

**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, March 10, 2008 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  
Brian J. Geary, Trustee  
Jeffrey L. Kingsley, Trustee  
Brian J. Kulpa, Trustee  
Basil J. Piazza, Trustee

Christopher Cardillo, Village Attorney  
Lynda L. Juul, Administrator/Clerk-Treasurer  
Judith A. Kindron, Deputy Treasurer  
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 February 25, 2008.

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 sole member of the audience who addressed the Board and his topics:*

*Thomas Frank, 225C Evans St. – Lockport Bicentennial meeting; Conflicting meeting dates for Town of Amherst and Village of Williamsville; Niagara Greenway Commission meeting on March 18th; Village priorities; State of the Village address; Community Plan; Town Plan; UB 2020 Plan; Traffic & Safety Committee; Williamsville toll barrier.*

**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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From: 001-1010-4450 (Board of Trustees-Misc.)	\$9.00
To: 001-5110-4161-0918 (Street Maint.- Repairs-918)	\$740.00
From: 001-5110-4161-0910 (Street Maint. - Repairs-910)	\$740.00
To: 001-5142-4163 (Snow Removal-Repairs-Hydraulics)	\$348.00
From: 001-5142-4161 (Snow Removal-Repairs-Plows)	\$348.00
To: 001-3410-4160-3405 (Fire Protection-Truck Exp.-Rescue 5)	\$517.00
From: 001-3410-4160-3491 (Fire Protection-Truck Exp.-Asst. Chief Vehicle)	\$517.00
To: 001-3410-4160 (Fire Protection-Truck Exp.)	\$256.00
From: 001-3410-4160-3492 (Fire Protection-Truck Exp.-Asst. Chief Vehicle)	\$256.00
To: 001-3410-4250 (Fire Protection-Gas/Oil)	\$57.00
From: 001-3410-4160-3409 (Fire Protection-Truck Exp.-Chief's Vehicle)	\$57.00
To: 001-3410-4280 (Fire Protection-EMS Supplies)	\$68.00
From: 001-3410-2010 (Fire Protection-Major Equipment)	\$68.00
To: 001-1410-4110 (Village Clerk-Service Contracts)	\$126.00
From: 001-1410-4600 (Village Clerk-Computer Support)	\$126.00
To: 001-1411-4450 (Records Mgt.-Misc.)	\$87.00
From: 001-1411-4010 (Records Mgt.-Office Supplies)	\$87.00
To: 001-5110-4161-0915 (Street Maint.-Repairs-1991Elgin)	\$386.00
From: 001-5110-4161-0914 (Street Maint.-Repairs-2001 Trackless Sidewalk)	\$386.00
To: 001-5142-4460 (Snow Removal-Lawn Repair)	\$1.00
From: 001-5142-4450 (Snow Removal-Misc.)	\$1.00
To: 001-7540-4070 (Williamsville Water Mill-Utilities)	\$500.00
From: 001-7540-4980 (Williamsville Water Mill-Building Preserv.)	\$500.00
To: 001-7110-4169 (Parks-Repairs-Other)	\$90.00
From: 001-7110-2020 (Parks-Equip.)	\$90.00
To: 001-7550-4960 (Celebrations-Comm. Appreciation)	111.00
From: 001-7550-4520 (Celebrations-Music in the Park)	\$111.00
To: 001-5010-4450 (Street Admin.-Misc.)	\$88.00
From: 001-5010-4040 (Street Admin.-Ed. Exp./Travel)	88.00
To: 001-1920-4000 (Municipal Assoc. Dues)	\$332.00
From: 001-1910-4000 (Unallocated Insur.)	\$332.00

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To:	001-5142-4163 (Snow Removal-Repairs-Hydraulics)	\$147.00
From:	001-5142-4164 (Snow Removal-Repairs-Sidewalk Plows)	\$147.00
To:	001-5110-4161-0906 (Street Maint.-Repairs-#906)	\$53.00
	001-1640-4161 (Central Garage-Sm. Equip. Repairs)	\$99.00
From:	001-5110-4111-0906 (Street Maint.-Service Contracts)	\$152.00
To:	001-5010-4010 (Office Supplies)	\$105.00
From:	001-5010-4040 (Edu. Exp./Travel)	\$105.00
To:	001-5142-4162 (Snow Removal-Repairs-Other)	\$1814.00
From:	001-5142-4161 (Snow Removal-Repairs-Plows)	\$1284.00
	001-5142-4164 (Snow Removal-Repairs-Sidewalk Plows)	\$390.00
	001-5142-2000 (Snow Removal-Equip.)	\$140.00

Unanimously carried.

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

**RESOLVED**, that the following *budget transfer* is hereby made in the Water Fund for the **2007 – 2008** fiscal year:

To:	006-8340-4450 (Water Transmission-Misc.)	\$1.00
From:	006-8340-4163 (Water Transmission-Repairs-Repairs-Valves)	\$1.00
To:	006-8340-4500 (Water Transmission-Water Tests)	\$75.00
From:	006-8340-4163 (Water Transmission-Repairs-Valves)	\$75.00
To:	006-8340-4260 (Water Transmission-Maint.-Supplies)	\$5.00
From:	006-8340-4161 (Water Transmission-Repairs-Equip.)	\$5.00

Unanimously carried.

**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, March 10, 2008 at 7:30 p.m.**

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

**RESOLVED**, that the following *budget transfer* is hereby made in the **Glen Park Fund** for the **2007 – 2008** fiscal year:

To:	009-7141-4351 (Glen Park-Supplies)	\$155.00
From:	006-7141-4352 (Glen Park-Maint.)	\$155.00

Unanimously carried.

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

**RESOLVED**, that the following *budget transfer* is hereby made in the **Sewer Fund** for the **2007 – 2008** fiscal year:

To:	007-8120-4450 (Sanitary Sewers-Misc.-SPDES Permit)	\$370.00
From:	007-8120-4162 (Sanitary Sewers-Repairs-Equip.)	\$370.00
To:	007-8120-4450 (Sanitary Sewers-Misc.)	\$1155.00
From:	007-8120-4161 (Sanitary Sewers-Repairs-Televised Lines)	\$1155.00
To:	007-8120-4110 (Sanitary Sewers-Service Contracts)	\$342.00
From:	007-8120-4161 (Sanitary Sewers-Repair-Lines)	\$342.00

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 a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville at 7:35 P.M. on Monday, April 14, 2008, in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in expressing an opinion on the proposed **2008-2009 General Fund, Glen Park Activities Fund and Debt Service Fund budgets.**

Unanimously carried.

**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, March 10, 2008 at 7:30 p.m.**

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

**RESOLVED**, that the Village Administrator is hereby authorized to publish a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville at 7:40 P.M. on Monday, April 14, 2008, in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in expressing an opinion on the proposed ***Sewer Fund Budget and the Sewer Rent rates for the 2008-2009 year*** per Section 78-2(A) of the Sanitary Sewer Rents Code.

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 a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville at 7:45 P.M. on Monday, April 14, 2008 in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in expressing an opinion on the proposed ***2008-2009 Water Fund Budget***.

Unanimously carried.

**Report – Trustee Kulpa**

*Trustee Kulpa reported on the following topics: Green Event Series at the Meeting House; Meeting with Chris Collins and other E.C. officials about the County's plan to widen Wehrle Drive; Traffic and Safety Committee and parking issues; Meeting House Book Club's next meeting will be March 12<sup>th</sup>; Second Green Series event will be held on March 15<sup>th</sup> at 1:00pm.*

**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, March 10, 2008 at 7:30 p.m.**

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

**WHEREAS**, the University at Buffalo is a member of the prestigious Association of American Universities; and

**WHEREAS**, the University at Buffalo is the largest and most comprehensive campus in the 64 campus State University of New York System; and

