

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, September 10, 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
Jeffrey L. Kingsley, Trustee
Basil J. Piazza, Trustee
Brian J. Geary, Trustee
Brian J. Kulpa, Trustee

Lynda L. Juul, Deputy Treasurer
Deborah A. Habes, Deputy Clerk
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 regular meeting held on August 27, 2007.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the special meeting held on August 31, 2007.

Unanimously carried

ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, 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:

Larry Brenton, 31 Monroe Dr. - Mr. Brenton submitted a letter to the Mayor that he asked be copied to all Board members. This letter was one he wrote in 1992 concerning his stand in opposition of the position of Village Administrator at that time. He stated tonight that he is now in favor of the position of Administrator. He does not believe that the Village Board members possess the credentials or background to administrate the Village. He stated that without the position of Administrator, every trustee would need to know all the details of every Village issue on a day to day basis. This is nearly impossible since there is so much going on.

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Mr. Brenton went on to address street paving and its increasing costs. DPW has come up with the list of streets that need paving. Contractors now only pave in one area. He stated that during his tenure as Mayor, the streets that needed paving were paved immediately. Streets were not paved only in one area. We did our own paving in his day. He thinks there are streets that are more in need of paving than the streets on the current and recent lists. Mr. Brenton asked the Board to be in charge of what streets get paved. They cannot allow the Village Administrator to make these decisions. He stated the Board is the entity that should be deciding what streets gets paved. Trustee Piazza stated that we try to coordinate water line and sewer line repair or replacement with street paving so that recently paved streets are not dug up and in need of repaving when a water line or sewer line needs to be replaced.

Victor Paquet, 43 Howard Ave. – Mr. Paquet thanked everyone for providing the Village residents a summer of great family-based activities such as the parades, movies in the park, Evening in the Village, the Farmers Market and children's tennis lessons. He stated these are things that make people want to live in the Village.

Shawn Michel, 54 Garden Parkway – Mr. Michel stated that he is unclear about Ms. Kuzon's resignation. Mayor Lowther said Ms. Kuzon and the Board were in the process of negotiating a new contract but she decided to decline to accept it. Trustee Kingsley stated that Ms. Kuzon's contract was renewed by the Board through September for a total of 90 days. It was the hope of the Board that she would continue with us but she decided to resign and she has every right to do that. He stated that he was sure the Board wishes her all the best. Mayor Lowther said her benefits were accrued and that the money was already budgeted. This is just like every other employee. It will not affect the budget this year. Trustee Kingsley said the Board did not agree with the final amount that was paid out to the Administrator. Mayor Lowther said Ms. Kuzon was paid according to her contract. Trustee Kingsley said this Board was in the process of pursuing the re-negotiation of a new contract because they did not agree with her 2003 contract.

Nick Perino, 40 Hillside Dr. – Mr. Perino asked if Ms. Kuzon was entitled to a pension. The Mayor said that she was entitled to a pension just as any employee would be.

Carolyn Schlifke, 192 Evans St. – Ms. Schlifke stated that in the past, Ms. Kuzon was given a contract. She did not write her own contract. She stated that when she herself worked for the Village, her vacation and sick days were not accrued. She thinks this is a good time to rethink a contract and the issue of accrual. Trustee Kulpa responded that the Board had concerns regarding accrual and intended to negotiate a new contract and not renew the Administrator's existing contract. Trustee Kingsley agreed. He stated that the Board made a mistake in paying out the final amount.

Thomas Frank, 225 C Evans – Mr. Frank spoke about the Niagara Heritage Study. He suggested that this is where the Mill will be getting funds from. Mr. Frank submitted a study to Trustee Kulpa regarding the re-licensing of the Niagara Project. He maintains that the Village is included in the Niagara Water Shed Study.

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

Unanimously carried.

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Trustee Kulpa – Yes

Trustee Kulpa stated that he was voting yes but with reservations. He stated that the circumstances surrounding this contract have been difficult. There were questions about the final dollar amount paid out. He believes that it is best that the Village now move on.

Trustee Kingsley – No

Trustee Kingsley stated that the prior Board signed the 2003 contract and he suggested that they did not understand the fiscal ramifications of the contract they were signing. Trustee Kingsley further suggested that the present board, of which he is a member, was remiss in approving the payment of the lump sum of \$72,875.00 to the Administrator without knowing whether all of the numbers were correct. He wondered what the hurry was in rushing to approve the dollar amount. Trustee Kingsley further stated that he was disappointed that the present Board approved the amount with less than only 2 business day's notice of the Administrator's resignation.

