

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, November 13, 2007 at 7:30 p.m.**

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

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

James A. Coniglio, Village Attorney  
Lynda L. Juul, Administrator/Clerk-Treasurer  
Deborah A. Habes, Deputy Clerk

Absent: Marc Shuttleworth, DPW Crew Chief

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the regular meeting held on October 22, 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 member of the audience addressed the Board:

*Sean Michel, 54 Garden Parkway* – Mr. Michel asked about a resolution by Trustee Kingsley on tonight's agenda regarding a disclaimer statement. Mayor Lowther explained that it was to prevent the appearance of impropriety or undue influence by a Village Board member if they choose to speak on topics before the Planning or Zoning Boards.

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

Unanimously carried.



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From:	001-1410-4040 (Village Clerk – Education Exp./Travel)	\$88.00
To:	001-1440-4160 (Engineer – Professional Fees)	\$238.00
From:	001-1410-4040 (Village Clerk – Education Exp./Travel)	\$238.00
To:	001-7110-4360 (Parks – Park Supplies)	\$27.00
From:	001-7110-4350-7111 (Parks – Pool Supplies – Is. Pk. Pool)	\$27.00
To:	001-7110-4930 (Parks – Lehigh Trail Beat.)	\$28.00
From:	001-7110-4920 (Parks – CPR Training)	\$28.00

Unanimously carried.

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

**RESOLVED**, that the following *budget amendment* is hereby made to the *General Fund* for the **2007 – 2008** fiscal year, to account for a grant received from New York State to assist in storm clean-up from the October 2006 Storm:

Increase:	001-0001-3090 (State Aid Grants)	\$31,000.00
Increase:	001-8560-4340 (Shade Trees – Tree Removal & Maintenance)	\$31,000.00

Unanimously carried.

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

**RESOLVED**, that *Lynda L. Juul* is hereby appointed *Registrar of Vital Statistics* through the **2011-2012** official Village year.

Unanimously carried.

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

**RESOLVED**, that *Lynda L. Juul* is hereby appointed *Collector of Taxes and Assessments* for the **2007-2008** official Village year.

Unanimously carried.

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

**RESOLVED**, that *Lynda L. Juul* is hereby appointed to the *Records Management Committee* until the end of the **2007-2008** official Village year.

Unanimously carried.

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

**RESOLVED**, that *Damon & Morey* is hereby appointed *Village Counsel* for the remainder of the **2007-2008** official Village year, pending execution of an Engagement Letter.

Unanimously carried.

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

**RESOLVED**, that the Village Administrator is hereby authorized to publish Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, December 17, 2007 at 7:35 p.m. in Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in discussing the proposed use of the **2008 Community Development Block Grant Funds**.

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to sign the *2007-2010 Snow Removal and Ice Control Agreement* with Erie County.

Unanimously carried.

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

**WHEREAS**, two Local Laws for Stormwater Management have been proposed, which seek to reduce stormwater pollution, enhance water quality, and improve aquatic habitats by requiring that a Stormwater Pollution Prevention Plan be submitted for all land development projects disturbing more than one acre of land, or less than one acre if part of a larger plan of development, and by prohibiting illicit discharges to the Municipal Separate Storm Sewer System (“MS4”); and

**WHEREAS**, the Local Laws have been drafted using model language from the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of State in order to fulfill the MS4 Phase II stormwater management requirements of the National Pollutant Discharge Elimination System as administered by the State Pollutant Discharge Elimination System; and

**WHEREAS**, the Local Laws shall amend Chapters 81 and 112 of the Code of the Village of Williamsville (“Code”); and

**WHEREAS**, all terms used but not defined herein shall have the meanings given to them in §617.2 of Chapter 6 of the New York Code of Rules and Regulations; and

**WHEREAS**, the New York State Environmental Quality Review Act (“SEQR”) requires that a lead agency be established to undertake, fund, or approve any action; and

**WHEREAS**, in accordance with § 617.6 of Chapter 6 of the New York Code of Rules and Regulations, which outlines the procedure for uncoordinated review of certain unlisted actions, the Village Board may proceed under SEQR as if it were the only involved agency and, therefore, as the lead agency; and

**WHEREAS**, the approval of the Local Laws by the Village Board (the “Action”) constitutes an unlisted action under SEQR; and

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**WHEREAS**, the Village Board must make a determination as to the environmental impact of the Action; and

