

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, Tuesday, October 13, 2009 at 7:38 p.m.

The meeting was opened at 7:38 p.m. with the Pledge of Allegiance led by Mayor Lowther.

Present: Mary E. Lowther, Mayor
Brian J. Kulpa, Trustee
Brian J. Geary, Trustee
Basil J. Piazza, Trustee
Jeffrey L. Kingsley, 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 Geary, it was moved to approve the minutes of the regular meeting held on September 28, 2009.

Roll Call:	Trustee Geary	Yes
	Trustee Kingsley	Abstained
	Trustee Kulpa	Yes
	Trustee Piazza	Yes
	Mayor Lowther	Abstained

Motion 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 topics: Williamsville Business Association strategic planning meetings; Movie at the Meeting House; Candidate forum of Town candidates on 10/14; Village Officials meeting and village dissolution issue; Farmers' Market season will end October 31st.

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

RESOLVED, that payroll and vouchers in the amount of **\$238,157.48** covering the period from **9/14/09** to **10/07/09** are hereby approved as follows:

Payroll covering: 9/14/09 – 9/27/09:	\$28,550.83
Vouchers covering: 9/24/09 – 10/07/09:	
General Fund	\$84,769.99
Water Fund	\$47,272.63
Sewer Fund	\$2,962.50
Glen Park Fund	\$3,295.25
Trust & Agency Fund	\$11,817.93
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$59,488.35
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	<u>\$209,606.65</u>
 GRAND TOTAL:	 <u>\$238,157.48</u>

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 **2009-2010** fiscal year:

To:	001-3410-4160-3403 (Fire Protection-Truck Exp.)	\$270.00
	001-3410-4160-3401 (Fire Protection-Truck Exp.-Engine 1)	\$357.00

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001-3410-4160-3405 (Fire Protection-Truck Exp.-Rescue 5)	\$773.00
001-3410-4160-3403 (Fire Protection-Truck Exp.-Engine 3)	\$1132.00
001-3410-4160-3404 (Fire Protection-Truck Exp.-Rescue 4)	\$41.00
001-3410-4160-3406 (Fire Protection-Truck Exp.-Truck 6)	\$4788.00
From: 001-3410-4160 (Fire Protection-Truck Exp.)	\$7361.00
To: 001-1410-4030 (Village Clerk-Printing & Advertising)	\$183.00
From: 001-1410-4010 (Village Clerk-Office Supplies)	\$183.00
To: 001-8162-4161 (Leaf Pickup-Repairs)	\$1334.00
From: 001-8160-4330 (Refuse & Garbage Collection-Dump Fees)	\$1200.00
001-8162-4260 (Leaf Pickup-Maint. Supplies)	\$134.00

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 *Water Fund* for the **2009-2010** fiscal year to account for the insurance recovery for the damage from 6/04/09 accident at 100 Reist Street:

Increase:	006-8340-4160 (Water Transmission-Repairs-Lines)	\$4386.00
	006-8340-4161 (Water Transmission-Repairs-Equip.)	\$509.00
	006-8340-4163 (Water Transmission-Repairs-Valves)	\$126.00
Increase:	006-0006-2680 (Water Fund-Insurance Recoveries)	\$5021.00

Unanimously carried.

Report – Trustee Piazza:

Trustee Piazza reported on the following topics: Environmental Committee urges use of LED lights for holiday decoration; Environmental Committee meets 10/19; AUC saved 22% last month (approximately \$18,000).

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

WHEREAS, William J. Yahwak, record owner of property at 52 Hillside Drive, Williamsville, has allowed the grass/weeds in the rear yard to reach a height of at least two (2) feet; and

WHEREAS, the property owner has been issued a Violation Notice by the Village of Williamsville Code Enforcement Officer on July 27, 2009 citing him for non-compliance as per Chapter 11 (Brush, Grass and Weeds) Sections 2 and 3 of the Village Code; and

WHEREAS, said property owner was given a deadline of August 3, 2009 to cut the grass, thereby bringing the height of the grass into compliance with the code; and

WHEREAS, the height of the grass has not been brought into compliance with the code as of today's date of October 13, 2009.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Chapter 11 (Brush, Grass, Weeds), Section 3, the Superintendent of Public Works is hereby directed to oversee entry upon the offending premises for the purpose of bringing the same into compliance; and

BE IT FURTHER RESOLVED, that as per Chapter 11, Sections 4(A)(B)(C) the cost to the Village of bringing the premises into compliance shall be computed, certified to the Village Administrator and billed directly to the owner of the premises.

Unanimously carried.

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

WHEREAS, on or about June 17, 2009 the Village of Williamsville (Village), by its representatives, and the American Federation of State, County and Municipal Employees, AFSCME Council 66, Local 1783-c (Union), by its representatives, commenced negotiations for a successor collective bargaining agreement (CBA) between the Village and the Union; and

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WHEREAS, those negotiations continued over multiple days and resulted in a package proposal to modify the CBA from the Village to the Union dated September 28, 2009; and

WHEREAS, on September 29, 2009, the Union voted and ratified the Village package proposal to modify the CBA, and the September 28, 2009 package proposal was executed by the Union President on September 29, 2009; and

WHEREAS, the Village package proposal dated September 28, 2009, as ratified and executed by the Union on September 29, 2009, is submitted to the Village Board for final approval.

NOW, THEREFORE, BE IT RESOLVED, that the Village package proposal dated September 28, 2009, ratified and executed by the Union on September 29, 2009, is hereby approved for the three year period covering June 1, 2009 to May 31, 2012; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the September 28, 2009 Village package proposal, as well as any other relevant and necessary paperwork to effectuate the package proposal and enact the successor CBA between the Village and the Union.

Unanimously carried.

Report – Trustee Kingsley:

Trustee Kingsley reported on the following topics: Mill RFQ process for architectural services; Youth & Recreation Halloween Parade on 10/24; Village dissolution issue.

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

RESOLVED, that Saturday, October 31, 2009, is hereby designated “*Trick or Treat*” night in the Village of Williamsville.

Unanimously carried.

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

Unanimously carried.

ON MOTION by Trustee Kingsley, 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 Village Board of Trustees, at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, November 9, 2009, at 7:35 p.m., to hear all persons interested in commenting on a request for an Exceptional Development Permit for property at 122 N. Cayuga Rd., Williamsville, New York.

Unanimously carried.

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

Unanimously carried.

Report – Trustee Kulpa:

Trustee Kulpa reported on the following topics: “E.T.” Movie at Meeting House; Meeting House availability for rental; Upcoming Glen Park Joint Board activities, Will include art festival, photo contest, memorial program; Memorial pavers to be installed next spring; Restrooms to be installed at the Glen Park Nature Building; Pumpkin painting and carving in Glen Park 10/24 at 1:00pm; Public hearing on Draft Community Plan on 10/26; Meeting with NYSDOT.

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

RESOLVED, that *Sarah Mischler*, residing at 186 Evans Street, Williamsville, New York, is hereby appointed to the *Meeting House Committee*, until the end of the **2009-2010** official Village year.

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 Village Board of Trustees, at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, November 9, 2009, at 7:35 p.m., to hear all persons interested in commenting on a proposed local law banning text messaging while operating a motor vehicle in the Village of Williamsville.

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 **2009-2010** fiscal year:

To:	009-7141-4352 (Glen Park-Park Maint.)	\$211.00
From:	009-7141-4163 (Glen Park-Lighting Fixtures)	\$211.00
To:	009-7141-4102 (Glen Park-Landscaping)	\$1829.00
From:	009-7141-2010 (Glen Park-Capital Improvements)	\$1829.00

Unanimously carried.

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Report – Trustee Geary:

Trustee Geary reported on the following topics: Village dissolution; Tree Board re-planting session 10/17 at Garrison Park; Handicap accessible pathway at S. Long Park; Scouting project for Lehigh Memory Trail.

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

RESOLVED, that the Mayor is hereby authorized to sign the *Penflex, Inc. Service Fee Agreement* for the *Village of Williamsville Firefighter Length of Service Award Program*, for the period from November 1, 2009 to October 31, 2010.

Unanimously carried.

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

WHEREAS, the Village of Williamsville has advertised for sealed bids for the Handicap Accessible Path at S. Long Park; and

WHEREAS, the sealed bids were opened and publicly read aloud on October 7, 2009 at 3:00 p.m. in Village Hall, 5565 Main Street, Williamsville, New York; and

WHEREAS, Titan Development submitted the low bid meeting all specifications;

NOW, THEREFORE, BE IT RESOLVED, that the contract for the completion of Phase 1 and Phase 2 of a handicap accessible pathway in S. Long Park, is hereby awarded to Titan Development for their low bid of \$34,725.

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 8:15 p.m. for the purpose of discussing contractual and legal matters.

Unanimously carried.

ON MOTION by Trustee Kingsley, seconded by Trustee Geary, it was moved to close the Executive Session and return to the regular agenda at 9:10 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 9:10 p.m.

Lynda L. Juul

Administrator/Clerk-Treasurer