

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, December 14, 2009 at 7:30 p.m.

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Trustee Kulpa.

Present: 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: Mary E. Lowther, Mayor
Marc Shuttleworth, DPW Crew Chief

In Mayor Lowther's absence, Trustee Kulpa acted as Deputy Mayor.

Deputy Mayor Kulpa asked that everyone in the audience pause for a moment of silence in memory of Hutchison Hose President Paul Oehmler.

ON MOTION by Deputy Mayor Kulpa seconded by Trustee Kingsley, it was moved to approve the minutes of the regular meeting held on November 23, 2009.

Motion carried. 4 – 0.

ON MOTION by Trustee Piazza, seconded by Trustee Kingsley, it was moved to open the first public hearing on a proposed water rate increase for 2010 at 7:38 p.m.

Motion carried. 4 – 0.

- ***A public hearing was held to hear all persons interested in commenting on a proposed water rate increase for the year 2010.***

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ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Kingsley, it was moved to close the first public hearing at 8:05 p.m.

Motion carried. 4 – 0.

ON MOTION by Trustee Kingsley, seconded by Trustee Geary, it was moved to open the second public hearing on a proposed amendment to §103-15 at 8:05 p.m.

Motion carried. 4 – 0.

- *A public hearing was held to hear all persons interested in commenting on a proposed amendment to §103-15(Vehicles and Traffic) to add two stop signs on Oakgrove Dr. at the intersection of Monroe Dr.*

ON MOTION by Deputy Mayor Kulpa seconded by Trustee Kingsley, it was moved to close the second public hearing at 8:22 p.m.

Motion carried. 4 – 0.

ON MOTION by Trustee Kingsley, seconded by Trustee Piazza, it was moved to open the third public hearing on a proposed amendment to §112-22 B(1) at 8:22 p.m.

Motion carried. 4 – 0.

- *A public hearing was held to hear all persons interested in commenting on a proposed amendment to §112-22 B (1) (Planning Board and Architectural Review) to allow for use of alternates on the Planning and Architectural Review Board when a member has a conflict of interest, without the lack of a quorum.*

ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Kingsley, it was moved to close the third public hearing at 8:25 p.m.

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Motion carried. 4 – 0.

ON MOTION by Trustee Kingsley, seconded by Trustee Geary, it was moved to open the fourth public hearing on a proposed addition to §112-23 (A) at 8:26 p.m.

Motion carried. 4 – 0.

- *A public hearing was held to hear all persons interested in commenting on a proposed addition to §112-23 (A) (Zoning Board of Appeals), to allow for use of alternates on the Zoning Board of Appeals when a member has a conflict of interest.*

ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Kingsley, it was moved to close the fourth public hearing at 8:30 p.m.

Motion carried. 4 – 0.

ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Kingsley, it was moved to open the public participation portion of the meeting.

Motion carried. 4 – 0.

Those who addressed the Board and their topics:

Paul Roth, 135 Oakgrove Dr. – Fence in vicinity of his home.

Shawn Michel, 54 Garden Parkway – Asked for more Amherst Police presence in the Village due to people running red lights and blocking side streets.

Thomas Frank, 225C Evans St. – War of 1812.

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ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Kingsley, it was moved to close the public participation portion of the meeting.

Motion carried. 4 – 0.

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

RESOLVED, that payroll and vouchers in the amount of **\$245,029.70** covering the period from **11/09/09** to **12/09/09** are hereby approved as follows:

Payroll covering: 11/09/09 – 11/22/09: \$35,700.50

Payroll covering: 11/23/09 – 12/06/09: \$28,345.96

Vouchers covering: 11/20/09 – 12/09/09:

General Fund	\$101,056.56
Water Fund	\$42,907.85
Sewer Fund	\$3,518.70
Glen Park Fund	\$2,478.39
Trust & Agency Fund	\$24,471.74
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$6,550.00
	<u>\$180,983.24</u>

GRAND TOTAL: **\$245,029.70**

Motion carried. 4 – 0.

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ON MOTION by Deputy Mayor Kulpa, 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:	001-3410-4160-3402 (Fire Protection-Truck Exp.-Eng. 2)	\$816.00
	001-3410-4160-3405 (Fire Protection-Truck Exp.-Rescue 5)	\$271.00
	001-3410-4160-3401 (Fire Protection-Truck Exp.-Eng. 1)	\$1675.00
	001-3410-4160-3405 (Fire Protection-Truck Exp.-Rescue 5)	\$1043.00
	001-3410-4161 (Fire Protection-Small Eng. & Equip)	\$661.00
	001-3410-4160-3403 (Fire Protection-Truck Exp.-Eng. 3)	\$85.00
	001-3410-4160-3406 (Fire Protection-Truck Exp.-Ladder 6)	\$85.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$4636.00
To:	001-1410-4030 (Village Clerk-Printing & Advertising)	\$99.00
From:	001-1410-4010 (Village Clerk-Office Supplies)	\$99.00
To:	001-8510-1000 (Community Beautification-Personal Services)	\$459.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$459.00
To:	001-8510-1000 (Community Beautification-Personal Services)	\$1317.00
	001-1640-1001 (Central Garage-Personal Services/OT)	\$59.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$1317.00
	001-1640-1000 (Central Garage-Personal Services)	\$59.00

Motion carried. 4 – 0.

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

RESOLVED, that the following *budget transfers* are hereby made in the *Water Fund* for the *2009-2010* fiscal year:

To:	006-8340-1001 (Water Transmission-Personal Services/OT)	\$495.00
From:	006-8340-1000 (Water Transmission-Personal Services)	\$495.00
To:	006-8340-4110 (Water Transmission-Service Contracts)	\$1.00
From:	006-8340-4010 (Water Transmission-Office Supplies)	\$1.00

Motion carried. 4 – 0.

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

RESOLVED, that Administrator Lynda Juul and Deputy Treasurer Judith Kindron are hereby authorized to attend the Government Finance Officers Association Annual Conference in Albany, New York, from March 24, 2010 to March 26, 2010, at a cost not to exceed \$1,200.00, to be paid by the Village of Williamsville.

Motion carried. 4 – 0.

Report – Trustee Kingsley:

Trustee Kingsley reported on the following topics: Youth & Recreation Committee's Tree Lighting/Bonfire Event – Thanked Vic Paquet, Amy Alexander, Nick Roth and Brian Geary for their help; Mill architect is being hired tonight: Thanked Lynda Juul and Trustee Kulpa for their help in this matter; The legal matter with former Administrator Kuzon; Third party inquiry report assessing how this matter was handled.

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

WHEREAS, The Village of Williamsville purchased the Williamsville Water Mill property in 2005; and

WHEREAS, over the past several years there has been deterioration of the rock face slope along the northern rear portion of the property, adjacent to the Mill; and

WHEREAS, the Village intends to use 3 years of Community Development Block Grant funding to fund this project; and

WHEREAS, CRA Infrastructure and Engineering, the Village's Engineer of Record, has been working with the guidance of the State Historic Preservation Office on a design to stabilize the issue of the deteriorating rock face; and

WHEREAS, the Village of Williamsville seeks lead agency status on this project;

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to sign the SEQR Full Environmental Assessment Form, Parts 1 and 2, for the Williamsville Mill Slope Stabilization Project.

Motion carried. 4 – 0.

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

WHEREAS, the Village of Williamsville purchase the Williamsville Water Mill in 2005; and

WHEREAS, the Village of Williamsville has been working to determine a proposed end use for this historically significant property for some time; and

WHEREAS, the Village of Williamsville hired Preservation Studios LLC to assist with this process; and

WHEREAS, a legal notice for Requests for Qualifications for architectural services pertaining to the Williamsville Water Mill Complex was published on August 2, 2009, bids were received September 21, 2009, and eleven (11) firms responded to the RFQ; and

WHEREAS, phone interviews were conducted by Preservation Studios LLC, and were followed with in-person interviews on November 24, 2009 by Preservation Studios LLC, Trustee Brian Kulpa, and Village Administrator Lynda Juul; and

WHEREAS, Preservation Studios LLC recommends Flynn Battaglia Architects, PC as the best qualified applicant to act as the Mill project architect, and Trustee Kulpa and Administrator Juul strongly agree with this recommendation;

NOW, THEREFORE, BE IT RESOLVED, that Flynn Battaglia Architects, PC is hereby engaged as the project architect for the Williamsville Water Mill project.

Motion carried. 4 – 0.

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

WHEREAS, the Village Community Response Committee was adopted by Village Board resolution on September 24, 2007 for the purpose of providing information to the public on important safety, economic and social issues in the Village; and

WHEREAS, Trustee Brian Geary has expressed sincere interest in being appointed as trustee liaison to this worthy committee.

NOW, THEREFORE, BE IT RESOLVED, that *Trustee Brian Geary* is hereby appointed as *Village Board liaison* to the *Village Community Response Committee*, effective immediately.

Motion carried. 4 – 0.

ON MOTION by Trustee Kingsley, seconded by Trustee Kulpa, the following resolution was brought forward:

RESOLVED, that the *Local Law #9 of 2009*, amending *Chapter 103-15* of the Vehicles and Traffic Code, to install two (2) stop signs on Oakgrove Drive at the intersection of Monroe Drive, which was the subject of a public hearing tonight, December 14, 2009, is hereby adopted.

Roll Call:	Kingsley	Yes
	Geary	No
	Piazza	Yes
	Kulpa	No

Motion failed. 2 – 2.

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

Motion carried. 4 – 0.

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

RESOLVED, that the *Local Law #9 of 2009*, amending *Chapter 103-15* of the Vehicles and Traffic Code, to install two (2) stop signs on Oakgrove Drive at the intersection of Monroe Drive, which was the subject of a public hearing tonight, December 14, 2009, is hereby adopted, through December 14, 2010.

Roll Call:	Kingsley	Yes
	Geary	No
	Piazza	Yes
	Kulpa	Yes

Motion carried. 3 – 1.

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

Motion carried. 4 – 0.

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

RESOLVED, that the Village Administrator is hereby authorized to publish legal notice of a Public Hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, January 11, 2010, at 7:35 p.m., in Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in discussing the proposed use of the 2010 and 2011 Community Development Block Grant Funds.

Motion carried. 4 – 0.

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

RESOLVED, that permission is hereby granted to Alan E. Taylor of 165 N. Ellicott St. for the construction of various landscape work in the front and side yards adjacent to the pavement on N. Ellicott and Belmont Street, including topsoil grading, sod installation, and the installation of 6x6 pressure treated edging, as per his Building Department Permit Application received July 15, 2009; and be it further

RESOLVED, that the Village of Williamsville shall not under any circumstances be held responsible for any damage to the above work; and be it further

RESOLVED, that should any damage occur, or when replacement or repair is necessary, that the 6x6 pressure treated edging shall only be replaced with concrete; and be it further

RESOLVED, that any repair or replacement shall be at the property owner's expense.

Motion carried. 4 – 0.

Report – Trustee Geary:

Trustee Geary reported on the following topics: Tree Board Master Plan – Thanked Nick Roth and Dan Delano for their help; Parks Committee – Last meeting was cancelled; Parks Committee is seeking donations to build a gazebo at S. Long Park.

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

RESOLVED, that *Joseph Frese of 275 Mill St. Williamsville, New York*, is hereby appointed to the **Community Response Committee**, until the end of the **2009-2010** official Village year.

Motion carried. 4 – 0.

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

RESOLVED, that *Doug Richardson of 221 Hirschfield Dr., Williamsville, New York*, is hereby appointed to the *Community Response Committee*, until the end of the **2009-2010** official Village year.

Motion carried. 4 – 0.

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

RESOLVED, that *Russell Zarichny of 177 Garrison Rd., Williamsville, New York*, is hereby appointed to the *Community Response Committee*, until the end of the **2009-2010** official Village year.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

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

RESOLVED, that the Mayor is hereby authorized to execute, on behalf of the Village of Williamsville, contracts with the Town of Amherst and Williamsville Fire Department/Hutchinson Hose Company, for fire protection for the year 2010 in the following districts:

Autumn Harvest
Lamm Post
Lehn Springs

District #1
District #2
District #3

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Mill Street
Park Club Lane
Williamsville

District #4
District #15
District #16

Motion carried. 4 – 0.

ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Piazza, it was moved to return to the regular agenda.

Motion carried. 4 – 0.

Report – Deputy Mayor Kulpa

Deputy Mayor Kulpa reported on the following topic: Glen Park Joint Board re-dedication of Noll Nature Center.

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

WHEREAS, the Village of Williamsville has expressed interest in the possible Town acquisition and demarcating of the wetlands meadows of the Sisters of St. Francis property on Reist Street, and adjacent to the Glen Park, as park land, within the Village's Draft 20 Year Community Plan; and

WHEREAS, the addition of these wetlands to the Parks complex will have a significant benefit to the community for the educational and recreational values that they bring to the Parks scene; and

WHEREAS, the addition of the wetlands meadow to the State Park would vastly enhance the breadth of the environmental experience by enabling paths with informative signage pointing out the value of wetlands; and

WHEREAS, in the core of the Town - Village community, this would be a unique addition to the quality of life; and

WHEREAS, the concept of a six part Arboretum in the State Park will be incomplete in its scope without the inclusion of these wetlands and this will

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provide an experience of great value as it is so easily accessible to the communities of the Village of Williamsville and the Town of Amherst.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville strongly encourages the acquisition of the wetlands meadow by the Town of Amherst, from the Sisters of St. Francis due to the immense immediate and lasting benefits that bringing these lands into the public domain would have for the community.

Motion carried. 4 – 0.

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

RESOLVED, that the following *budget transfer* is hereby made in the *Glen Park Fund* for the *2009-2010* fiscal year:

To:	009-7141-4102 (Glen Park-Landscaping)	\$1925.00
From:	009-7141-2010 (Glen Park-Capital Improvements)	\$1925.00

Motion carried. 4 – 0.

Report – Trustee Piazza:

Trustee Piazza reported on the following topics: Siphon contract Notice to Proceed given 12/1/09 - Will start work 12/28/09; AUC continuing successfully; Environmental Committee is not meeting this month; Wished everyone a Merry Christmas and Happy New Year.

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

WHEREAS, The Village of Williamsville Board of Trustees is interested in providing the best Service at the lowest cost to its residents and taxpayers; and

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WHEREAS, the Village of Williamsville is currently a bulk purchaser of water from the Erie County Water Authority; and

WHEREAS, the water rate charged to residents and customers by the Village of Williamsville is currently higher than the rate charged by the Erie County Water Authority to its customers in neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby requests that the Village Administrator continue discussions with the Erie County Water Authority to conduct a feasibility study to investigate the financial impact of turning the Village water system over to Erie County Water Authority, as either a lease managed system, or a direct service provider.

Motion carried. 4 – 0.

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

RESOLVED, that the Village water rates, which were the subject of a public hearing tonight, December 14, 2009, are hereby adopted and are effective January 1, 2010, as follows:

Inside Village	\$4.67	per \$1,000 gallons
Outside Village	\$7.01	per 1,000 gallons
Minimum Bill	\$18.68	per 0-4,000 gallons
Williamsville Central	\$5.84	per 1,000 gallons

Motion carried. 4 – 0.

Trustee Kingsley stated for the record that the Village is running at a deficit. Transfer to ECWA will take some time but it is clear that the transfer is a probability and not a possibility.

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

WHEREAS, on November 9, 2009, the Village Board authorized the Village Administrator to advertise for sealed bids for one (1) 2010 Ford F350 XL or equivalent; and

WHEREAS, the request for sealed bids was duly advertised on November 18, 2009; and

WHEREAS, bids were opened at 2:00 p.m. on December 2, 2009 and only two (2) sealed bids were received, and

WHEREAS, the Village of Williamsville reserves the right to reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby rejects all bids.

Motion carried. 4 – 0.

ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Geary, it was moved to leave the regular agenda to open the Executive Session at 9:30 p.m. to discuss a legal matter, a personnel matter and a contractual matter.

Motion carried. 4 – 0.

ON MOTION by Trustee Kingsley, seconded by Trustee Piazza, it was moved to close the Executive Session at 10:50 p.m. and return to the regular agenda.

Motion carried. 4 – 0.

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ON MOTION by Trustee Kingsley, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 10:50 p.m.

Motion carried. 4 – 0.

Lynda L. Juul
Administrator/Clerk-Treasurer