Trustee Geary – No

Trustee Geary stated that because he believes there are more questions than answers regarding the amount that was paid out, he must vote against this resolution.

Mayor Lowther – Yes

The Mayor stated that every Board member was given ample notification by the Deputy Treasurer before the check was issued and there was plenty of time to comment and question the amount. She agreed with the amount that was paid. She stated that she will miss Ms. Kuzon who did a wonderful job for the Village. The 2003 contract was correctly passed at the time it was approved. She stated that she thinks a new contract will be more modest going forward when a new person is appointed. The Board now has the ability to scale back any such contract in the future. She stated she will vote yes on this because she thinks the contract was correct and believes it was money that Ms. Kuzon had earned and deserved.

MOTION PASSED 3 - 2.

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

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized to sign Community Projects Appropriation Contract #TM07921 with the New York State Department of State, in the amount of \$31,000.00 to be used for storm related damages in the Village; and be it further

RESOLVED, that there is no match to this grant.

Unanimously carried.

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

WHEREAS, the Village Administrator has advertised for sealed bids for Infrastructure Improvements, 2007 – Contract No. 18A, Waterline Improvements; and

WHEREAS, the sealed bids were opened on September 5, 2007 at 2:00 PM in Village Hall; and

WHEREAS, E&R General Construction, Inc. submitted the low bid meeting all specifications;

NOW, THEREFORE, BE IT RESOLVED, that the contract for Infrastructure Improvements, 2007 – Contract No. 18A, Waterline Improvements, is hereby awarded to E&R General Construction, Inc. for their low bid of \$157,501.00, subject to no legal challenge to the bond resolution adopted August 13, 2007, and no request for a special election submitting the bond resolution to a permissive referendum.

Unanimously carried.

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

RESOLVED, that *Joan Seamans, residing at 5750 Main Street, Williamsville, New York*, is hereby appointed to the *Mill Restoration Committee*.

Unanimously carried.

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

RESOLVED, that *Gary Nizinski, residing at 5750 Main Street, 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 *David Lipinoga, residing at 5596 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:

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund for the 2007 – 2008* fiscal year, to account for the sale of cider equipment from the Mill.

Increase:	001-0001-2665	Sale of Equipment	\$4,000.00
Increase:	001-7540-4980	Williamsville Water Mill-Building Preservation	\$4,000.00

Unanimously carried.

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

RESOLVED, that *Noel Bartlo, residing at 55 California Drive, Williamsville, New York*, is hereby appointed to the *Parks Committee* for the *2007-2008* official Village year.

Unanimously carried.

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

RESOLVED, that the Deputy Treasurer is hereby authorized to publish Notice of a Public Hearing to be held by the Village of Williamsville Board of Trustees on Tuesday, October 9, 2007 at 7:35 p.m. in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, to hear all persons interested in discussing a proposed amendment to Chapter 112 of the Village Code, to allow for the addition of alternate members on the Planning and Architectural Review Board.

Unanimously carried.

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ON MOTION by Trustee Geary, 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 the sale of a fire truck (Rescue 4):

Increase:	001-0001-2665	Sale of Equipment	\$7,500.00
Increase:	001-3410-2010	Fire Protection - Major Equipment	\$7,500.00

Unanimously carried.

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

RESOLVED, that Assistant Chief Petrie is hereby authorized to travel to Hamlin, New York to attend Auto Extrication Training at the Hamlin Fire Department, September 21 – 23, 2007, at a cost not to exceed \$800.00.

Unanimously carried.

Deputy Treasurer Juul reported to the Board that the draft of the Community Plan has been received. It is currently being reviewed by the Technical Committee. A Community Plan Committee meeting will be held at 7:00 p.m. on September 25th.

DPW Crew Chief Marc Shuttleworth thanked the Mayor for visiting the DPW garage this morning to present proclamation awards to four of his men for length of service. He also thanked Ms. Schlifke for her assistance in weeding the right of way along Main Street recently. Mr. Shuttleworth reported that he met with Richard Rink regarding the emergency siphon repair. Trustee Kingsley then thanked Mr. Shuttleworth for his quick response to issues at the Mill and otherwise.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn to Executive Session to discuss a personnel matter at 8:43 p.m.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Geary, it was moved to close the Executive Session at 10:09 p.m.

Unanimously carried.

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

Unanimously carried.

ON MOTION by Trustee Kingsley, seconded by Trustee Geary, it was moved to adjourn the meeting at 10:11 p.m.

Unanimously carried.

Lynda L. Juul
Deputy Treasurer