

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 Tuesday, May 26, 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

Absent: 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 May 11, 2009.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing regarding a proposed amendment to Section 70-19 (Parks and Public Areas) held on May 11, 2009.

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.

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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Report – Mayor Lowther

Mayor Lowther reported on the following topic: Memorial Day celebration.

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

RESOLVED, that payroll and vouchers in the amount of **\$78,220.19**, covering the period from **4/27/09** to **5/20/09**, are hereby approved as follows:

Payroll covering: 4/27/09 – 5/10/09:	\$26,770.61
Vouchers covering: 5/07/09 – 5/20/09:	
General Fund	\$39,469.31
Water Fund	\$2,459.85
Sewer Fund	\$420.14
Glen Park Fund	\$364.70
Trust & Agency Fund	\$8,048.08
Debt Service	\$687.50
Community Development	\$0.00
Capital Fund	\$0.00
	<u>\$51,449.58</u>
GRAND TOTAL:	<u>\$78,220.19</u>

Unanimously carried.

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

To: 001-3410-4111 (Fire Protection-Internet Access)	\$9.00
From: 001-3410-4620 (Fire Protection-Lease Copy Machine)	\$9.00
To: 001-3410-4630 (Fire Protection-Grant Writer)	\$1500.00
From: 001-1410-4630 (Village Clerk-Grant Writer)	\$1500.00
To: 001-3410-2010 (Fire Protection-Major Equip.)	\$165.00
From: 001-3410-2020 (Fire Protection-Expendable Equip.)	\$165.00

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To:	001-3410-2010 (Fire Protection-Major Equip.)	\$374.00
From:	001-3410-2020 (Fire Protection-Computer Equip.)	\$374.00
To:	001-3410-4160 (Fire Protection-Truck Exp.)	\$38.00
	001-3410-4160-3492 (Fire Protection-Truck Exp./Asst. Chief Vehicle)	\$27.00
From:	001-3410-4160-3401 (Fire Protection-Truck Exp./Engine 1)	\$65.00
To:	001-3410-4010 (Fire Protection-Office Supplies)	\$353.00
From:	001-3410-4070 (Fire Protection-Utilities)	\$200.00
	001-3410-4230 (Fire Protection-Explorer Post)	\$153.00
To:	001-5110-4260 (Street Maint.-Supplies)	\$71.00
From:	001-5110-4180 (Street Maint.-Radio Repairs)	\$71.00
To:	001-5110-2000 (Street Maint.-Equip.)	\$282.00
	001-5110-4161-910 (Street Maint.-Repairs/'99 Dodge 4x2)	\$122.00
	001-5110-4161-921 (Street Maint.-Repairs/'08 Ford F250)	\$222.00
	001-5110-4161-913 (Street Maint.-Repairs/'93 Sewer Jet)	\$95.00
	001-5110-4161-906 (Street Maint.-Repairs/'03 Ford F550)	\$124.00
	001-5110-4161-914 (Street Maint.-Repairs/'01 Trackless Sidewalk Plow)	\$34.00
From:	001-5142-4161 (Street Maint.-Repairs/Plow)	\$879.00
To:	001-5010-4010 (Street Administration-Office Supplies)	\$1.00
From:	001-5010-4040 (Street Maint.-Education Exp./Travel)	\$1.00
To:	001-5142-4460 (Snow Removal-Lawn Repairs)	\$356.00
From:	001-5142-4161 (Snow Removal-Repairs/Plows)	\$356.00
To:	001-1640-1000 (Central Garage-Personal Services)	\$1873.00
	001-5142-1000 (Snow Removal-Personal Services)	\$950.00
	001-8510-1000 (Community Beautification-Personal Services)	\$2783.00
	001-8560-1000 (Shade Trees-Personal Services)	\$2501.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$2107.00
	001-8162-1000 (Leaf Pickup-Personal Services)	\$400.00
	001-8163-1000 (Trash Pickup-Personal Services)	\$2400.00
	001-8170-1000 (Street Cleaning-Personal Services)	\$2200.00
	001-8745-1000 (Flood Erosion Control-Personal Services)	\$1000.00
To:	001-8163-4330 (Trash Pickup-Dump Fees)	\$124.00
From:	001-8160-4330 (Refuse & Garbage-Dump Fees)	\$124.00
To:	001-1410-4040 (Village Clerk-Education Exp./Travel)	\$297.00
From:	001-1410-4020 (Village Clerk-Postage)	\$297.00
To:	001-1410-4061 (Village Clerk-Cellular Phone)	\$51.00
From:	001-1410-4620 (Village Clerk-Lease Copy Machine)	\$51.00

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To:	001-1420-4620 (Law/Attorney-Opinions)	\$7422.00
From:	001-1990-4000 (Contingency)	\$7422.00
To:	001-3620-4060 (Safety Insp.-Telephone)	\$79.00
From:	001-3620-4010 (Safety Insp.-Office Supplies)	\$79.00
To:	001-5010-4010 (Street Administration-Office Supplies)	\$49.00
From:	001-5010-4040 (Street Administration-Education Exp./Travel)	\$49.00
To:	001-8010-4030 (Zoning-Printing & Advertising)	\$76.00
From:	001-3620-4620 (Safety Inspection-Books/Publications)	\$76.00

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 *Water Fund* for the **2008-2009** fiscal year:

To:	006-8310-1000 (Water Administration-Personal Services)	\$1774.00
From:	006-8340-1000 (Water Transmission-Personal Services)	\$1774.00
To:	006-8340-4030 (Water Transmission-Printing & Advertising)	\$67.00
From:	006-8340-4040 (Water Transmission-Education Exp./Travel)	\$67.00

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 the donation from Bee Publications, Inc. to be used for the Youth & Recreation Street Hockey Tournament on Saturday, May 30, 2009.

Increase:	001-0001-2705 (Gifts & Donation)	\$200.00
Increase:	001-7310-4176 (Youth Programs-Youth Hockey Tournament)	\$200.00

Unanimously carried.

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

WHEREAS, there has been proposed a “New York State Municipal Workers’ Compensation Alliance Plan Document” pursuant to Section 50 3-a of the Workers’ Compensation Law (hereinafter “the Plan”); and

WHEREAS, the Village of Williamsville has made an independent investigation of the Plan and reviewed the Plan document, and had concluded that it would be in the interests of the Village of Williamsville to participate therein; now, therefore, be it

RESOLVED, that the Village of Williamsville enter into membership in the Plan pursuant to Section 50 Subdivision 3-a of the Workers’ Compensation Law; and be it further

RESOLVED, that the Mayor be and hereby is authorized and instructed to execute the Plan’s charter document on behalf of the Village of Williamsville; and be it further

RESOLVED, that the custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved.

Unanimously carried.

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

RESOLVED, that the Village of Williamsville hereby elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against this Municipality; and be it further

RESOLVED, that pursuant to Section 50 Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the ChairMain of the Workers' Compensation Board, Self-Insurance Section; and be it further

RESOLVED, that this election shall become effective on June 1, 2009.

Unanimously carried.

Report – Trustee Geary

- *Trustee Geary reported on the following topic: Parks Committee projects.*

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

RESOLVED, that *Al Reinhardt of 157 Columbia Drive, Williamsville, New York*, is hereby appointed to the *Parks Committee* until the end of the *2008-2009* official Village year.

Unanimously carried.

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

RESOLVED, that the Fire Department is hereby authorized to submit an application for a FEMA grant for an exhaust ventilation system; and

BE IT FURTHER RESOLVED, that a 5% grant match is hereby approved, in an amount of approximately \$3,122.00 to be funded by the Fire Department budget.

Unanimously carried.

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

RESOLVED, that *Local Law #3-2009*, amending Chapter 70-19 (Parks and Public Areas – Pets), to allow leashed dogs in Island Park, S. Long Park, and Lehigh Memory Trail, which was the subject of a public hearing held on May 11, 2009, is hereby adopted.

Unanimously carried.

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

RESOLVED, that Robert Zaller, Adam Oehmler and Greg Smith of the Williamsville Fire Department, are hereby approved to attend firefighter training class at the New York State Fire Academy in Montour Falls, NY from 7/5/09 to 7/9/09, at a cost not to exceed \$720.00, to be paid by the Village of Williamsville.

Unanimously carried.

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

WHEREAS, the Village of Williamsville owns the South Long Street Park and wishes to enhance the use of the park by setting up a youth soccer field; and

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WHEREAS, the Amherst Soccer Association wishes to assist the Village of Williamsville in creating the soccer field, and would like to use the field primarily as a practice facility; and

WHEREAS, the combined efforts of the Village and the Amherst Soccer Association will result in an improved park for all residents of the Village of Williamsville;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the Preferred User Agreement with the Amherst Soccer Association.

Unanimously carried.

- **Trustee Geary announced that his resolution #6 to authorize the Mayor to sign Preferred User Agreement with the Amherst Girls Softball League was being held.**

Trustee Piazza – Report

- *Trustee Piazza reported on the following topics: Environmental tips; Thanked Village planting volunteers.*

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

**Highway Improvement Project – Bond Resolution Dated May 26,
2009**

**RESOLUTION OF THE
BOARD OF TRUSTEES OF THE
VILLAGE OF WILLIAMSVILLE, NEW YORK**

**Highway Improvement Project
BOND RESOLUTION DATED MAY 26, 2009**

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 Tuesday, May 26, 2009 at 7:30 p.m.

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) OF THE VILLAGE OF WILLIAMSVILLE, COUNTY OF ERIE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PART OF THE COST OF THE RECONSTRUCTION AND REPAIR OF HIGHWAY IMPROVEMENTS AND THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION THEREOF, AND DELEGATING CERTAIN POWERS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Williamsville, in the County of Erie, New York (the "Village"), by its Board of Trustees, has determined that it is necessary for the Village to reconstruct and repair portions of certain streets in the Village (the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York; as amended, and the regulations adopted pursuant thereto to by the Department of Environmental Conservation of the State of New York (collectively, the "SEQR Act"), the Board of Trustees has determined that the Project constitutes a Type II action that will not have a significant impact on the environment and therefore is exempt from review under the SEQR Act.

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of all the members of the Board of Trustees of the Village, as follows:

SECTION 1. The Village of Williamsville, in the County of Erie, New York, shall issue its serial bonds in the aggregate principal amount not to exceed \$500,000 pursuant to the Local Finance Law of the State of New York, in order to finance the specific purpose hereinafter described. The Village is further authorized to issue its bond anticipation notes in an aggregate principal amount not to exceed \$500,000 having a maturity not to exceed one year, subject to renewal as permitted under the Local Finance Law, in anticipation of the sale of the bonds.

SECTION 2. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction and repair of highway improvements in the Village of Williamsville. The maximum cost of said purpose will not exceed five hundred thousand dollars (\$500,000).

SECTION 3. The Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed five hundred thousand dollars (\$500,000) of said Village, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 4. It is hereby determined that said purpose is an object or purpose described in subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the period of probable usefulness for the Project is fifteen years.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

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SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. The expected source of funds to be used initially to pay for up to five hundred thousand dollars (\$500,000) of the expenditures for the purpose described herein shall be from the Village's General Fund. The Village then reasonably expects to reimburse such expenditure in an amount not to exceed five hundred thousand dollars (\$500,000) with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution constitutes the Village's declaration of its "official intent" to reimburse the expenditures incurred in connection with the Project with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. Subject to the provisions of this resolution and the Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00 and Sections 56.00 to 60.00 of the Local Finance Law, the powers and duties of the Board of Trustees pertaining or incidental to the sale or issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and renewal notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. All other matters except as provided herein relating to the bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the Manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b) (3) (B) (i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1934.

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SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if;

(1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. Pursuant to Section 36.00 of the Local Finance Law and Article 9 of the Village Law, this resolution is subject to permissive referendum and shall not become effective until either approved by the qualified voters of the Village pursuant to a petition being filed or thirty days having expired without a petition being filed.

SECTION 13. Upon this resolution taking effect as aforesaid, the Village Clerk is hereby authorized and directed to publish an abstract of this resolution, together with a notice in substantially the form provided by Section 81.00 of Local Finance Law, in the Amherst Bee, a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

Unanimously carried.

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

Floodgate Rehabilitation Project – Bond Resolution Dated May 26, 2009

**RESOLUTION OF THE
BOARD OF TRUSTEES OF THE
VILLAGE OF WILLIAMSVILLE, NEW YORK**

**Floodgate Rehabilitation Project
BOND RESOLUTION DATED MAY 26, 2009**

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 Tuesday, May 26, 2009 at 7:30 p.m.

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) OF THE VILLAGE OF WILLIAMSVILLE, COUNTY OF ERIE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PART OF THE COST OF THE REHABILITATION, RECONSTRUCTION OR REPAIR OF THE WALKWAY, RAIL SYSTEM AND CONCRETE PIERS FOR THE FLOODGATES AT ISLAND PARK AND THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION THEREOF, AND DELEGATING CERTAIN POWERS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Williamsville, in the County of Erie, New York (the "Village"), by its Board of Trustees, has determined that it is necessary for the Village to rehabilitate, reconstruct or repair the walkway, rail system and concrete piers for the floodgates at Island Park (the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York; as amended, and the regulations adopted pursuant thereto to by the Department of Environmental Conservation of the State of New York (collectively, the "SEQR Act"), the Board of Trustees has determined that the Project constitutes a Type II action that will not have a significant impact on the environment and therefore is exempt from review under the SEQR Act.

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of all the members of the Board of Trustees of the Village, as follows:

SECTION 1. The Village of Williamsville, in the County of Erie, New York, shall issue its serial bonds in the aggregate principal amount not to exceed \$150,000 pursuant to the Local Finance Law of the State of New York, in order to finance the specific purpose hereinafter described. The Village is further authorized to issue its bond anticipation notes in an aggregate principal amount not to exceed \$150,000 having a maturity not to exceed one year, subject to renewal as permitted under the Local Finance Law, in anticipation of the sale of the bonds.

SECTION 2. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the rehabilitation, reconstruction or repair of the walkway, rail system and concrete piers for the floodgates at Island Park in the Village of Williamsville. The maximum cost of said purpose will not exceed one hundred fifty thousand dollars (\$150,000).

SECTION 3. The Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed one hundred fifty thousand dollars (\$150,000) of said Village, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 4. It is hereby determined that said purpose is an object or purpose described in subdivision 22 of paragraph (a) of Section 11.00 of the Local Finance Law. It is

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hereby further determined that the period of probable usefulness for the Project is twenty years.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. The expected source of funds to be used initially to pay for up to one hundred fifty thousand dollars (\$150,000) of the expenditures for the purpose described herein shall be from the Village's General Fund. The Village then reasonably expects to reimburse such expenditure in an amount not to exceed one hundred fifty thousand dollars (\$150,000) with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution constitutes the Village's declaration of its "official intent" to reimburse the expenditures incurred in connection with the Project with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. Subject to the provisions of this resolution and the Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00 and Sections 56.00 to 60.00 of the Local Finance Law, the powers and duties of the Board of Trustees pertaining or incidental to the sale or issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and renewal notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. All other matters except as provided herein relating to the bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the Manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b) (3) (B) (i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this

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resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1934.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if;

(1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. Pursuant to Section 36.00 of the Local Finance Law and Article 9 of the Village Law, this resolution is subject to permissive referendum and shall not become effective until either approved by the qualified voters of the Village pursuant to a petition being filed or thirty days having expired without a petition being filed.

SECTION 13. Upon this resolution taking effect as aforesaid, the Village Clerk is hereby authorized and directed to publish an abstract of this resolution, together with a notice in substantially the form provided by Section 81.00 of Local Finance Law, in the Amherst Bee, a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

Unanimously carried.

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

Sanitary Sewer Project – Bond Resolution Dated May 26, 2009

**RESOLUTION OF THE
BOARD OF TRUSTEES OF THE
VILLAGE OF WILLIAMSVILLE, NEW YORK**

**Sanitary Sewer Project
BOND RESOLUTION DATED MAY 26, 2009**

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A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) OF THE VILLAGE OF WILLIAMSVILLE, COUNTY OF ERIE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PART OF THE COST OF THE REPLACEMENT, RECONSTRUCTION OR REPAIR OF SANITARY SEWER IMPROVEMENTS AND THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION THEREOF, AND DELEGATING CERTAIN POWERS TO THE VILLAGE TREASURER.

WHEREAS, the Village of Williamsville, in the County of Erie, New York (the "Village"), by its Board of Trustees, has determined that it is necessary for the Village to replace, reconstruct or repair sanitary sewer improvements (the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York; as amended, and the regulations adopted pursuant thereto to by the Department of Environmental Conservation of the State of New York (collectively, the "SEQR Act"), the Board of Trustees has determined that the Project constitutes a Type II action that will not have a significant impact on the environment and therefore is exempt from review under the SEQR Act.

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of all the members of the Board of Trustees of the Village, as follows:

SECTION 1. The Village of Williamsville, in the County of Erie, New York, shall issue its serial bonds in the aggregate principal amount not to exceed \$500,000 pursuant to the Local Finance Law of the State of New York, in order to finance the specific purpose hereinafter described. The Village is further authorized to issue its bond anticipation notes in an aggregate principal amount not to exceed \$500,000 having a maturity not to exceed one year, subject to renewal as permitted under the Local Finance Law, in anticipation of the sale of the bonds.

SECTION 2. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the replacement, reconstruction or repair of sanitary sewer improvements in the Village of Williamsville. The maximum cost of said purpose will not exceed five hundred thousand dollars (\$500,000).

SECTION 3. The Board of Trustees plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed five hundred thousand dollars (\$500,000) of said Village, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 4. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the period of probable usefulness for the Project is forty years.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

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SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. The expected source of funds to be used initially to pay for up to five hundred thousand dollars (\$500,000) of the expenditures for the purpose described herein shall be from the Village's General Fund. The Village then reasonably expects to reimburse such expenditure in an amount not to exceed five hundred thousand dollars (\$500,000) with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution. This resolution constitutes the Village's declaration of its "official intent" to reimburse the expenditures incurred in connection with the Project with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. Subject to the provisions of this resolution and the Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00 and Sections 56.00 to 60.00 of the Local Finance Law, the powers and duties of the Board of Trustees pertaining or incidental to the sale or issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and renewal notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. All other matters except as provided herein relating to the bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the Manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b) (3) (B) (i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Act of 1934.

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SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if;

(1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. Pursuant to Section 36.00 of the Local Finance Law and Article 9 of the Village Law, this resolution is subject to permissive referendum and shall not become effective until either approved by the qualified voters of the Village pursuant to a petition being filed or thirty days having expired without a petition being filed.

SECTION 13. Upon this resolution taking effect as aforesaid, the Village Clerk is hereby authorized and directed to publish an abstract of this resolution, together with a notice in substantially the form provided by Section 81.00 of Local Finance Law, in the Amherst Bee, a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

Unanimously carried.

Trustee Kingsley - Report

- *Trustee Kingsley reported on the following topics: Thanked Parks Committee for their pro-active approach; Local law allowing dogs in parks – would like restrictions at large events; Youth & Recreation Committee Hockey Tournament this coming weekend; Williamsville Water Mill; Memorial Day parade.*

Trustee Kingsley had no resolutions this evening.

Trustee Kulpa - Report

- *Trustee Kulpa reported on the following topics: Thanked Beautification Committee, Deb Habes and all volunteers for Village planting; Parking modifications to Spring St. and Hirschfield Dr.; Traffic & Safety meeting 6/4/09; Possibility of creating a school zone; Meeting House Masonry Project.*

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

WHEREAS, the project Architect and contractor have determined that the original mortar used in the Meeting House construction was a lime based mortar, and not a Portland cement mortar as described in the project specifications; and

WHEREAS, the change in mortar mix has been reviewed and approved by New York State Office of Parks, Recreation, and Historic Preservation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the proposal from Raymond E. Kelley, Inc., the contractor for this project, dated May 4, 2009, to modify the mortar mix from Portland cement to a lime based mortar, at a cost not to exceed one-thousand two-hundred nineteen dollars and twelve cents (\$1,219.12).

Unanimously carried.

ON MOTION by Trustee Kulpa, seconded by trustee Kingsley, 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:	009-7141-4102 (Glen Park-Landscaping)	\$97.00
From:	009-7141-4103 (Glen Park-Fertilization)	\$97.00
To:	009-7141-4070 (Glen Park-Utilities)	\$67.00
From:	006-8340-4040 (Glen Park-Sanitary Waste Disposal)	\$67.00

Unanimously carried.

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

RESOLVED, that *Linda Pacer of 87 Monroe Drive, Williamsville, New York*, is hereby appointed to the *Meeting House Committee* until the end of the **2008-2009** official Village year.

Unanimously carried.

There was no Executive Session.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the regular meeting at 8:14 p.m.

Unanimously carried.

Lynda L. Juul

Administrator/Clerk-Treasurer