

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, Monday, November 9, 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. 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  
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 October 26, 2009.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing regarding the Draft Community Plan which was held on October 26, 2009.

Unanimously carried.

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

Unanimously carried.

- *A public hearing was held to hear all persons interested in commenting on an Exceptional Development Permit for property at 122 N. Cayuga Rd..*

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**ON MOTION** by Mayor Lowther, seconded by Trustee Kulpa, it was moved to close the first public hearing at 8:38 p.m.

Unanimously carried.

**ON MOTION** by Trustee Kulpa, seconded by Trustee Piazza, it was moved to open the second public hearing at 8:39 p.m.

Unanimously carried.

- *A public hearing was held to hear all persons interested in commenting on a proposed local law to ban text messaging while operating a motor vehicle in the Village of Williamsville.*

**ON MOTION** by Trustee Kulpa, seconded by Trustee Kingsley, it was moved to close the second public hearing at 8:41 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.

Those who addressed the Board and their topics:

*Dick Munzert, 216 N. Ellicott St.* – Complimented DPW on storm water job done at front of his property.

*Nicholas Perino, 40 Hillside Dr.* – Landscaping at 165 N. Ellicott Street.

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*Victor Paquet, 43 Howard Ave.* – Suggested looking to University of Buffalo for questions and analysis regarding any dissolution issues.

**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:* Zoning Work Session was cancelled and will be rescheduled; Final day for the Farmers’ Market season was 10/31; Joint meeting of Association of Erie County Government Officials and Village Officials’ Association addressed funding, retirement, dissolution and downsizing issues.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$210,792.24** covering the period from **10/12/09** to **11/05/09** are hereby approved as follows:

|  |                            |
|--|----------------------------|
| <b>Payroll covering: 10/12/09 – 10/25/09:</b>  | \$33,227.93                |
| <b>Vouchers covering: 10/22/09 – 11/05/09:</b> |                            |
| General Fund                                   | \$93,331.28                |
| Water Fund                                     | \$48,376.07                |
| Sewer Fund                                     | \$1,526.01                 |
| Glen Park Fund                                 | \$2,942.38                 |
| Trust & Agency Fund                            | \$15,234.41                |
| Debt Service                                   | \$0.00                     |
| Community Development                          | \$0.00                     |
| Capital Fund                                   | \$16,154.16                |
|  | <u>\$177,564.31</u>        |
| <b>GRAND TOTAL:</b>                            | <b><u>\$210,792.24</u></b> |

Unanimously carried.

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

|       |   |          |
|-------|---|----------|
| To:   | 001-3410-4160-3492 (Fire Protection-Truck Exp.-Asst. Chief Vehicle) | \$80.00  |
|       | 001-3410-4160-3401 (Fire Protection-Truck Exp.-Engine 1)            | \$408.00 |
| From: | 001-3410-4160 (Fire Protection-Truck Exp.)                          | \$488.00 |
| To:   | 001-8510-1000 (Community Beautification-Personal Services)          | \$606.00 |
| From: | 001-5110-1000 (Street Maint.-Personal Services)                     | \$606.00 |
| To:   | 001-8745-1001 (Flood & Erosion Control-Personal Services/OT)        | \$30.00  |
| From: | 001-8745-1000 (Flood & Erosion control-Personal Services)           | \$30.00  |
| To:   | 001-7310-4171 (Youth Programs-Halloween Parade)                     | \$261.00 |
| From: | 001-7310-4175 (Youth Programs-Movies in the Park)                   | \$261.00 |
| To:   | 001-7530-2000 (Village Meeting House-Equip.)                        | \$80.00  |
| From: | 001-7530-4990 (Village Meeting House-Repairs)                       | \$80.00  |
| To:   | 001-7550-4950 (Celebrations-Taste of Williamsville)                 | \$56.00  |
| From: | 001-7550-4960 (Celebrations-Committee Appreciation)                 | \$56.00  |
| To:   | 001-1640-4262 (Central Garage-Bldg. Maint.)                         | \$128.00 |
| From: | 001-1640-4261 (Central Garage-Bldg. Maint. Fees)                    | \$128.00 |
| To:   | 001-1640-1001 (Central Garage-Personal Services/OT)                 | \$21.00  |
| From: | 001-1640-1000 (Central Garage-Personal Services)                    | \$21.00  |

Unanimously carried.

