

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Man Street, Williamsville, New York, on Monday, December 17, 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

Also present: Christopher A. Cardillo, Village Attorney
Lynda L. Juul, Administrator/Clerk-Treasurer
Deborah A. Habes, Deputy Clerk
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 November 26, 2008.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the special meeting held on December 13, 2007.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to open the first public hearing at 7:35 p.m.

Unanimously carried.

- *A public hearing was held to hear all persons interested in discussing the 2008 Community Block Grant Funding.*

ON MOTION by Trustee Geary, seconded by Trustee Kingsley, it was moved to close the first public hearing at 7:50 p.m.

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to open the second public hearing at 7:51 p.m.

Unanimously carried.

- ***A public hearing was held to hear all persons interested in discussing proposed local laws amending Chapters 81 and 112 of the Village Code, regarding the Stormwater Management Plan.***

ON MOTION by Trustee Piazza, seconded by Trustee Geary, it was moved to close the second public hearing at 7:58 p.m.

Unanimously carried.

ON MOTION by Trustee Geary, seconded by Trustee Kulpa, it was moved to open the third public hearing at 7:59 p.m.

Unanimously carried.

- ***A public hearing was held to hear all persons interested in discussing an amendment to the Village code which proposes appointing alternates to the Planning and Architectural Review Board.***

ON MOTION by Trustee Geary, seconded by Trustee Kingsley, it was moved to close the third public hearing at 8:23 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved 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 - Ms. Schlifke wished everyone a happy Christmas and a happy new year. Ms. Schlifke said she anticipates that the water rates will probably go up again in January. Mayor Lowther confirmed that the Erie County Water Authority

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will be raising the rate January 1, 2008 and the Village will be holding a public hearing January 14, 2008 regarding the proposed increase. Ms. Schlifke said she knows the Village Board has no power over the rate hikes. She said she has complained in the past about the sewer charge on her water bill. Three or four years ago she said there was a new development across the street from her and they had to connect into the sewer line in front of her house. She had a hole in front of her house and the developer put in some sod. She watered it all summer long and got a bill for the water she used to water the sod. Then the sod died and she had to replace it and water it again. Then there was a water main break in front of her house and she had to water it again and she bought more seed. Ms. Schlifke thinks she is paying a sewer charge that is more than she should be paying. Trustee Kingsley said he will be looking at the surcharge. He would like to modernize the way we charge the water rates. He believes they are higher than the water rates of other municipalities.

Thomas Frank, 225 C Evans Street – Mr. Frank said there have been 3 water line breaks in the last year on Evans. He thinks there has to be integration between the hydrology of Ellicott Creek with the Niagara Power Project. Everything is inter-related.

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 Piazza, the following resolution was adopted:

RESOLVED, that payroll and vouchers in the amount of **\$266,604.23**, covering the period from **November 12, 2007** to **December 11, 2007**, are hereby approved as follows:

Payroll covering: 11/12/07– 11/25/07:	\$28,670.18
Payroll covering: 11/26/07 – 12/9/07:	\$26,301.78

Vouchers covering: 11/21/07 – 12/11/07:

General Fund	\$107,777.07
Water Fund	\$43,051.38
Sewer Fund	\$4,486.95
Glen Park Fund	\$9,570.63
Trust & Agency Fund	\$23,881.65
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$22,864.59
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	\$211,632.27

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Grand Total:

\$266,604.23

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made to the **General Fund** for the **2007 – 2008** fiscal year:

To: 001-1410-4450 (Village Clerk – Misc.)	\$546.00
From: 001-1410-4120 (Village Clerk – Bond & Note Exp.)	\$546.00
To: 001-1420-4620 (Law/Attorney - Opinions)	\$2750.00
From: 001-1990-4000 (Contingent Account)	\$2750.00
To: 001-1410-4450 (Village Clerk – Misc.)	\$546.00
From: 001-1410-4120 (Village Clerk – Bond & Note Exp.)	\$546.00
To: 001-1420-4620 (Law/Attorney - Opinions)	\$2750.00
From: 001-1990-4000 (Contingent Account)	\$2750.00
To: 001-1410-4160 (Engineer-Professional Fees)	\$314.00
From: 001-1410-4090 (Village Clerk-Education Exp/Travel)	\$314.00
To: 001-3410-4280 (EMS Supplies)	\$72.00
From: 001-3410-2020 (Expendable)	\$72.00
To: 001-5110-4161-0909 (Street Maint. Repairs – 909)	\$1015.00
From: 001-5110-4161-0905 (Street Maint. - Repairs – 905)	\$1015.00
To: 001-5110-4610 (Street Maint. – Physicals/Eye Exam/Safety Glasses)	\$126.00
From: 001-5110-4280 (Street Maint. – Equip. Rental)	\$126.00
To: 001-5142-4460 (Snow Removal-Lawn Repair)	\$263.00
From: 001-5142-4162 (Snow Removal – Repairs/Other)	\$263.00
To: 001-7540-4450 (Williamsville Water Mill-Misc.)	\$17.00
001-7540-4070 (Williamsville Water Mill-Utilities)	\$199.00
001-7540-4160 (Williamsville Water Mill-Bldg. Repairs)	\$2940.00
From: 001-7540-4980 (Williamsville Water Mill-Bldg. Preservation)	\$3156.00
To: 001-5110-4161-0906 (Street Maint.-Repairs)	\$507.00
From: 001-5110-4161-0901 (Street Maint.-Repairs)	\$507.00

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To: 001-8162-4161 (Leaf Pickup-Repairs) \$646.00
From: 001-8162-4700 (Leaf Pickup-Composting) \$646.00

To: 001-5110-4161-0909 (Street Maint.-Repairs) \$50.00
From: 001-5110-4161-0901 (Street Maint.-Repairs) \$50.00

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 **Water Fund** for the **2007 – 2008** fiscal year:

To: 006-8340-4500 (Water Transmission-Water Testing) \$26.00
From: 006-8340-4260 (Water Transmission-Maint. Supplies) \$26.00

To: 006-8340-4500 (Water Transmission-Water Testing) \$750.00
From: 006-8340-4102 (Water Transmission-Leak Detection) \$750.00

Unanimously carried.

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

RESOLVED, that *Lynda L. Juul, Administrator/Clerk-Treasurer*, is hereby appointed *Records Management Officer* for the **2007-2008** official Village year.

Unanimously carried.

- **Mayor Lowther announced that the proposed resolution to appoint a Deputy Treasurer was being withdrawn from the agenda this evening.**

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

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held in Williamsville Village Hall, 5565 Main Street,

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Williamsville, New York, on January 14, 2008 at 7:35 pm to hear all persons interested in discussing a proposed 2008 water rate increase.

Unanimously carried.

ON MOTION by Trustee Kingsley, seconded by Trustee Piazza, it was moved to go off the agenda to consider a new resolution.

Unanimously carried.

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

RESOLVED, that the appointments of Marie Robillard of 79 Steinway Ct., Williamsville, New York, and Carol Strahl of 104 A Wellington Ct., Williamsville, New York, as temporary archivists for the Mill Restoration Committee, are hereby extended until the Mill archiving work is completed.

Unanimously carried.

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

Unanimously carried.

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

RESOLVED, that *Jack Thompson of 127 Cadman Drive, Williamsville, New York*, is hereby appointed to the *Village Community Response Committee* for the *2007-2008* official Village year.

Unanimously carried.

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

RESOLVED, that *James Lion, Jr. of 122 Columbia Drive, Williamsville, New York*, is hereby appointed to the *Village Community Response Committee* for the *2007-2008* official Village year.

Unanimously carried.

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

WHEREAS, the Village of Williamsville Board of Trustees in 2004 assumed a mortgage and purchased a parcel of land owned by Warren Miller which consisted of the “*Mill*” (56 E. Spring St.), the “*Red House*” (60 E. Spring St.), and the “*Ely-Zent House*” (80 E. Spring St.) at the time of said purchase; and

WHEREAS, the Village of Williamsville in 2005 requested historical and preservation grants for the entire parcel from the New York State Historic Preservation Office; and

WHEREAS, the said grants from the New York State Historic Preservation Office placed a preservation covenant on the entire parcel, including but not limited to, the “*Mill*” (56 E. Spring St.), the “*Red House*” (60 E. Spring St.), and the “*Ely-Zent House*” (80 E. Spring St.); and

WHEREAS, the “*Mill*” (56 E. Spring St.), and the “*Red House*” (60 E. Spring St.), are on the national, state and local historic registries;

BE IT RESOLVED THAT, the Village of Williamsville Board, consistent with the obligations and covenants set forth above, is committed to restoring the entire parcel of land including but not limited to the “*Mill*” (56 E. Spring St.), the “*Red House*” (60 E. Spring St.), and the “*Ely-Zent House*” (80 E. Spring St.).

**Mayor Lowther stated that she reluctantly was supporting this resolution because she believes it was not the intention of prior Boards to restore all three buildings and that the other two buildings would be restored by others. Trustee Kingsley stated he believes it is important for the Village to move forward with the restoration of the whole parcel to be consistent with the covenant. Trustee Kulpa stated that he wants this project to be viewed in a positive way because he believes that all three buildings form the historic foundation of both the Village and the Town. Trustee Geary expressed his confidence in the Mill Restoration Committee.*

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Unanimously carried.

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

BE IT RESOLVED THAT, that Village of Williamsville hereby adopts and supports the Mill Restoration Committee Mission Statement which states that:

“The Mill Restoration Committee’s goal is to restore and preserve the Mill property and its structures consistent with the Village of Williamsville’s historic character. The Mill Restoration Committee will achieve this goal by raising money and awareness that will harness the power and creativity of the Western New York community and its future generations to restore this local, state, and national historic landmark.”

Unanimously carried.

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

BE IT RESOLVED THAT, the Mill Restoration Committee, an advisory committee for the Village of Williamsville formed in July of 2007, is charged with providing the Village of Williamsville Board a formal recommendation with respect to three main points:

1. Picking a date of historical significance for the “*Mill*” (56 E. Spring St.), the “*Red House*” (60 E. Spring St.), and the “*Ely-Zent House*” (80 E. Spring St.)
2. Outlining and suggesting possible future uses for “*Mill*” (56 E. Spring St.), the “*Red House*” (60 E. Spring St.), and the “*Ely-Zent House*” (80 E. Spring St.); and
3. Finding alternatives revenue sources, in the form of grants, corporate sponsorship and the possible formation of the not-for-profit organization to offset this multi-million dollar restoration project of the “*Mill*” (56 E. Spring St.), the “*Red House*” (60 E. Spring St.), and the “*Ely-Zent House*” (80 E. Spring St.), which also includes, but is not limited to, the \$450,000 purchase price of the parcel, from being placed on the Village of Williamsville taxpayers.

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized to sign the *Penflex, Inc. Service Fee Agreement* for the Village of *Williamsville Firefighter Length of Service Award Program*, for the period from *November 1, 2007 to October 31, 2008*.

Unanimously carried.

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

WHEREAS, the Village is required by the New York State Pollution Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems GP-02-01 to adopt a local law or other regulatory mechanism requiring certain land development activities to implement erosion and sediment controls and to adopt a local law or other regulatory mechanism prohibiting non-stormwater discharges to the municipal separate storm sewer system; and

WHEREAS, the Village drafted Local Law Introductory No. 4 of 2007 (“Erosion and Sediment Control Local Law”) and Local Law Introductory No. 5 of 2007 (“Illicit Discharge Detection and Elimination Local Law” and collectively, the “Local Laws”) using model language from the New York State Department of Environmental Conservation (“DEC”) and the New York State Department of State; and

WHEREAS, the Village Board referred the Erosion and Sediment Control Local Law to the Erie County Division of Planning/Niagara County Planning Board in accordance with General Municipal Law § 239-m; and

WHEREAS, the Village Board, as lead agency with respect to the adoption of the Local Laws (the “Action”), used a short EAF to determine the environmental significance of the Action in accordance with §§ 617.6 and 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village held a public hearing on the Local Laws on December 17, 2007 to hear comments from the public regarding the Local Laws and to consider any negative environmental impacts of the Action in accordance with § 617.7 of Title 6 of the NYCRR; and

WHEREAS, the Village Board reviewed and considered any comments from the general public concerning the adoption of the Local Laws and concerning any negative environmental impacts of the Action; and

WHEREAS, the Village Board determined that the Action will have no significant

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adverse environmental impacts and will issue a negative declaration in accordance with §617.7 of Title 6 of the NYCRR,

NOW, THEREFORE BE IT RESOLVED, that the Village Board hereby issues a negative declaration of environmental significance, attached hereto as Exhibit A, with respect to the Action; and

BE IT FURTHER RESOLVED, that the Village Board does hereby adopt the Erosion and Sediment Control Local Law, to be known as **Local Law 4 of 2007**, attached hereto as Exhibit B, and the Illicit Discharge Detection and Elimination Law, to be known as **Local Law 5 of 2007**, attached hereto as Exhibit C; and

BE IT FURTHER RESOLVED, that the Village Board authorizes the filing of the Local Laws with the New York State Department of State in accordance with § 27 of the New York State Municipal Home Rule Law.

Unanimously carried.

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EXHIBIT A

Negative Declaration

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EXHIBIT B

Erosion and Sediment Control Local Law

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EXHIBIT C

Illicit Discharge Detection and Elimination Local Law

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

RESOLVED, that the *Model Stormwater Plan*, as developed by the Western New York Stormwater Coalition, is hereby adopted.

Unanimously carried.

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

RESOLVED, that the General Crew Chief of the Village of Williamsville is hereby appointed Stormwater Management Officer.

Unanimously carried.

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

RESOLVED, that the following fee schedule pertaining to Stormwater Management Erosion and Sediment Control is hereby adopted:

**Stormwater Management
Erosion & Sediment Control Fee Schedule**

Single-Phase Residential & Commercial Development Projects (Scheme A):

0-5 Acres:	\$500
5-10 Acres:	\$500 + \$350 = \$850
10+ Acres:	\$850 + \$300 for each additional 5 acres

Multi-Phase Residential & Commercial Development Projects (Scheme B):

- 1) When entire project is first being reviewed and approved, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
- 2) Additional \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of each subsequent phase.

Unanimously carried.

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

RESOLVED, that Michael Olszanski is hereby authorized for transitional duty, upon providing to the Village Administrator written approval from his physician, along with a list of approved tasks he can perform. This shall last for a period of 30 days from the date of commencement following the receipt of the physician's statement.

Unanimously carried.

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

WHEREAS, the Village of Williamsville Environmental Advisory Council's mission is to advise and support matters that impact on the beauty, biological integrity, and environmental quality of the community; and

WHEREAS, the Village of Williamsville recognizes that actions to protect and preserve the environment through education, partnership, and positive action should be encouraged.

NOW, THEREFORE, BE IT RESOLVED, that April 26, 2008 is hereby proclaimed Earth Day in the Village of Williamsville.

Unanimously carried.

- **Mayor Lowther announced that the resolution for the 2008 Community Development Block Grant Funding was being withdrawn until the next meeting in January.**

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

RESOLVED, that *Nicholas Perino of 40 Hillside Drive, Williamsville, New York*, is hereby appointed to the *Traffic and Safety Committee*, until the end of the *2007-2008* official Village year.

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn to Executive Session to discuss a personnel matter at 9:20 p.m.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Kingsley, it was moved to close the Executive Session at 9:38 p.m.

Unanimously carried.

ON MOTION by Trustee Geary, seconded by Trustee Kingsley, it was moved to return to the regular agenda at 9:39 p.m.

Unanimously carried.

ON MOTION by Trustee Kingsley, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 9:40 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer