

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, April 13, 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 23, 2009.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, 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 expressing an opinion on the 2009-2010 General Fund/Glen Park Activities/Debt Service Fund Budget.***

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the first public hearing at 7:36 p.m.

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to open the second public hearing at 7:36 p.m.

Unanimously carried.

- *A public hearing was held to hear all persons interested in expressing an opinion on the 2009-2010 Sewer Fund Budget /Sewer Rent Rates*

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the second public hearing at 7:37 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, it was moved to open the third public hearing at 7:37 p.m.

Unanimously carried.

- *A public hearing was held to hear all persons interested in expressing an opinion on the 2009-2010 Water Fund Budget.*

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the third public hearing at 7:45 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.

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

Rich Maddigan, Fire Chief, Williamsville Fire Dept. – Thanked the Board for funding turnout gear; Board thanked Rich for his service and assistance from Fire Dept.

John Tammaro, 125 Los Robles – S. Long Park and basketball court.

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

Unanimously carried.

Report – Mayor Lowther

Mayor Lowther reported on the following topics: Historic Preservation Commission meeting on 4/20; Third Thursday in the Park concert series; Community Plan meeting 4/15; Thanked Cynthia Burnett for her years of service as Secretary to the Mayor and wished her well in her new endeavors.

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

RESOLVED, that payroll and vouchers in the amount of **\$159,324.38**, covering the period from **3/16/09** to **4/08/09**, are hereby approved as follows:

Payroll covering: 3/16/09 – 3/29/09: \$28,168.62

Vouchers covering: 3/19/09 – 4/08/09:

General Fund	\$72,737.47
Water Fund	\$40,425.75
Sewer Fund	\$2,793.65
Glen Park Fund	\$91.15
Trust & Agency Fund	\$11,307.74
Debt Service	\$0.00
Community Development	\$0.00

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Capital Fund	\$3,800.00
	<u>\$131,155.76</u>

GRAND TOTAL: **\$159,324.38**

Unanimously carried.

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:	001-3410-4160-3406 (Fire Protection-Truck 6)	\$120.00
From:	001-3410-4160-3401 (Fire Protection-Truck Exp./Engine 1)	\$120.00
To:	001-3410-4250 (Fire Protection-Gas/Oil)	\$277.00
From:	001-3410-4160-3402 (Fire Protection-Truck Exp./Engine 2)	\$277.00
To:	001-3410-4160-3409 (Fire Protection-Truck Exp./Chief's Vehicle)	\$349.00
From:	001-3410-4160-3402 (Fire Protection-Truck Exp./Engine 2)	\$349.00
To:	001-3410-4280 (Fire Protection-EMS Equipment)	\$157.00
From:	001-3410-2020 (Fire Protection-Expendable Equip.)	\$157.00
To:	001-8162-4161 (Leaf Pickup-Repairs)	\$59.00
From:	001-8162-4700 (Leaf Pickup-Leaf Composting)	\$59.00
To:	001-1640-4260 (Central Garage-Maint. Supplies)	\$20.00
From:	001-1640-4450 (Central Garage-Misc.)	\$20.00
To:	001-1640-4160 (Central Garage-Building Repairs)	\$79.00
	001-1640-4262 (Central Garage-Building Maint.)	\$4.00
From:	001-1640-4161 (Central Garage-Sm. Equip. Repairs)	\$83.00
To:	001-1640-4260 (Central Garage-Maint. Supplies)	\$312.00
From:	001-1640-4440 (Central Garage-Parts)	\$312.00
To:	001-1410-4030 (Village Clerk-Printing/Advertising)	\$109.00
From:	001-1410-4620 (Village Clerk-Lease copy Machine)	\$109.00

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To:	001-1010-4010 (Board of Trustees-Office Supplies)	\$91.00
From:	001-1010-4040 (Board of Trustees-Education Exp./Travel)	\$91.00
To:	001-7310-4171 (Youth Program-Halloween Parade)	\$111.00
	001-7310-4172 (Youth Program-Holiday Tree Lighting)	\$150.00
	001-7310-4173 (Youth Program-Winterfest)	\$515.00
From:	001-7310-4175 (Youth Programs-Movies in the Park)	\$776.00
To:	001-1420-4620 (Law/Attorney-Opinions)	\$4374.00
From:	001-1990-4000 (Contingency)	\$4374.00
To:	001-7550-4410 (Celebrations-Old Home Days)	\$494.00
From:	001-7550-4520 (Celebrations-Music in the Park)	\$200.00
	001-7550-4960 (Celebrations-Committee Appreciation)	\$294.00
To:	001-1991-4000 (Provision for Longevity)	\$53.00
From:	001-1910-4000 (Unallocated Insurance)	\$53.00
To:	001-5110-4161-0917 (Street Maint./Repairs-1998 Int'l)	\$4.00
	001-5110-4161-0918 (Street Maint./Repairs-1999 Dodge)	\$164.00
From:	001-5110-4161-0916 (Street Maint./Repairs-2007 Chevy)	\$168.00
To:	001-8560-4160 (Shade Trees-Repairs)	\$1152.00
From:	001-8560-4340 (Shade Trees-Tree Removal/Maint.)	\$1152.00
To:	001-8560-4160 (Shade Trees-Repairs)	\$1152.00
From:	001-8560-4340 (Shade Trees-Removal/Maint.)	\$1152.00
To:	001-8162-4161 (Leaf Pickup-Repairs)	\$451.00
From:	001-8162-4700 (Leaf Pickup-Leaf Composting)	\$451.00
To:	001-1620-1000 (Buildings-Personal Services)	\$1032.00
	001-5142-1000(Snow Removal-Personal Services)	\$2838.00
	001-8140-1000 (Storm Sewers-Personal Services)	\$590.00
	001-8510-1000 (Community Beautification-Personal Services)	\$143.00
	001-8560-1000 (Shade Trees-Personal Services)	\$1135.00
From:	001-7110-1000 (Parks-Personal Services)	\$5738.00
To:	001-1640-1001 (Central Garage-Personal Services/OT)	\$21.00
	001-8745-1001 (Flood & Erosion Control-Personal Services/OT)	\$15.00
From:	001-8162-1001 (Leaf Pickup-Personal Services/OT)	\$36.00

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 amendment* is hereby made in the *General Fund* for the **2008-2009** fiscal year to account for a Grant received from the State, sponsored by AssemblyMain Hayes, for the purchase of a Thermal Imaging camera for the Fire Department.

Increase:	001-0001-3090 (State Aide Grants)	\$11,857.00
Increase:	001-3410-2010 (Fire Protection-Equipment)	\$11,857.00

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 allocation of funds donated by the Gardenwalk to be used for the purchase of 5 benches.

Increase:	001-8510-2000 (Community Beautification-Equipment)	\$3512.00
Increase:	001-0001-2705 (Gifts & Donations)	\$3512.00

Unanimously carried.

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

RESOLVED, that the following *budget transfer* is hereby made in the *Water Fund* for the **2008-2009** fiscal year:

To:	006-8340-4260 (Water Transmission-Maint. Supplies)	\$71.00
From:	006-8340-4600 (Water Transmission-Hydrant Overhauling)	\$71.00

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 transfer* is hereby made in the *Sewer Fund* for the *2008-2009* fiscal year:

To:	007-8120-4260 (Sanitary Sewers-Maint. Supplies)	\$240.00
From:	007-8120-4161 (Sanitary Sewers-Repair Lines)	\$240.00

Unanimously carried.

Report – Trustee Kulpa

- *Trustee Kulpa reported on the following topics:* Traffic & Safety meeting of 4/2; Spring St. parking; Thanked DeanSutton Architects and Village Administrator Lynda Juul for work on Meeting House masonry grant; Thanked Crew Chief Marc Shuttleworth and the DPW for assistance on Glen Park wall project.

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

WHEREAS, the Village of Williamsville has heretofore used two polling places for use in Village elections, they being the Meeting House at 5658 Main St., Election District #1, for those resident registered voters living north of Main St., and Village Hall at 5565 Main St., Election District #2, for those resident voters living south of Main St.; and

WHEREAS, the intent is now to consolidate the two election districts into one polling location for the greater comfort, convenience and accessibility of all resident registered voters;

NOW, THEREFORE, BE IT RESOLVED, that the use of the Meeting House at 5658 Main St. as a polling place for Election District #1 is hereby eliminated; and

BE IT FURTHER RESOLVED, that both Election District #1 and Election District #2 shall henceforth be located at Village Hall, 5565 Main St., Williamsville, New York, for the purpose of serving as the single polling location for the Village of Williamsville elections.

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Unanimously carried.

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

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

To:	009-7141-1001 (Glen Park-Personal Services/OT)	\$59.00
From:	009-7141-1000 (Glen Park-Personal Services)	\$59.00
To:	009-7141-4351 (Glen Park-Maintenance Supplies)	\$68.00
From:	009-7141-4440 (Glen Park-Refuse Disposal)	\$68.00

Unanimously carried.

Report – Trustee Geary

- *Trustee Geary reported on the following topics:* Budget; Parks and Trees; Reallocation of funds from Parks to Mill; Re-Tree WNY and tree plantings on 5/2, 5/3, 5/ 9, 5/10.

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

RESOLVED, that the 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, May 11, 2009, in Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the proposed modification to Section 70-19 of the Village Code (Parks and Public Areas) to allow dogs in Island Park, Lehigh Memory Trail, and South Long Park.

Unanimously carried.

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

RESOLVED, that the following *modification* is hereby made to the **2009-2010 tentative General Fund** budget:

Increase: 001-3410-2050 (Fire Protection – Turnout Gear) by \$10,000.00, from \$20,000 to \$30,000.00.

Decrease: 001-7530-4980 (Village Meeting House – Building Preservation) by \$10,000.00 from \$15,000.00 to \$5,000.00.

Unanimously carried.

Report – Trustee Piazza

- *Trustee Piazza reported on the following topics:* Wished a Happy Dingus Day to all; Earth Day/Arbor Day is 4/25; Herb Gardening Talk at Meeting House at 1 p.m. on 4/25; Benefits of use of rainwater runoff barrels; Neighborhood “green street”; AUC savings on natural gas.

Trustee Piazza had no resolutions.

Report – Trustee Kingsley

- *Trustee Kingsley reported on the following topics:* Mill Report from Preservation Studio; RFP for Mill property; Target date for future use of Mill; Thanked Village Attorney Grieco and Planning Board for their work on outdoor seating agreement; Thanked Village Attorney Grieco for SEQR Training Seminar; Village Water Dept.

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

RESOLVED, that the Mayor is hereby authorized to enter into a lease agreement with the Village of Williamsville Business and Professional Association, Inc., to lease the Williamsville Water Mill for a Farmers' Market to be held each Saturday between May 23, 2009 and October 31, 2009.

Unanimously carried.

Trustee Kingsley announced that the resolution regarding outdoor seating at Coffee Culture, 5590 Main Street, was being tabled.

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

WHEREAS, the Frontier Chemical Royal Avenue Site PRP Group ("PRP Group") has asserted a claim against the Village of Williamsville alleging that the the Village is liable for a portion of the cleanup costs incurred, and to be incurred, by the PRP Group at the Frontier Chemical Royal Avenue Inactive Hazardous Waste Site on Royal Avenue in Niagara Falls, New York("Site"); and

WHEREAS, the PRP Group has offered to settle its alleged claim against the Village of Williamsville, and forever release and discharge the Village of Williamsville from any further liability with respect to the Site, in exchange for payment into the Frontier Chemical Royal Avenue Remediation Fund in the amount of \$4,000.00; and

WHEREAS, the Village of Williamsville has determined, after appropriate investigation and due deliberation, that settlement of the PRP Group's claim, without any admission of liability on the part of the Village, is in the best interest of the Village,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to sign the Settlement Agreement and Liability Release with Frontier Chemical Royal Avenue Site PRP Group, and

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BE IT FURTHER RESOLVED, that the Village of Williamsville will make payment to Frontier Chemical Royal Avenue Remediation Fund in the amount of \$4,000.00, in order to be released from any further liability pertaining to the Site, as provided for in the Settlement Agreement and Liability Release.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to leave the regular agenda at 8:25 p.m. to open the Executive Session to discuss a legal matter and a contractual matter.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Kulpa, it was moved to close the Executive Session and return to the regular agenda at 9:38 p.m.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Kulpa, it was moved to adjourn the regular meeting at 9:38 p.m.

Unanimously carried.

Lynda L. Juul

Administrator/Clerk-Treasurer