

**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, January 12, 2009 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 Kingsley, it was moved to approve the minutes of the regular meeting held on December 15, 2008.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing regarding an *Exceptional Development Permit* for *151 Arend Ave.*, held on December 15, 2008.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, it was moved to approve the minutes of the public hearing regarding an *Exceptional Development Permit* for *116 Evans St.*, held on December 15, 2008.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kulpa, it was moved to approve the minutes of the public hearing regarding use of the *2009 Community Development Block Grant funds*, held on December 15, 2008.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing held on December 15, 2008, regarding a proposed amendment to *Chapter 103-15 (Vehicles and Traffic)* of the Village Code, to add two stop signs on Oakgrove Drive at Columbia Drive,

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.

*Those members of the audience who addressed the Board and their topics:*

*Leslie Senglaub, Attorney for McDonald's Corp.* – Spoke against the proposed local law to limit drive-thru hours by use of special permit; Asked they be allowed to work through this with Planning Board. Otherwise McDonald's will stay where they are under non-conforming use.

*Francis Gaglione, 677 Mill St.* – Spoke in favor of McDonald's keeping their drive-thru open 24 hours; His property is a neighboring property to another recent McDonald's project on Sheridan Drive; Offered for Village Board to visit his property or call him.

*Gene Was, 3 Dogwood Rd.* – spoke in favor of McDonald's sound system and drive-thru.

*Tom Frank, 225-A1 Evans St.* – Ellicott Creek Niagara Riverkeepers; Does not represent Niagara Riverkeepers; WBA; Traffic issues; YMCA; GBNRTC; Removal of toll barrier; Community Plan, IJC Resolution; Niagara Power Project; Sierra Club; Mill restoration.

*Chuck Akers, 170 S. Cayuga Rd.* – Highly offend by McDonald's representatives; Offended as resident of the community; Reminiscent of Benderson and Delta Sonic; Sound technology separate issue from music in cars.

*Leslie Senglaub, Attorney for McDonald's Corp.* – McDonald's will employ sound technology; also goes to kitchen to lessen wait time; The owner of the McDonald's in the Village also owns the McDonald's on Sheridan Drive; There is ample opportunity for ZBA to say that all impacts are not being mitigated; Wants language where business is not held responsible for customer actions; Will take Mayor's suggestion and meet with residents; Urged the Village Board to leave it to be worked out with the Planning Board.

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*Tom Frank, 225-A1 Evans St. – Removed from meeting by Amherst Police Department.*

**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: WBA official swearing in; Meeting with UB law students; Upcoming meeting with County Executive Chris Collins at ECC North on 1/13/09; County tax bills being held by Erie County.*

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

**RESOLVED**, that payroll and vouchers in the amount of **\$294,915.09**, covering the period from **12/08/08** to **01/07/09**, are hereby approved as follows:

**Payroll covering: 12/08/08 – 12/21/08:** \$34,109.75

**Payroll covering: 12/22/08 – 01/04/09:** \$27,410.15

**Vouchers covering: 12/11/08 – 12/29/08:**

General Fund	\$49,986.12
Water Fund	\$39,564.91
Sewer Fund	\$398.09
Glen Park Fund	\$0.00
Trust & Agency Fund	\$13,571.47
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$11,800.00
	<u>\$115,320.59</u>

**Vouchers covering: 12/30/08 – 01/07/09:**

General Fund	\$46,248.78
Water Fund	\$1,937.13

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Sewer Fund	\$3,739.22
Glen Park Fund	\$1,492.70
Trust & Agency Fund	\$11,594.27
Debt Service	\$53,062.50
Community Development	\$0.00
Capital Fund	\$0.00
	<b>\$118,074.60</b>

**GRAND TOTAL:** **\$294,915.09**

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

To:	001-3410-2050 (Fire Protection-Turnout Gear)	\$40.00
From:	001-3410-2020 (Fire Protection-Expendable Equipment)	\$40.00
To:	001-3410-4250 (Fire Protection-Gas & Oil)	\$200.00
From:	001-3410-4160-3404 (Fire Protection-Truck Exp./Rescue 4)	\$100.00
	001-3410-4160-3407 (Fire Protection-Rescue 7)	\$100.00
To:	001-1411-4099 (Records Mgt.-Grant Expend.)	\$124.00
From:	001-1411-4010 (Records Mgt.-Office Supplies)	\$124.00
To:	001-1410-4600 (Village Clerk-Computer Support)	\$379.00
From:	001-1410-2000 (Village Clerk-Equipment)	\$379.00
To:	001-1410-4600 (Village Clerk-Computer Support)	\$2345.00
From:	001-1410-2000 (Village Clerk-Equipment)	\$2345.00
To:	001-7540-4100 (Williamsville Water Mill-Professional Fees)	\$4250.00
From:	001-7540-4160 (Williamsville Water Mill-Building Repairs)	\$4250.00
To:	001-8162-4161 (Leaf Pickup-Repairs)	\$135.00
From:	001-8162-4260 (Leaf Pickup-Maint. Supplies)	\$135.00

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To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1340.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1340.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1495.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1495.00
To:	001-5110-4161-0917 (Street Maint.-Repairs/917)	\$216.00
From:	001-5110-4161-0919 (Street Maint.-Repairs/919)	\$216.00
To:	001-5010-2000 (Street Admin.-Equip.)	\$292.00
From:	001-5110-4180 (Street Maint.-Radio Repairs)	\$292.00

Unanimously carried.

**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 the Justice Court Grant received on 12/16/08:

Increase:	001-0001-3090 (State Aid-Grants)	\$4057.00
Increase:	001-1110-4099 (Village Justices' Grant Expenditures)	\$4057.00

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, 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 balance of Records Management Grant:

Increase:	001-0001-3060 (State Aid-Records Management)	\$2379.00
Increase:	001-1411-4099 (Records Management-Grant Expenditures)	\$2379.00

Unanimously carried.

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

**RESOLVED**, that the following *budget transfers* are hereby made in the *Sewer Fund* for the *2008-2009* fiscal year:

To:	007-8120-4260 (Sanitary Sewers-Maintenance Supplies)	\$207.00
From:	007-8120-4162 (Sanitary Sewers-Repairs/Equipment)	\$207.00
To:	007-8120-4450 (Sanitary Sewers-Misc.)	\$2055.00
From:	007-8120-4161 (Sanitary Sewers-Repairs/lines)	\$2055.00

Unanimously carried.

**Report – Trustee Piazza**

- *Trustee Piazza reported on the following topics: Environmental Committee will not meet in January; Erie County is sponsoring a computer and electronics drop-off event on 1/17/09 at Buffalo State from 9am to 1pm; AUC meeting on 1/13/09; Joint meeting of Beautification Committee, Parks Committee and Tree Board on 1/13/09; Superintendents' Community Council meeting next week; Jolly Boys scholarships available.*

Trustee Piazza had no resolutions.

**Report – Trustee Kulpa**

- *Trustee Kulpa reported on the following topics: Meeting House committee meeting on 1/20/09; Glen Park Joint Board discussed the job for the repair of the collapsed wall. It will be bid out by the Village.*

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

**RESOLVED**, that the *Local Law #1-2009*, amending Chapter 103-15 of the Vehicles and Traffic Code, to install two (2) stop signs on Oakgrove Drive at Columbia Drive, which was the subject of a public hearing on December 15, 2008, is hereby adopted.

Unanimously carried.

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

**RESOLVED**, that *Brad Sendlack, P.E., of 150 S. Union Rd., Unit 110, Williamsville, New York*, is hereby appointed to the *Glen Park Joint Board* to fill a vacancy caused by the resignation of April LoTempio, until *April 30, 2011*.

Unanimously carried.

**Report – Trustee Kingsley**

- *Trustee Kingsley reported on the following topics: Mill Committee; Mill adaptive re-use workshop on 1/24/09, from 10am to 1pm at Village Hall; WinterFest will take place on 2/8/09, from 1pm-4pm in Glen Park.*

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

**RESOLVED**, that the *2009 Community Development Block Grant* funding in the amount of \$40,600.00 , which was the subject of a public hearing held on December 15, 2008, is hereby allocated as follows:

*Stabilization and Historic Preservation of the Williamsville Water Mill Property*; and

**BE IT FURTHER RESOLVED**, that 2010 and 2011 Community Development Block Grant funding may also be used for this purpose.

Unanimously carried.

**Report – Trustee Geary**

- *Trustee Geary reported on the following topics: Thanked DPW for work done during the recent storms; Joint meeting of the Tree Board, Parks Committee and Beautification Committee on 1/13/09.*

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

**RESOLVED**, that the Village Board of Trustees hereby approves the *Volunteer Firefighters Service Award Program List* of all 2008 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 2008 records.

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to leave the regular agenda to open the Executive Session at 8:50 p.m. to discuss a legal matter and a personnel matter.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the Executive Session at 10:20 p.m. and return to the regular agenda.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the meeting at 10:20 p.m.

Unanimously carried.

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Lynda L. Juul

Administrator/Clerk-Treasurer

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