

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, November 24, 2008 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
Brian J. Geary, Trustee
Brian J. Kulpa, Trustee
Jeffrey L. Kingsley, Trustee
Basil J. Piazza, Trustee

Charles D. Grieco, 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 Kulpa, it was moved to approve the minutes of the regular meeting held on November 10, 2008.

Unanimously carried.

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

Unanimously carried.

- ***A public hearing was held to hear all persons interested in discussing a proposed local law to amend the Village Code to add Section 112-27 (Drive-In Service Facilities).***

ON MOTION by Trustee Piazza, seconded by Trustee Kingsley, it was moved to close the public hearing at 8:15 p.m.

Unanimously carried.

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

Unanimously carried.

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The members of the audience who addressed the Board and their topics:

Leslie Senglaub, Attorney for McDonald's Corp. – McDonald's; Community Plan.

Paul Roth, 135 Oakgrove Dr. – Spot Coffee.

Carolyn Schlifke, 192 Evans St. – Exceptional Development.

David Brody, 5547 Main St. - Community Plan.

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

Unanimously carried.

Report – Mayor Lowther

- *Mayor Lowther reported on the following topics: Local Government Efficiency Grant application with Town of Amherst; Erie Co. Association of Government Officials joint meeting; Movie at the Meeting House; Seasons in the Village 12/6: Santa at the Mill, hayrides, tree lighting, bonfire.*

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

RESOLVED, that payroll and vouchers in the amount of **\$730,984.82**, covering the period from **10/27/08** to **11/19/08**, are hereby approved as follows:

Payroll covering: 10/27/08– 11/09/08: \$34,645.77

Vouchers covering: 11/06/08 – 11/19/08:

General Fund	\$60,886.88
Water Fund	\$5,028.35
Sewer Fund	\$553,389.90
Glen Park Fund	\$184.97
Trust & Agency Fund	\$9,414.59
Debt Service	\$67,434.36
Community Development	\$0.00

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Capital Fund	\$0.00
	<u>\$696,339.05</u>

GRAND TOTAL: **\$730,984.82**

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 in the *General Fund* for the *2008-2009* fiscal year:

To:	001-3410-4160-3492 (Fire Protection-Truck Exp./Asst. Chief Vehicle)	\$713.00
From:	001-3410-4160-3403 (Fire Protection-Truck Exp./Engine 3)	\$713.00

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 in the *General Fund* for the *2008-2009* fiscal year, to account for payment received from GEICO for property damage from 6/13/07 accident:

Increase:	001-0001-2680 (Insurance Recoveries)	\$1858.00
Increase:	001-5182-4270 (Street Lighting-Repair Lights)	\$1858.00

Unanimously carried.

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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 *2008-2009* fiscal year, to account for a donation from the Friends of Williamsville Parks for the Garrison Park Project:

Increase:	001-0001-2705 (Gifts and Donations)	\$5226.00
Increase:	001-7110-2050 (Parks-Playground Equipment)	\$5226.00

Unanimously carried.

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

RESOLVED, that the Administrator is hereby authorized to publish Notice of a Public Hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, December 15, 2008, at 7:35 p.m., in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing an Exceptional Development Permit for the proposed split of a residential parcel located at *151 Arend Ave.*, in the Village of Williamsville, as per Chapter 28-5 D(3) of the Village Code.

Unanimously carried.

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

RESOLVED, that the Administrator is hereby authorized to publish Notice of a Public Hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, December 15, 2008, at 7:40 p.m., in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing an Exceptional Development Permit for the proposed split of a residential parcel located at *116 Evans Street*, in the Village of Williamsville, as per Chapter 28-5 D(3) of the Village Code.

Unanimously carried.

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

RESOLVED, that Village Administrator Lynda L. Juul and Deputy Treasurer Judith A. Kindron are hereby authorized to attend the GFOA Western Region Seminar in Rochester, New York, on 12/5/08, at a cost not to exceed \$150.00, to be paid by the Village of Williamsville.

Unanimously carried.

Report – Trustee Kingsley

- *Trustee Kingsley reported on the following topics: Thanked Brian Kulpa for spearheading Shared Services Committee; Youth & Rec. Committee will sponsor the Tree Lighting festivities on 12/6; Mill Restoration Committee; Mill Consultant.*

ON MOTION by Trustee Kingsley, 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 15, 2008, at 7:45 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 2009 Community Development Block Grant Funds.

Unanimously carried.

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

RESOLVED, that Preservation Studios is hereby engaged to perform consulting services relating to the re-use of the Williamsville Water Mill as outlined in Phase I and Phase II of their Second Revised Proposal dated October 30, 2008, at a cost not to exceed \$17,000.00.

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On the question:

- Mayor Lowther – In favor of this but has an issue with the cost and not bidding out the project. She is not comfortable without RFP/RFQ. She is not against Preservation Studios or the Mill, and it is not legally required to get bids, but feels it would be prudent to do so.
- Trustee Kingsley – Believes that Preservation Studio has the expertise and the Village hasn't done anything since the purchase of the Mill in 2004. There are three phases to the proposal, with the third phase likely to be bid out. Maintains the Village needs an intended use of the Mill for grant application purposes.
- Trustee Geary – Supports the resolution.
- Trustee Piazza – Believes we are in a situation where the next round of grants could be missed if we don't move forward.
- Trustee Kulpa – Understands Mayor's position but feels this is a unique situation.

ROLL CALL:	Trustee Kingsley	Yes
	Trustee Geary	Yes
	Trustee Piazza	Yes
	Trustee Kulpa	Yes
	Mayor Lowther	No

Motion carried. 4 – 1.

Report – Trustee Geary

- *Trustee Geary reported on the following topics: Erie Co. Association of Government Officials meeting; Tree planting earlier this month; S. Long Park survey.*

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

RESOLVED, that Greg Smith, Adam Oehmler, Tim Petrie, Jason Caya and James C. Oliveri of the Williamsville Fire Department, are hereby authorized to travel to Emmitsburg, Maryland, to attend the National Fire Academy for

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training from 3/6/09 to 3/8/09, at a cost not to exceed \$1,000.00, to be paid by the Village of Williamsville.

Unanimously carried.

- *Trustee Geary announced that the resolution to approve the Fire District contracts was being held until the December 15, 2008 Village Board meeting.*

Report – Trustee Piazza

- *Trustee Piazza reported on the following topics: Environmental Committee; NYSERDA; Home Holiday Lighting Contest; ECWA.*

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

RESOLVED, that the Administrator is hereby authorized to publish legal Notice of a Public Hearing to be held by the Board of Trustees of the Village of Williamsville, in Village Hall, 5565 Main Street, Williamsville, New York, on Monday, December 15, 2008, at 7:50 p.m., to hear all persons interested in discussing a proposed 2009 water rate increase.

Unanimously carried.

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

WHEREAS, the Village Administrator has advertised for the sale of surplus Department of Public Works equipment and bids were opened on Wednesday, November 5, 2008,

NOW, THEREFORE, BE IT RESOLVED, that the surplus property is sold as set forth in the Bill of Sale to Casey's Truck Salvage World, Inc., 5651 Transit Road, Depew, New York, as follows:

One (1) 1994 Ford F250 Pickup Truck for a total sale price of Two-Hundred Fifty dollars (\$250.00).

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Unanimously carried.

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

WHEREAS, the Village Administrator has advertised for competitive bids for one (1) new 2008 or 2009 Ford F350 XL or equivalent; and

WHEREAS, the bid was duly advertised on November 5, 2008; and

WHEREAS, all submitted bids were opened on November 19, 2008 at 2:00 PM at the Village Clerk's Office, 5565 Main Street, Williamsville, New York; and

WHEREAS, the Village of Williamsville reserves the right to reject any and all bids; and

WHEREAS, Dave Smith Ford has submitted a bid that satisfies all specifications and all competitive bidding requirements for the Village of Williamsville, as outlined in NYS General Municipal Law;

NOW, THEREFORE, BE IT RESOLVED, that the bid for one (1) 2009 Ford F350 XL is hereby awarded to Dave Smith Ford, for the amount of \$23,877.00, as per their bid proposal dated November 19, 2008.

Unanimously carried.

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

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) coordinates the activities of the Western New York Stormwater Coalition (WNYSC); and

WHEREAS, the ECDEP has assumed the role of lead agency and has pursued grant funding to support the work of the WNYSC since its inception; and

WHEREAS, the Village of Williamsville is a member of the WNYSC; and

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WHEREAS, the New York State Department of State solicited applications for projects that target shared services through its 2008-2009 Local Government Efficiency Grant Program; and

WHEREAS, the ECDEP, in cooperation with the WNYSC, has prepared a grant application for an Outfall Inspection and Illicit Discharge Track Down Project Proposal; and

WHEREAS, the required local match of 10% will provided by the WNYSC members' annual membership fees; and

