

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, March 22, 2010 at 7:30 p.m.

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

Present: Brian J. Kulpa, Trustee
 Brian J. Geary, 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

Absent: Mary E. Lowther, Mayor

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

ON MOTION by Deputy Mayor Kulpa seconded by Trustee Kingsley, it was moved to approve the minutes of the regular meeting held on March 8, 2010.

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.

The following members of the audience addressed the Board:

Victor Paquet, 43 Howard Ave. – Has both SEQRA and aesthetic concerns with the development plan for 122 N. Cayuga; Submitted photo showing views of Amherst State Park from neighboring properties; Believes view would be eliminated if project goes forward and believes this would cause a significant impact on the neighborhood; Project puts a building in the back yard of the property; Project contradicts Draft Community Plan; Project impacts properties on west side of N. Cayuga and those on Howard Ave. that back up to 122 N. Cayuga Rd.; Project does not impact Millrace properties.

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, March 22, 2010 at 7:30 p.m.

Richard Klein, 65 Howard Ave. – Spoke against proposed “McMansion” development at 122 N. Cayuga Rd.; Project contradicts Community Plan; Violates code; Does not promote health, welfare or safety.

Kristin Petrie, 55 Howard Ave. – Had previously written a letter which she re-submitted to Board; Believes choice is to make residents content and happy versus making the developer content and happy.

Karen Reilly, 104 N. Cayuga Rd. – Project approval will only fuel already existing citizens’ cynicism of government; Urged serious consideration of the project which could turn the village into a non-entity.

Sean Hopkins, Hopkins and Sorgi, Attorney for Richard Bergman, owner of 122 N. Cayuga Rd. – Stressed that criteria is not if the project will have negative impacts, but that it would have significant adverse impacts; It is unusual for a project of this size not to be given a negative declaration; Mr. Bergman is committed to making this a good project; It is private property; The building has been moved to increase backyard space; Condo form of ownership would not be used; The Board could make it an expressed condition of approval.

Richard Bergman, Owner of 122 N. Cayuga Rd. – This project meets most of the requirements of the Community Plan; It’s always an issue when building in someone’s else’s backyard; A larger house is allowable under code, which would block view as well; It’s intended for those who want to age in place and those who wish to downsize their living space; Tax revenue will help the Village; Village would reap same dollars for one large house as it would for four smaller ones; Believes it is a beneficial project for the Village.

Ron Osinski, 27 The Common – Spoke in favor of the project; Believes there is not much housing that meets accessibility needs in the Village; Cynicism can go both ways.

Jim Maloney, 54 Howard Ave. – If property was purchased on speculation, then it is not the Village’s obligation to meet those demands; Urged a “no” vote on this development.

Bea Slick, 130 Hirschfield Dr. – Village Board is there to listen to the residents; Encouraged Board to listen to residents; As a Village resident for 36 years, is in favor of saving the Village; A public stance is needed; One outsider has silenced elected officials; Village residents have an equal say; Committees will not thrive without a Village government; Respectfully asked each trustee to make a public stance.

Eileen Wall, 27 Howard Ave. – Wants to save the Village.

Chris Duquin, 217 N. Ellicott St. – Member of Williamsville Study Group; Does not care if Village stays or goes; It’s about the cost of quality of life; Study found it costs \$170

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, March 22, 2010 at 7:30 p.m.

more on a \$159,000 house to live in the Village than the Town of Amherst based on study of 109 properties; The group will now look at the quality of life in the Village; Expressed anger at article in the Buffalo News saying the group is “lying”; It was a solid study; It’s all about information; Residents should decide the fate of the Village based on good information; Will be coming to Board of Trustees soon for information; Web site www.willvillstudy.com will have an Executive Summary Power Point up soon; No funding for hard copies; They received 50 questions in the question box at their public meeting on March 21st.

Dan Delano, 136 Park Dr. – Village’s one square mile will decide our fate; Group against it is much larger; State-wide law; Has recently seen how much time Village Trustees actually spend at Village Hall.

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.

Report – Deputy Mayor Kulpa

Deputy Mayor Kulpa reported on the following topics: Eldercare Seminar sponsored by Village of Williamsville and MJ Peterson at the Meeting House on 3/30/10 at 7:00pm.

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

RESOLVED, that payroll and vouchers in the amount of **\$124,413.86** covering the period from **3/1/10** to **3/17/10** are hereby approved as follows:

Payroll covering: 3/1/10 – 3/14/10: \$31,111.96

Vouchers covering: 3/4/10 – 3/17/10:

General Fund	\$49,858.76
Water Fund	\$2,917.63
Sewer Fund	\$2,239.27
Glen Park Fund	\$694.82

**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, March 22, 2010 at 7:30 p.m.**

Trust & Agency Fund	\$11,091.42
Debt Service	\$26,500.00
Community Development	\$0.00
Capital Fund	\$0.00
	\$93,301.90

GRAND TOTAL: \$124,413.86

Motion carried. 4 – 0.

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: 001-3410-4160-3409 (Fire Protection-Truck Exp./Chief 9)	\$40.00
From: 001-3410-4160 (Fire Protection-Truck Exp.)	\$40.00
To: 001-5110-4161-0917 (Street Maint.-Repairs/'98 Int'l Dump Truck)	\$177.00
From: 001-5110-4161 (Street Maint.-Repairs Equip.)	\$177.00
To: 001-1620-4260 (Buildings-Maint. Supplies)	\$24.00
From: 001-1620-4070 (Buildings-Utilities)	\$24.00
To: 001-8560-4450 (Shade Trees-Misc.)	\$176.00
From: 001-8560-4340 (Trash Pickup-Trees/Removal & Maint.)	\$176.00
To: 001-8560-1000 (Shade Trees-Personal Services)	\$3186.00
From: 001-8163-1000 (Trash Pickup-Trees/Personal Services)	\$3186.00
To: 001-8162-4161 (Leaf Pickup-Repairs)	\$23.00
From: 001-8162-4700 (Leaf Pickup-Leaf Composting)	\$23.00
To: 001-8162-4161 (Leaf Pickup-Repairs)	\$59.00
From: 001-5110-4161 (Street Maint.-Repairs/ Equip.)	\$59.00
To: 001-1640-2000 (Central Garage-Equip.)	\$181.00
From: 001-1640-4070 (Central Garage-Utilities)	\$181.00
To: 001-1640-4450 (Central Garage-Misc.)	\$53.00
001-1640-4260 (Central Garage-Maint. Supplies)	\$71.00

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, March 22, 2010 at 7:30 p.m.

From:	001-1640-4261 (Central Garage-Maint. Fees)	\$124.00
To:	001-1640-4260(Central Garage-Maint. Supplies)	\$10.00
From:	001-1640-4261 (Central Garage-Maint. Fees)	\$10.00

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 *Water Fund* for the *2009-2010* fiscal year:

To:	006-9040-8000 (Water Transmission-Workers Comp.)	\$44.00
From:	006-9010-8000 (Water Transmission-State Retirement)	\$44.00

Motion carried. 4 – 0.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2009-2010* fiscal year to account for Justice Court grant received on 3/15/10:

Increase:	001-0001-3090 (Village Justices-State Aid Grants)	\$11,251.00
Increase:	001-0010-4099 (Village Justices-Grant Expenditures)	\$11,251.00

Motion carried. 4 – 0.

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, March 22, 2010 at 7:30 p.m.

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

RESOLVED, that *Timothy Abati, residing at 561 Lake Ave., Lancaster, New York*, is hereby appointed as *Motor Equipment Operator* for the *Department of Public Works* at a rate of \$14.86 per hour.

Motion carried. 4 – 0.

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

WHEREAS, the Manual on Uniform Traffic Control Devices (MUTCD) provides guidance on installation of various traffic control devices; and

WHEREAS, a Stop Sign Installation Policy has been reviewed and discussed by the Village Board of Trustees; and

WHEREAS, such a policy will be helpful in guiding both the Traffic & Safety Committee and the Village Board in making determinations on the installation of stop signs;

NOW, THEREFORE, BE IT RESOLVED, that the Stop Sign Installation Policy is hereby adopted as an official policy of the Village of Williamsville.

Motion carried. 4 – 0.

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

WHEREAS, the Traffic & Safety Committee was formed in May 1975; and

WHEREAS, the committee currently consists of seven (7) voting members and two (2) ex-officio members, including a member of the Amherst Police Department and a member of the Williamsville Fire Department; and

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, March 22, 2010 at 7:30 p.m.

WHEREAS, it would be beneficial to the Committee to add a third ex-officio member, appointed as a professional in the field;

NOW, THEREFORE, BE IT RESOLVED, that an additional ex-officio position is hereby created, to be filled by an expert or professional in the area of transportation.

Motion carried. 4 – 0.

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

RESOLVED, that *Jennifer Michniewicz, P.E. of 159 Stevenson Blvd., Amherst, New York*, is hereby appointed as an *Ex-officio member* of the *Traffic & Safety Committee*, as a professional in the field of transportation.

Motion carried. 4 – 0

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

RESOLVED, that the Village Board of Trustees hereby accepts the Final Generic Environmental Impact Statement for the Village of Williamsville Community Plan, as outlined in the attached Notice of Completion of Final EIS.

Motion carried. 4 – 0.

Report – Trustee Kingsley

Trustee Kingsley reported on the following topics: Youth & Recreation Committee sponsored Egg Hunt is on 3/28/10 at 11:00am at Island Park; Mill architect is on board; RFP process will be moving forward through the summer and fall; Exceptional Development/Zoning Code; Exceptional Development needs to be eliminated.

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, March 22, 2010 at 7:30 p.m.

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

WHEREAS, Richard Bergman of Heartland Homes Construction, Inc. has submitted an application to the Board of Trustees of the Village of Williamsville for an Exceptional Development Permit, pursuant to Section 28-5 of the Village Code, to subdivide the parcel located at 122 N. Cayuga Road in the Village for the purpose of constructing two (2) two-family homes on the subdivided lots; and

WHEREAS, the proposed action constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617; and

WHEREAS, the Board of Trustees has declared itself lead agency with respect to the environmental review required under SEQRA and has opted to conduct coordinated review of the proposed project; and

WHEREAS, the Board of Trustees has taken a hard look at all identified potential environmental impacts associated with the proposed project, including Parts 1 and 2 of the Full Environmental Form, numerous written submissions from the applicant, other interested agencies and other interested parties;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville, as lead agency, hereby determines that the proposed project will not have a significant adverse effect on the environment and therefore issues the attached Negative Declaration of Significance setting forth its findings related thereto.

Motion carried. 4 – 0.

- ❖ *Trustee Kingsley proceeded to read aloud for the record a letter from Mayor Lowther to the Village Board dated March 22, 2010 regarding the issue of 122 N. Cayuga Rd., now before the Board (attached).*

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

WHEREAS, on February 1, 2007 Richard Bergman of Heartland Homes Construction, Inc., record owner of 122 N. Cayuga Rd., Williamsville, New

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, March 22, 2010 at 7:30 p.m.

York (the "Applicant"), submitted a Building Permit Application to build two (2) two-family homes; and

WHEREAS, 122 N. Cayuga Rd. was found to be zoned R-3, which allows for only one (1) two-family dwelling; and

WHEREAS, on July 3, 2007, the Applicant redefined his proposal and requested an Exceptional Development Permit, pursuant to Section 28-5 of the Village Code, in order to split the parcel and build one (1) two-family dwelling on each new parcel; and

WHEREAS, the Village Board has reviewed this request over the last two and a half years, including the various options for granting an Exceptional Development Permit; and

WHEREAS, the Village Board has concluded that requests for variances from the Zoning Code are best reviewed by the Zoning Board of Appeals of the Village of Williamsville ("ZBA"), and should not be determined by the Village Board of Trustees through the Exceptional Development process;

NOW, THEREFORE, BE IT RESOLVED, that the Exceptional Development Permit application *for the split of the parcel only*, is hereby granted with the following conditions:

1. Any future development of the parcel shall be subject to all other applicable requirements of the Village Code and the New York State Building Code, as determined by the Williamsville Building Department, or the Applicant obtaining from the ZBA any and all variances from the Code that may be required;

2. No building permit shall be issued by the Williamsville Building Department until the Applicant submits to the Building Department a final drainage plan, together with the Engineering Cost Recovery Fee specified in Section 21-5 of the Village Code, and the Village Engineer of Record approves such drainage plan as adequate to ensure the proper management of storm water so as to avoid adverse impacts on surrounding properties.

Motion carried. 4 – 0.

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, March 22, 2010 at 7:30 p.m.

Report – Trustee Geary

Trustee Geary reported on the following topics: Drainage in S. Long Park; Purchase of gazebo for S. Long Park; Edible Garden at S. Long Gazebo; Emerald Ash Borer Conference; Earth Day/Arbor Day is 4/24 at the Mill; WBA meeting; Hiring Fire Inspector; Caboose Affair is 4/16.

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

WHEREAS, the Williamsville Fire Department has looked into its various options as to the replacement of their existing aerial platform truck (Truck #6), including refurbishing the existing truck; and

WHEREAS, the Williamsville Fire Department recommends replacement of this truck as the best possible option; and

WHEREAS, the Fire Chief of the Williamsville Fire Department has proposed that the Fire Department replace their existing aerial platform (Truck #6) and their 1988 American LaFrance pumper truck (Engine #3) with one multi-use aerial truck; and

WHEREAS, this proposal would eliminate one vehicle from their fleet and combine both an engine and an aerial platform in one vehicle that can be used as a dual purpose unit; and

WHEREAS, the Board of Trustees agrees whole-heartedly with this proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the Fire Chief, Christopher Petrie, to form a truck committee to research and recommend specifications for the replacement of Truck #6 and Engine #3 with one dual purpose unit.

Motion carried. 4 – 0.

Report - Trustee Piazza

Trustee Piazza reported on the following topics: Earth Day is 4/24; AUC savings; Thanked Administrator Juul for overseeing energy audit.

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, March 22, 2010 at 7:30 p.m.

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

RESOLVED, that DPW Crew Chief Marc Shuttleworth and one additional DPW employee are hereby authorized to travel to Rochester, NY to attend the WNY Village Superintendents' Association Equipment Show, on April 7, 2010, at a cost not to exceed \$20.00, to be paid by the Village of Williamsville.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

Report – DPW Crew Chief Shuttleworth

Mr. Shuttleworth reported on the following: Brush and metal pickup has started.

ON MOTION by Deputy Mayor Kulpa, seconded by Trustee Kingsley, it was moved to leave the regular agenda at 9:10 p.m. to open the Executive Session to discuss a legal matter and a personnel matter.

Motion carried. 4 – 0.

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, March 22, 2010 at 7:30 p.m.

ON MOTION by Trustee Kingsley, seconded by Deputy Mayor Kulpa, it was moved to close the Executive Session at 9:59 p.m. and return to the regular agenda.

Motion carried. 4 – 0.

ON MOTION by Trustee Kingsley, seconded by Trustee Piazza, it was moved to adjourn the regular meeting at 9:59 p.m.

Motion carried. 4 – 0.

Lynda L. Juul

Administrator/Clerk-Treasurer