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

**WHEREAS**, the Village Administrator has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$35,595.35 containing description of the land upon which taxes are unpaid as the same were placed upon the tax roll together with the amount assessed and interest thereon, and

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**WHEREAS**, the said Village Administrator under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

**WHEREAS**, upon receiving such account from the Village Administrator, the Board of Trustees compared the same with the original tax roll of the Village, and

**WHEREAS**, said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct.

**NOW, THEREFORE, BE IT RESOLVED**, that the Administrator of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return, and

**BE IT FURTHER RESOLVED**, that a Certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$35,595.35 and reciting that the account has been compared and found to be correct; and that the Administrator transmit said account and certificate to the appropriate officer of the County of Erie by November 15, 2009, to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried.

**Report – Trustee Kulpa:**

*Trustee Kulpa reported on the following topics:* Thanked Glen Park Joint Board members; Status of retaining wall at Glen Park and those belonging to properties on Mill St.; Community Plan moving forward; Community Plan Work Session scheduled for 12/17 at 6:00pm; New York Conference of Mayors' Main Street Conference.

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**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:   | 001-7141-4102 (Glen Park-Landscaping)         | \$2056.00 |
| From: | 001-7141-2010 (Glen Park-Capital Improvement) | \$2056.00 |
| To:   | 001-7141-4452 (Glen Park-Park Maint.)         | \$360.00  |
| From: | 001-7141-2010 (Glen Park-Capital Improvement) | \$360.00  |

Unanimously carried.

**Report – Trustee Geary:**

*Trustee Geary reported on the following topics:* Seventy trees were planted by the Tree Board over the weekend; Thanked Dave Pennington, Al Hershberger, Dan Delano, Noel Bartlo, Doug Richardson, Marc Shuttleworth, Ryan Maj and all others for their help in the tree planting.

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

**WHEREAS**, the Town of Amherst, the Eggertsville Fire District and the Snyder Fire District within the Town of Amherst’s borders presently have a contract in effect with Twin City Ambulance Corp. to provide pre-hospital emergency medical services for the Town of Amherst, including the Village of Williamsville, which is also a signatory to the aforementioned contract, and

**WHEREAS**, the Town of Amherst and its emergency medical service providers have determined that it would be beneficial to create a Knox Box system to provide access to Twin City Ambulance Corp., for certain buildings within the Town of Amherst, so as to assist them in providing pre-hospital emergency medical services as dispatched by the Central Alarm office at the Town of Amherst and for no other use, and that Twin City Ambulance Corp. is responsible for insuring that this equipment is not misused; and

**WHEREAS**, the Village of Williamsville has also determined that this system would be beneficial in the Village of Williamsville;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is hereby authorized and directed to sign the Memorandum of Understanding with the Town of Amherst and Twin City Ambulance Corp. concerning the Knox Box System in the Town of Amherst and Village of Williamsville.

Unanimously carried.

**Report – Trustee Piazza:**

*Trustee Piazza reported on the following topics:* Congratulated Trustee Geary on the huge effort for tree planting; Urged residents to consider using LED lights for the holidays; AUC meeting on 11/10; Beautification Committee meeting on 11/10.

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

**RESOLVED**, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, on December 14, 2009 at 7:35 pm to hear all persons interested in discussing a proposed water rate increase.

Unanimously carried.

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

**RESOLVED**, that the Village Administrator is hereby authorized to advertise for sealed bids for the purchase of one (1) 2009 or newer Ford F-350XL Pickup Truck, or equivalent, for the Village of Williamsville Department of Public Works. Bids are to be opened December 2, 2009 at 2:00 p.m. in the Village Clerk's office; the Village reserves the right to reject any and all bids.

Unanimously carried.

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**Report – Trustee Kingsley:**

*Trustee Kingsley reported on the following topics: Mill architect RFQ interviews will be held on 11/24; Youth & Recreation Committee Tree Lighting Event will be held on 12/5; Village dissolution – Stated that he is not in favor of this; Does not believe there will be a tax savings but believes residents have the right to determine to dissolve or not; Water rate increase; Water fund status.*

- *Trustee Kingsley announced that the proposed resolution regarding property at 165 N. Ellicott Street was being put on hold and therefore would not be acted upon at this evening's meeting.*

**Report – DPW:**

*DPW Crew Chief Marc Shuttleworth reported that the DPW is continuing leaf pickup throughout the Village.*

**ON MOTION** by Mayor Lowther, seconded by Trustee Geary, it was moved to leave the regular agenda to open the Executive Session at 9:17 p.m. to discuss contractual and personnel issues.

Unanimously carried.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the Executive Session at 10:16 p.m. and return to the regular agenda.

**ON MOTION** by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the regular meeting at 10:16 p.m.

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Lynda L. Juul

Administrator/Clerk-Treasurer