WHEREAS, the Co-Applicants to this application are the members of the WNYSC: Village of Alden, Town of Alden, Town of Amherst, Village of Angola, Town of Aurora, Village of Blasdell, Town of Boston, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Village of Depew, Village of East Aurora, Town of Eden, Town of Elma, Town of Evans, Town of Grand Island, Town of Hamburg, Village of Hamburg, Village of Kenmore, City of Lackawanna, Village of Lancaster, Town of Lancaster, Village of Orchard Park, Town of Orchard Park, Village of Sloan, City of Tonawanda, Town of Tonawanda, Town of West Seneca, Village of Williamsville, Town of Cambria, Village of Lewiston, Town of Lewiston, Town of Niagara, Niagara Falls Water Board, City of North Tonawanda, Town of Pendleton, Town of Porter, Town of Wheatfield, Village of Youngstown, County of Erie, County of Erie - Sewer District #6, County of Niagara, Buffalo and Fort Erie Peace Bridge Authority, State University of New York at Buffalo; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville authorizes the ECDEP to submit an application to the Local Government Efficiency Grant Program for the 2008-2009 funding year; and

BE IT FURTHER RESOLVED, that Chris Collins, Erie County Executive is the Lead Applicant Contact Person and is authorized to execute all financial and/or administrative processes relating to the grant program; and

BE IT FURTHER RESOLVED, that the required local match of 10% to be provided by the Village of Williamsville will come from its membership in the WNYSC and the annual membership fee it pays; and

BE IT FURTHER RESOLVED, that upon approval of said grant request, the Village of Williamsville will enter into an Inter-municipal Agreement, where the shared services of the proposed project are listed in detail, with the co-applicants.

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Unanimously carried.

Report – Trustee Kulpa

- *Trustee Kulpa reported on the following topics: Thanked Judy Kindron and the Beautification Committee for assistance with the new Commons area in front of Village Hall; Thanked DeanSutton Architects and Administrator Juul for assistance with the Meeting House Restoration project; Glen Park Joint Board meeting 12/2/08; Thanked Meeting House Committee for help with the second in a series of movies at the Meeting House; Thanked Mayor Lowther, Trustee Kingsley and William Wutz for their services on the Shared Services Committee.*

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

WHEREAS, the State of New York Department of State is soliciting applications from local governments under its ***Local Government Efficiency Grant Program*** for collaboration between communities to promote Government Efficiency and Shared Services;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Williamsville is hereby authorized and directed to file a joint application with the Town of Amherst to request funding under the New York State Department of State, ***Local Government Efficiency Grant Program*** for a Feasibility Study for Government Efficiency and Shared Services between the Village of Williamsville and the Town of Amherst, with a cost to the Village of Williamsville not to exceed \$4,500.00.

Unanimously carried.

ON MOTION by Trustee Kulpa, 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 by the Board of Trustees of the Village of Williamsville on Monday, December 15, 2008 at 7:55 p.m., in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing an amendment to Chapter 103-15 (Vehicles and

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Traffic) of the Village Code, to add two (2) stop signs on Oakgrove Drive at the intersection of Columbia Drive.

Unanimously carried.

ON MOTION by Trustee Kulpa, seconded by Trustee Kingsley, it was moved to leave the regular agenda to consider a new resolution.

Unanimously carried.

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

WHEREAS, Deborah Steinbruckner is and continues to be an integral part of the Meeting House Committee; and

WHEREAS, Deborah Steinbruckner is moving into a new role with the Williamsville Business Association and will no longer be able to fulfill the role of Chairperson of the Meeting House Committee;

NOW, THEREFORE, BE IT RESOLVED, that Beatrice Slick is hereby appointed Chairperson of the Meeting House Committee until the end of the 2008-2009 official Village year.

Unanimously carried.

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

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to leave the regular agenda at 8:15 p.m. to open an Executive Session to discuss a personnel matter and a legal matter.

Unanimously carried.

ON MOTION by Trustee Kingsley, seconded by Trustee Piazza, it was moved to close the Executive Session and return to the regular agenda at 9:55 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to leave the regular agenda to consider a new resolution.

Unanimously carried.

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

RESOLVED, that the leave of absence granted on October 14, 2008 to Kevin M. Stahr of the Department of Public Works is hereby extended up to and including December 15, 2008; and

BE IT FURTHER RESOLVED, that Kevin M. Stahr may return to work prior to December 15, 2008, provided that all required paperwork is submitted before he returns to his position.

Unanimously carried.

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

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, it was moved to adjourn the meeting at 9:58 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer