stated that she is here along with other members of the Mill Restoration Committee to urge the Board to approve and sign the contracts before them for the acquisition and restoration of the water mill. Mayor Lowther stated that they are looking forward to approving the grants tonight unanimously, as well as inviting members of SHPO to come and visit the site.

Trustee Kingsley thanked the members of the committee for moving forward so quickly with digesting these complex issues.

Sean Michel, 54 Garden Parkway - Mr. Michel asked if the Board has had a chance to look at the Walgreen's project and the Village entranceway on the north side of Main Street. Mayor Lowther asked Administrator Kuzon tonight to call and follow up on this. There is apparently an issue with the water tap. He asked if the south side that was done was done according to the specs. Some substitutions were made late in the project, but were approved by the Board.

Mr. Michel also asked the Board again about the issues on Garden Parkway with the restoration from the waterline. He feels it wasn't done properly the first time. He stated that seed on Union

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Road was growing without water. Marc Shuttleworth stated that it's been tough with the type of year we have had. He will take a look at it.

Mr. Michel then asked what the hold up was with removing the Village sign on Union Road. This has not been completed yet, but will be in the near future.

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

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund for the 2007 – 2008* fiscal year, to account for the purchase of a new rescue vehicle for the Fire Dept. from their capital reserve account:

Increase:	001-0001-0599	Appropriated Surplus	\$40,000.00
Increase:	001-3410-2010	Fire Protection – Major Equipment	\$40,000.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund for the 2007 – 2008* fiscal year, to account for revenue received from the Village Preservation Foundation for park shelter rental for the Taste of Williamsville:

Increase:	001-0001-2751	Taste of Williamsville	\$175.00
Increase:	001-8510-4340	Community Beautification – Plants	\$175.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund for the 2007 – 2008* fiscal year, to account for a donation received from the Rotary Club of Williamsville for the Strawberry Festival, to be used for Youth & Recreation:

Increase:	001-0001-2705	Gifts & Donations	\$250.00
Increase:	001-0001-4171	Youth & Recreation – Halloween Parade	\$250.00

Unanimously carried.

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

RESOLVED, that payroll and vouchers in the amount of **\$169,886.73**, covering the period from **July 9, 2007** to **August 21, 2007**, are hereby approved as follows:

Payroll covering: 7/9/07– 7/22/07: \$32,064.28

Payroll covering: 8/6/07 – 8/19/07: \$32,859.90

Vouchers covering: 8/8/07 – 8/21/07:

General Fund	\$46,786.38
Water Fund	\$2,029.41
Sewer Fund	\$4,188.33
Glen Park Fund	\$336.86
Trust & Agency Fund	\$23,020.29
Debt Service	\$21,478.13
Community Development	\$0.00
Capital Fund	\$7,123.15
	<u>\$104,962.55</u>

Grand Total: \$169,886.73

Unanimously carried.

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

WHEREAS, the Glen Park Retaining Wall is a joint project to be undertaken in conjunction with the Town of Amherst to assess the Glen Park upper wall and failed wall; and

WHEREAS, the Village of Williamsville and the Town of Amherst need to enter a joint contract with a consulting engineer to provide services outlined in project proposal as Tasks 1 & 2 at Glen Park; and

WHEREAS, the Village and the Town have selected GZA Geoenvironmental of New York to perform the consulting work on the Project; and be it

RESOLVED, that the Mayor of the Village of Williamsville is authorized to execute the joint contract between the Village, the Town and GZA for the Project: and,

BE IT FURTHER RESOLVED, that the Village shall wait to execute the joint contract until the Town Board of the Town of Amherst authorizes and approves execution of the joint contract by the Town.

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized to issue a *Mayor's Permit* to The Farmers Market for the purpose of suspending a banner across Main Street at the Ellicott Creek Bridge for a two week period from *September 25 – October 9, 2007*. Banner to read "*Farmers' Market at the Williamsville Mill, Every Saturday Morning, Spring thru Fall*".

Unanimously carried.

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

RESOLVED, that *William A. Wutz, of 236 Highland Drive, Williamsville, New York*, is hereby appointed to the *Mill Restoration Committee*.

Unanimously carried.

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

RESOLVED, that *Charles Ciotta, of 5411 Main Street, Williamsville, New York*, is hereby appointed to the *Mill Restoration Committee*.

Unanimously carried.

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

WHEREAS, on May 26, 2006 the Village of Williamsville submitted a grant application to the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, on May 22, 2006 the Village of Williamsville Board of Trustees passed a resolution in support of this project; and

WHEREAS, on January 29, 2006 the NYS Office of Parks, Recreation and Historic Preservation sent contract **C406047** to the Village of Williamsville, in the amount of \$150,000.00 for the acquisition of the Williamsville Water Mill; and

WHEREAS, after careful consideration by the Village of Williamsville Board of Trustees; it is hereby

RESOLVED, that the Village of Williamsville accept grant contract **C406047**, effective immediately.

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized to sign contract **C406047** with the NYS Office of Parks, Recreation and Historic Preservation; and be it further

RESOLVED, that this paperwork shall be executed within ten days from the date of this resolution.

Unanimously carried.

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

WHEREAS, on January 5, 2005 the Village of Williamsville was awarded a grant through Senator Mary Lou Rath and the 2004-2005 Senate Majority Initiative; and

WHEREAS, on December 18, 2006 the Village of Williamsville Board of Trustees passed a resolution authorizing the Mayor to enter into contract with the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, on May 23, 2007 the New York State Office of Parks, Recreation and Historic Preservation sent the Village of Williamsville project contract **PKS-04-NI-062** in the amount of \$50,000.00 for the purpose of restoring the Williamsville Water Mill including but not limited to repairing its foundation and/or roof; and

WHEREAS, after careful consideration by the Village of Williamsville Board of Trustees; it is hereby

RESOLVED, that the Village of Williamsville accepts grant project contract **PKS-04-NI-062**, effective immediately.

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized to sign contract **PKS-04-NI-062** with the NYS Office of Parks, Recreation and Historic Preservation; and be it further

RESOLVED, that this paperwork shall be executed within ten days from the date of this resolution.

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized to sign the 2007 Justice Court Grant application for the purchase of various office equipment for the Williamsville Village Court.

Unanimously carried.

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

RESOLVED, that the Village Administrator is hereby authorized to publish notice of a public hearing to be held by the Village Board of Trustees on Monday, September 24, 2007 at 7:35 p.m., for the purpose of hearing all persons interested in discussing a request by Heartland Homes,

Richard Bergman, property owner, for an *Exceptional Development Permit* for property at 122 North Cayuga Rd., Williamsville, New York, as per Chapter 28-5 of the Village code.

Unanimously carried.

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

RESOLVED, that the limit of the number of members on the Parks Committee is hereby increased from the current limit of seven (7) members to an unlimited number of members.

Unanimously carried.

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

RESOLVED, that *David Pennington, residing at 5403 Main St., Unit 210, 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 Kulpa, the following resolution was adopted:

RESOLVED, that *Al Hershberger, residing at 5403 Main St., Unit 116, Williamsville, New York*, is hereby appointed to the *Parks Committee* until the end of the **2007-2008** official Village year.

Unanimously carried.

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

RESOLVED, that Deborah A. Habes, Deputy Clerk, is hereby authorized to attend the NYCOM Fall Training School from September 17 - 20, 2007 in Saratoga Springs, New York at a cost not to exceed \$1,010.00 to be paid by the Village of Williamsville.

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 8:30 p.m.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Kingsley, it was moved to close the Executive Session and return to the regular agenda at 10:15 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther seconded by Trustee Piazza, it was moved to leave the regular agenda to consider a new resolution at 10:16 p.m.

Unanimously carried.

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

RESOLVED, that Sally A. Kuzon is hereby appointed as Village Administrator, Village Clerk and Village Treasurer for a period of 30 days (to September 25, 2007) pursuant to all of the terms and conditions of the Contract between Sally A. Kuzon and the Village of Williamsville, dated July 28, 2003, and,

BE IT FURTHER RESOLVED, that if the Village of Williamsville and Sally A. Kuzon are unable to reach agreement on the terms of a new employment contract in the next 30 days for any

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reason (no later than September 25, 2007), Sally A. Kuzon shall be entitled to all of the benefits that she would be entitled to receive at the conclusion of her appointment on July 2, 2007 including, but not limited to, Paragraph 3 of the Contract between Sally A. Kuzon and the Village of Williamsville, dated July 28, 2003.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to return to the regular agenda at 10:18 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the meeting at 10:19 p.m.

Unanimously carried.

Lynda L. Juul
Deputy Treasurer

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