

**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, March 23, 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 March 9, 2009.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing that was held on March 9, 2009 regarding a proposed amendment to Chapter 73 (Public Order) to require a special permit for use of microphones at drive-thru facilities between 11 a.m. and 6 a.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.

No one from the audience addressed the Board.

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**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:* Middle School concert performing “Old Red Mill”; Village Officials’ meeting; Stimulus funding.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$201,736.68**, covering the period from **3/2/09** to **3/18/09**, are hereby approved as follows:

<b>Payroll covering: 3/2/09 – 3/15/09:</b>	\$32,105.16
<b>Vouchers covering: 3/5/09 – 3/18/09:</b>	
General Fund	\$124,819.45
Water Fund	\$224.16
Sewer Fund	\$307.86
Glen Park Fund	\$271.18
Trust & Agency Fund	\$11,752.37
Debt Service	\$29,475.00
Community Development	\$0.00
Capital Fund	\$2,781.50
	<u>\$169,631.52</u>
<b>GRAND TOTAL:</b>	<b><u>\$201,736.68</u></b>

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, 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-Asst. Chief's Vehicle)	\$55.00
From:	001-3410-4160-3407 (Fire Protection-Rescue 7)	\$55.00
To:	001-1640-4260 (Central Garage-Maint. Supplies)	\$42.00
From:	001-1640-4161 (Central Garage-Small Equip. Repair)	\$42.00
To:	001-1620-1000 (Buildings-Personal Services)	\$1622.00
	001-5142-1000 (Snow Removal-Personal Services)	\$950.00
	001-8140-1000 (Storm Sewers-Personal Services)	\$1178.00
	001-8560-1000 (Shade Trees-Personal Services)	\$1323.00
From:	001-8162-1000 (Leaf Pickup-Personal Services)	\$5073.00
To:	001-1620-4231 (Buildings-Maint.-HVAC)	\$92.00
From:	001-1620-4160 (Buildings-Building Repairs)	\$92.00
To:	001-5182-4270 (Street Lighting-Repair Lights)	\$11.00
From:	001-5182-4110 (Street Lighting-Contract for Lighting)	\$11.00
To:	001-5010-4010 (Street Administration-Office Supplies)	\$18.00
From:	001-5010-4040 (Street Administration-Education/Travel Exp.)	\$18.00
To:	001-7540-1001 (Williamsville Water Mill/Personal Services-OT)	\$106.00
	001-8163-1001 (Trash Pickup-Personal Services-OT)	\$7.00
From:	001-8162-1000 (Leaf Pickup-Personal Services-OT)	\$113.00
To:	001-1410-4061 (Village Clerk-Cellular Phone)	\$23.00
From:	001-1410-4060 (Village clerk-Telephone)	\$23.00
To:	001-8010-4030 (Zoning-Printing/Advertising)	\$25.00
From:	001-3620-4040 (Safety Inspection-Education/Travel Exp.)	\$25.00
To:	001-8560-4160 (Shade Trees-Repairs)	\$525.00
From:	001-8560-4340 (Shade Trees-Removal/Maint.)	\$525.00
To:	001-5110-4161-0906 (Street Maint.-Repairs/2003 Ford F550)	\$10.00
From:	001-5110-4161-0916 (Street Maint.-Repairs/2007 Chevy 4x4)	\$10.00

Unanimously carried.

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**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, 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 purchase of replacement vehicle #910-2009 Ford F350 without cab and EZ Dump:

Increase:	001-5110-2000 (Street Maint.-Equipment)	\$27,802.00
Increase:	001-0001-0599 (Appropriated Surplus)	\$27,802.00

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, 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 received from the Jolly Boys of Williamsville to be applied to *Movies in the Park*:

Increase:	001-0001-2705 (Gifts & Donations)	\$835.00
Increase:	001-7310-4175 (Youth Programs-Movies in the Park)	\$835.00

Unanimously carried.

**Report – Trustee Geary**

- *Trustee Geary reported on the following topics:* Tree Board; Arbor Day/Earth Day; Re-Tree WNY; Tree City USA.

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

**RESOLVED**, that James C. Oliveri of the Williamsville Fire Dept. is hereby authorized to attend a fire science training seminar in Montour Falls, New York, from 5/29/09 to 5/31/09, at a cost not to exceed \$260.00, to be paid by the Village of Williamsville.

Unanimously carried.

**Report – Trustee Piazza**

- *Trustee Piazza reported on the following topics:* Environmental Committee meeting; AUC gas purchase; Environmental tip: turn off the TV and the computer.

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

**RESOLVED**, that Marc Shuttleworth, Paul McMenamain, Kevin Stahrr and Mike Olszanski of the Village of Williamsville Department of Public Works are hereby authorized to attend the Public Works Equipment Show in Rochester, New York, on April 8, 2009, at a cost not to exceed \$50.00, to be paid by the Village of Williamsville.

Unanimously carried.

**Report – Trustee Kingsley**

- *Trustee Kingsley reported on the following topics:* Youth & Recreation Committee; Jolly Boys funding of Movies in the Park; Youth & Recreation Egg Hunt, April 5<sup>th</sup> at 11 a.m.; Mill Workshop; Mill stabilization.

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*Trustee Kingsley announced that the resolution to appoint Dan Rider to the Mill Committee was being tabled.*

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

**VILLAGE OF WILLIAMSVILLE,  
NEW YORK**

**Draft of Proposed  
Resolution Introducing Local Law # 2, 2009**

**WHEREAS**, a number of drive-in service facilities exist in the Village of Williamsville on properties that abut or are otherwise located in close proximity to residential properties within the Village; and

**WHEREAS**, a number of such drive-in service facilities operate 24 hours per day; and

**WHEREAS**, the Village Board has received numerous complaints from residents whose property abut or are located in close proximity to about the noise, traffic, light interference and other impacts associated with the operation of such drive-in service facilities by restaurants and similar businesses in the late evening and early morning hours by, which impacts have unreasonably interfered with such residents use and enjoyment of their property; and

**WHEREAS**, the Village Board has determined that it is in the best interest of the residents of the Village that the Village Code be amended to prohibit the operation of drive-in service facilities abutting or in close proximity to residential properties; and

**WHEREAS**, a duly noticed public hearing was held on March 9, 2009 at 7:30 p.m. at the Village Hall and all parties in attendance were permitted an opportunity to speak on behalf or in opposition to said proposed local law, or any part thereof; and

**WHEREAS**, pursuant to section 239 l and m of the General Municipal Law, said local law was referred to the Erie County Department of Environment and Planning ("ECDEP") and comments from said ECDEP determined that the proposed action will have no significant negative county-wide or inter-community impacts; and

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**WHEREAS**, the Village Board prepared a short Environmental Assessment Form ("EAF") and considered whether the proposed local law will result in any adverse environmental impacts; and

**WHEREAS**, the Village Board has reviewed the EAF and other pertinent materials and has determined that the proposed local law will have no adverse environmental impacts; and

**WHEREAS**, the Village Board hereby adopts a SEQRA Negative Declaration, for the reasons set forth in Part 2 of the accompanying Environmental Assessment Form and attached Notice of Determination of Significance (adopted herewith), with respect to said proposed local law; and

**WHEREAS**, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

**NOW, BE IT RESOLVED**, that the Village Board of the Village of Williamsville hereby adopts said Local Law # 2 of 2009 amending the Zoning Ordinance Code of the Village of Williamsville, as follows:

**NOW, THEREFORE**, be it enacted by the Village Board of the Village of Williamsville as follows:

Chapter 73 (Public Order) of the Village Code of the Village of Williamsville is hereby amended as follows:

Section 73-2 (Definitions) is hereby amended to add the following:

**DRIVE-IN SERVICE FACILITY** -- An establishment which includes provision for a customer to conduct business or secure consumer goods while remaining within a motor vehicle.

Section 73-3 is hereby amended by deleting current subsection (G) and adding the following:

G. Create, or to permit the creation of, any load noise which disturbs the public peace in any way between the hours of 11:00 p.m. and 8:00 a.m.

H. (1) Operate a drive-in service facility located on any lot adjoining or located within 100 feet of any property zoned or used for residential purposes employing the use of microphones, speakers or other electronic voice transmission system(s) between the hours of 11:00 p.m. and 6:00 a.m., unless the owner or

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operator of such facility shall have obtained a Special Permit from the Board of Trustees pursuant to subsection (2) herein.

(2)(a) The applicant for a Special Permit pursuant to this section shall demonstrate, to the satisfaction of the Board of Trustees, that the operation of the drive-in service facility between the hours of 11:00 p.m. and 6:00 a.m. will not unreasonably interfere with the use and enjoyment of surrounding residential properties. The applicant may make such showing through the use of physical, technological and/or operational controls, and the Board of Trustees may condition its grant of a Special Permit upon the installation and/or adoption of such controls as it deems reasonably necessary to ensure that the operation of the drive-in service facility will not adversely affect neighboring properties.

(b) Any Special Permit granted hereunder may be revoked at any time by the Code Enforcement Officer in the event he finds that any condition or conditions required under the permit have not been installed and/or utilized or otherwise prove to be ineffective.

**BE IT FURTHER RESOLVED**, that the Village Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York

Unanimously carried.

*Trustee Kingsley announced that the resolution regarding the sidewalk reconstruction at 5590 Main Street was being tabled.*

**Report – Trustee Kulpa**

- *Trustee Kulpa reported on the following topics: Traffic & Safety Committee meeting; Parking on Spring Street.*

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**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to leave the regular agenda at 8:00 p.m. to open the Executive Session to discuss a legal matter.

Unanimously carried.

**ON MOTION** by Trustee Kulpa, seconded by Trustee Kingsley, it was moved to close the Executive Session and return to the regular agenda at 8:30 p.m.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Piazza, it was moved to adjourn the regular meeting at 8:31 p.m.

Unanimously carried.

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Lynda L. Juul

Administrator/Clerk-Treasurer