**WHEREAS**, the University at Buffalo's Student body is over 28,000 students and employs over 11,700 people; and

**WHEREAS**, the University at Buffalo is a comprehensive, research intensive public university dedicated to excellence; and

**WHEREAS**, the University at Buffalo spends more than \$267 million annually on research; and

**WHEREAS**, UB 2020 aims to increase the student body to 37,000 and employ 19,781 people in the Buffalo Niagara region; and

**WHEREAS**, UB 2020 is expected to increase the economic impact of the University by over \$1 billion to over \$2.6 billion by the year 2020; and

**WHEREAS**, the University at Buffalo has a comprehensive plan to become one of the top research universities in the country, while greatly improving the economy and community in Western New York; and

**WHEREAS**, Western New York, the State of New York and the Village of Williamsville will benefit from the ambition goals of the University at Buffalo UB 2020 plan;

**NOW, THEREFORE, BE IT RESOLVED**, that the members of this body support the goals and spirit of UB 2020; and

**BE IT FURTHER RESOLVED**, that this body, representing the Village of Williamsville, encourages elected officials and citizens across New York State to support the University at Buffalo by learning more about UB 2020 and integrating the University's plan into the Regional Framework for Growth and realize its implications for associated community development and plans.

Unanimously carried.

**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, March 10, 2008 at 7:30 p.m.**

**Report – Trustee Kingsley**

*Trustee Kingsley reported on the following topics: The next Mill Restoration Committee meeting will be held on March 27th; Rent for Restoration; Youth & Recreation Committee's Egg Hunt will be held on March 22nd at Lehigh Trail; Youth & Recreation will meet on March 18<sup>th</sup>; Zoning Board of Appeals will not be meeting in March; Fire Service Awards post entitlement age accrual.*

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

**WHEREAS**, all committees in the Village of Williamsville are apolitical pursuant to its respective mission statement and corresponding guidelines set forth by NYCOM in order to maintain and serve the Village of Williamsville as a whole; and

**WHEREAS**, volunteering for any and all committees in the Village of Williamsville is a privilege and not a right and thereby subject to the rules and obligations set forth by the Village of Williamsville Board; and

**WHEREAS**, it is the Village of Williamsville Board's obligation to maintain all committees' apolitical nature in order for the committees to focus on serving the Village of Williamsville as a whole; and

**WHEREAS**, to maintain open, honest, and efficient committees;

**BE IT RESOLVED**, that if any committee member uses his/her position on said committee in a manner that contradicts the apolitical nature of the committee as determined by the Village of Williamsville Board, that committee member shall be removed from any and all committees he/she is on with the Village of Williamsville effective immediately.

Unanimously carried.

- *Trustee Kingsley tabled a resolution proposing to reduce the size of the Village Board from five to three members via public referendum, until March 24, 2008.*

**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, March 10, 2008 at 7:30 p.m.**

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

**WHEREAS**, The Mill Restoration Historical Preservation Subcommittee made a presentation before the Village of Williamsville Board on February 25, 2008 discussing various periods of historical significance for the Mill Parcel which includes but is 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**, selecting a date of historical significance is a condition precedent to finalizing the terms and conditions of the grants issued by the New York State Historical Preservation Office; and after due deliberation by the Village of Williamsville,

**BE IT RESOLVED**, that the Village of Williamsville hereby selects 1811 to 1827 until 1946 as the period of historical significance for the Mill parcel which includes but is 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.).

Unanimously carried.

**Report – Trustee Geary**

*Trustee Geary reported on the following topics: Tree planting; Re-Tree WNY; Tree requests from Village residents; Re-forest lost trees; Village wading pools; Village baseball diamonds; Big Toy for Garrison Park; Beautification Committee.*

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

**RESOLVED**, that the Village of Williamsville Board of Trustees hereby authorizes the Town of Amherst to maintain the South Long Street ball diamonds for the 2008 softball season. As part of this authorization, the Town of Amherst will collect fees and be responsible for scheduling all games with the full understanding that any Village of Williamsville team will be given first preference in the scheduling of games.

Unanimously carried.

**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, March 10, 2008 at 7:30 p.m.**

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

**RESOLVED**, that the Village Board of Trustees hereby approves the *Volunteer Firefighters Service Award Program* list of all 2007 active volunteer firefighters for the Village of Williamsville and hereby authorizes the Mayor to sign the authorization for Penflex, Inc. to use the data submitted for the 2007 records.

Unanimously carried.

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

**INCORPORATED VILLAGE OF WILLIAMSVILLE  
RESOLUTION OF THE BOARD OF TRUSTEES**

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In the Matter of Retroactively  
Correcting an Error in the  
Administration of the  
Williamsville Fire Department  
Service Award Program

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WHEREAS, Voters of the Incorporated Village of Williamsville approved a referendum to establish a Service Award Program for the volunteer firefighters of the Williamsville Fire Department effective January 1, 1992 in accordance with Article 11-A of the New York State General Municipal Law; and,

WHEREAS, Persons who continue to serve as active volunteer firefighters of the Williamsville Fire Department, with a Service Award Program currently administered by

**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, March 10, 2008 at 7:30 p.m.**

Penflex, Inc., after having attained the Entitlement Age and having begun to be paid Service Award Program monthly payments have not been given the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after the attainment of Entitlement Age; and,

WHEREAS, such denial of the opportunity for senior active volunteer firefighters to earn Service Award Program credit may be age discrimination which has been prohibited under ADEA, the federal Age Discrimination in Employment Act; and,

WHEREAS, New York State volunteer firefighter Service Award Programs are governed by Article 11-A of the General Municipal Law; and,

WHEREAS, Article 11-A as originally enacted did not prohibit active volunteer firefighters, regardless of age or payment status, from earning Service Award Program credit up to the maximum credit allowed under a program; and

WHEREAS, Article 11-A was amended by Chapter 647 of the laws of 2003 to explicitly state that a Service Award Program may allow post Entitlement Age volunteers to continue to earn credit.

Now, Therefore, BE IT RESOLVED, That:

**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, March 10, 2008 at 7:30 p.m.**

The Board of Trustees of the Incorporated Village of Williamsville, by the adoption of this resolution, directs the Administrator of the Williamsville Fire Department Service Award Program, currently administered by Penflex, Inc., to administer said program, retroactively to January 1, 1992, to allow post Entitlement Age active volunteer firefighters to earn Service Award Program service credit under the point system and to thereby increase their monthly Service Award payments by twenty dollars (\$20) for each year of post Entitlement Age service credit earned under the point system. Such payment increases shall be effective the January 1<sup>st</sup> following the year in which the additional service credit was earned and the payment certain period remaining shall be based on the original service award payment commencement date (the effective date of the first monthly service award payment made after the attainment of entitlement age). A firefighter who earns service credit during the calendar year the firefighter attained the Entitlement Age shall continue to be paid the additional \$20 service award retroactive to the Firefighter's payment commencement date. The retroactive payments owed shall be made to eligible active volunteer firefighters from the current Trust Fund assets as soon as administratively possible after the eligible firefighters sign a release. Service credit shall continue to be limited by the maximum years of service credit allowed under the provisions of the Service Award Program. The estimated cost of this change in administrative procedures is \$217,000.00 as of March 10, 2008, and the Village Board intends on amortizing this cost for up to ten (10) years.

**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, March 10, 2008 at 7:30 p.m.**

All other provisions of the Williamsville Fire Department Service Award Program shall not change and the program shall continue to be administered by the Board of Trustees of the Incorporated Village of Williamsville in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

Unanimously carried.

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topics: Hawk Creek Wildlife Center is looking for volunteers; AUC has saved taxpayers a total of \$236,000; AUC meets on March 11<sup>th</sup>; Environmental Committee meets on March 17<sup>th</sup>.*

*Trustee Piazza had no resolutions.*

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to adjourn the meeting at 8:20 p.m.

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Lynda L. Juul  
Village Administrator/Clerk-Treasurer