**WHEREAS**, the Village Board intends to hold a public hearing (“Public Hearing”) regarding the Local Laws; and

**WHEREAS**, all proposed zoning changes must be sent to the Erie County Planning Board (“Planning Board”);

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board shall conduct the Public Hearing regarding the Local Laws on December 17, 2007 at 7:40 PM; and

**BE IT FURTHER RESOLVED**, that the Village Board shall conduct an uncoordinated review of the proposed Action under SEQR; and

**BE IT FURTHER RESOLVED**, that the Village Board hereby authorizes an uncoordinated review of the Action whereby the Village Board shall act as lead agency; and

**BE IT FURTHER RESOLVED**, that the Village Board hereby authorizes the preparation of a short EAF to be circulated with the Planning Board together with the full text of the Local Law for Erosion and Sediment Control; and

**BE IT FURTHER RESOLVED**, that the Village Board will consider whether or not to issue a negative declaration with respect to adopting the Local Laws during the Public Hearing.

Unanimously carried.

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

**RESOLVED**, that the resolution passed on April 23, 2007, declaring one 1980 International S 1800 vehicle surplus, is hereby rescinded; and

**BE IT FURTHER RESOLVED**, that this equipment will be used by the Department of Public Works for various tasks including leaf pick-up and use at the Williamsville Water Mill.

Unanimously carried.

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

**WHEREAS**, the Village Administrator has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$30,467.52 containing description of the land upon which taxes are unpaid as the same were placed upon the tax roll together with the amount assessed and interest thereon, and

**WHEREAS**, the said Village Administrator under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

**WHEREAS**, upon receiving such account from the Village Administrator, the Board of Trustees compared the same with the original tax roll of the Village, and

**WHEREAS**, said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct.

**NOW, THEREFORE, BE IT RESOLVED**, that the Administrator of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return, and

**BE IT FURTHER RESOLVED**, that a Certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$30,467.52 and reciting that the account has been compared and found to be correct; and that the Administrator transmit said account and certificate to the appropriate officer of the County of Erie by November 15, 2007, to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried.

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

**RESOLVED**, that to avoid the appearance of any impropriety and to allow certain boards the ability to make independent decisions without any undue influence, the members of the Village Board should refrain from participating in any way with matters before the Planning Board and Zoning Board of Appeals that require a determination, including, but not limited, publicly speaking as citizens at said board meetings;

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**IT IS FURTHER RESOLVED**, that if a board member feels compelled to share his/her views as a citizen of the Village of Williamsville at a Planning Board and/or Zoning Board of Appeals meeting, said board member must issue this disclaimer publicly prior to rendering any comment to the Planning Board and/or Zoning Board of Appeals:

“As you know, I am a member of the Village of Williamsville Board. I appear before you, however, as a resident of the Village of Williamsville and not as a member of the Village of Williamsville Board. To avoid any undue influence on this board, my opinions are not to be given any greater weight based upon my position on the Village of Williamsville Board. My opinions should be viewed and evaluated in the same light as any other resident in this Community.”

Unanimously carried.

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

**RESOLVED**, that to avoid the appearance of any impropriety and to allow certain independent governing boards the ability to make decisions without undue influence, the members of the Village Board shall refrain from issuing any public or private comments to members of the following committees: Planning and Architectural Review Board, Traffic and Safety Committee, Environmental Advisory Council, and Youth and Recreation Committee prior to said committee issuing a determination on an exceptional development issue as defined in §28-5 of the Village Code (Exceptional Development).

Unanimously carried.

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

**RESOLVED**, that *Victor Paquet of 43 Howard Avenue, Williamsville, New York*, is hereby appointed to the *Youth & Recreation Committee* until the end of the *2007-2008* official Village year.

Unanimously carried.

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

**RESOLVED**, that Timothy Petrie is hereby authorized to attend the New York State Weekend National Fire Academy, February 29<sup>th</sup> through March 2<sup>nd</sup>, 2008, in Emmitsburg, Maryland, at a cost not to exceed \$175.00.

Unanimously carried.

**ON MOTION** by Trustee Geary, seconded by Trustee Piazza, 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 2008 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.

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

**RESOLVED**, that the Mayor is hereby authorized to sign the *Pre-Hospital Emergency Medical Services Contract* between the Village of Williamsville and Twin City Ambulance Company for a term of three (3) years extending from January 1, 2008 – December 31, 2010, with an optional two-year extension.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Geary it was moved to adjourn the meeting at 8:23 p.m.

Unanimously carried.

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Lynda L. Juul  
Administrator/Clerk-Treasurer

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