

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, May 24, 2010 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
Jeffrey L. Kingsley, Trustee
Brian J. Kulpa, Trustee
Basil J. Piazza, Trustee

Charles D. Grieco, Village Attorney
Lynda L. Juul, Administrator/Clerk-Treasurer
Judith A. Kindron, Deputy Treasurer

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to approve the minutes of the regular meeting held on May 10, 2010.

Roll call:	Lowther	Abstained
	Kingsley	Abstained
	Kulpa	Yes
	Geary	Yes
	Piazza	Yes

Motion carried. 3 Yes – 2 Abstentions.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to open the first public hearing at 7:35 p.m.

Unanimously carried.

- ***A public hearing was held to hear all persons interested in expressing their opinion on a proposed amendment to Chapter 12 (Zoning) of the Village Code to add provisions for Seasonal Outdoor Seating.***

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the first public hearing at 7:38 p.m.

Unanimously carried.

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, May 24, 2010 at 7:30 p.m.

ON MOTION by Trustee Kulpa, seconded by Trustee Geary, it was moved to open the second public hearing at 7:39 p.m.

Unanimously carried.

- *A public hearing was held to hear all persons interested in expressing their opinion on a proposed amendment to Chapter 31-10 (Flood Damage Prevention).*

ON MOTION by Trustee Kulpa, seconded by Trustee Kingsley, it was moved to close the second public hearing at 7:41 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.

The following persons addressed the Board:

Ed Zabel, 24 Pasadena Pl. – Praised Parking Enforcement Officer for doing a good job; Suggested that he also look for garbage totes that are left out too long.

Darrin Lisicki, 29 Pfohl Terr. and Mark Berke, 50 Pfohl Pl. – Mr. Lisicki and Mr. Berke were present with their sons who each read an apology to the Village Board for the damage they caused at the red house (60 E. Spring St.) on the Mill property. The fathers advised that they would be happy to pay restitution and offered volunteer work to the Village.

Maryanne Avery, 64 Garrison Rd. – Amherst Bee box moved; Cars are parked in the fire lane of the plaza at Main and Garrison everyday.

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

Unanimously carried.

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, May 24, 2010 at 7:30 p.m.

Report – Mayor Lowther

Mayor Lowther reported on the following topics: Farmers Market opened last Saturday and will be open every Saturday thru October; Village Gardenwalk is set for June 26th; The Memorial Day Parade starts at 2 p.m. with the ceremony at 11 a.m. at the Williamsville Cemetery.

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

RESOLVED, that payroll and vouchers in the amount of **\$94,944.69** covering the period from **4/27/10** to **5/19/10** are hereby approved as follows:

Payroll covering: 4/27/10 – 5/9/10:	\$28,577.67
Vouchers covering: 5/6/10 – 5/19/10:	
General Fund	\$45,175.86
Water Fund	\$5,870.93
Sewer Fund	\$983.06
Glen Park Fund	\$930.44
Trust & Agency Fund	\$0.00
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$13,406.73
	<u>\$66,367.02</u>
GRAND TOTAL:	<u>\$94,944.69</u>

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, 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: 001-1640-2000 (Central Garage-Equipment)	\$681.00
From: 001-5110-4161 (Street Maintenance-Repairs/Equip.)	\$681.00
To: 001-1640-4450 (Central Garage-Misc.)	\$1552.00
From: 001-5110-4161 (Street Maintenance-Repairs/Equip.)	\$1552.00

**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, May 24, 2010 at 7:30 p.m.**

To: 001-1640-4450 (Central Garage-Misc.)	\$74.00
From: 001-1640-4160 (Central Garage-Street Repairs)	\$74.00
To: 001-1640-4262 (Central Garage-Bldg. Maint.)	\$209.00
From: 001-1640-4161 (Central Garage-Maint.)	\$209.00
To: 001-1640-4260 (Central Garage-Supplies)	\$336.00
001-1640-4261 (Central Garage-Maint. Fees)	\$132.00
001-1640-4440 (Central Garage-Parts)	\$25.00
From: 001-1640-4160 (Central Garage-Building Repairs)	\$493.00
To: 001-1110-4620 (Village Justice-Publications/Updates)	\$416.00
From: 001-1110-4600 (Village Justice-Computer Support)	\$416.00
To: 001-1410-4061 (Village Clerk-Cell Phones)	\$50.00
From: 001-1410-4040 (Buildings-Building Maint.)	\$50.00
To: 001-1410-4111 (Village Clerk-Internet Access/Web Site)	\$250.00
From: 001-1410-4600 (Village Clerk-Computer Support)	\$250.00
To: 001-1420-4620 (Law/Attorney-Opinions)	\$1062.00
From: 001-1990-4000 (Contingency Account)	\$1062.00
To: 001-1620-4230 (Buildings-Bldg. Maint.)	\$1110.00
From: 001-1620-4160 (Buildings-Bldg. Repairs)	\$1110.00
To: 001-3310-4620 (Traffic Control-Uniform)	\$173.00
From: 001-3310-4231 (Traffic Control-Signs/Maint.)	\$173.00
To: 001-5010-4450 (Street Administration-Misc.)	\$566.00
From: 001-5110-4600 (Street Maint.-Clothing Allowance)	\$566.00
To: 001-5110-4000 (Street Maint.-Seasonal Help)	\$1206.00
From: 001-5110-1000 (Street Maint.-Personal Services)	\$1206.00
To: 001-5110-4161-0913 (Street Maint.-Repairs/1993 GMC Sewer Jet)	\$6.00
From: 001-5110-4161 (Street Administration-Education Exp.)	\$6.00
To: 001-5142-4460 (Snow Removal-Lawn Repairs)	\$2762.00
From: 001-5142-4161 (Snow Removal-Repairs/ Plows)	\$1185.00
001-5142-4164 (Snow Removal-Repairs/Sidewalk Plows)	\$500.00
001-5142-4290 (Snow Removal-Salt)	\$1077.00
To: 001-7110-4169 (Parks-Repairs)	\$1363.00
001-5110-4360 (Parks-Supplies)	\$1879.00
From: 001-7110-4110 (Parks-Service Contracts)	\$3242.00
To: 001-7110-4430 (Parks-Sanitary Waste Disposal)	\$154.00
From: 001-7110-4280 (Parks-Equipment Rental)	\$154.00

**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, May 24, 2010 at 7:30 p.m.**

To:	001-8010-4030 (Zoning-Printing/Advertising)	\$20.00
From:	001-8010-4040 (Zoning-Educational Exp. /Travel)	\$20.00
To:	001-1640-1000 (Central Garage-Personal Services)	\$3118.00
	001-3310-1000 (Traffic Control-Personal Services)	\$425.00
	001-7110-1000 (Parks-Personal Services)	\$3484.00
	001-8510-1000 (Community Beautification-Personal Services)	\$1564.00
From:	001-1411-1000 (Records Management-Personal Services)	\$2450.00
	001-3620-1000 (Safety Inspection-Personal Services)	\$2550.00
	001-5110-1000 (Street Maint.-Personal Services)	\$1791.00
	001-8163-1000 (Trash Pickup-Personal Services)	\$1800.00
To:	001-8170-1001 (Street Cleaning-Personal Services/OT)	\$15.00
From:	001-8170-1000 (Street Cleaning-Personal Services)	\$15.00

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

To:	006-8340-4030 (Water Transmission-Printing & Advertising)	\$91.00
From:	006-8340-4040 (Water Transmission-Education Exp. /Travel)	\$91.00
To:	006-8340-4102 (Water Transmission-Leak Detection)	\$1800.00
From:	006-8340-4500 (Water Transmission-Water Testing)	\$1800.00
To:	006-8340-4161 (Water Transmission-Repairs/Equip.)	\$13.00
From:	006-8340-4160 (Water Transmission-Repairs/Lines)	\$13.00
To:	006-8310-1000 (Water Administration-Personal Services)	\$1455.00
	006-8340-1000 (Water Transmission-Personal Services)	\$192.00
	006-8340-1001 (Water Transmission-Personal Services/OT)	\$60.00
From:	006-1990-4000 (Contingency Account)	\$1707.00

Unanimously carried.

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, May 24, 2010 at 7:30 p.m.

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

RESOLVED, that Paul McMenamin shall receive \$241.90 per week for performing the duties of General Crew Chief from May 24 through June 13, 2010.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topics: Memorial Day ceremonies; Beautification Committee completed planting of Village gardens on 5/22; AUC.

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

RESOLVED, that the **Local Law #3 of 2010**, amending Chapter 112 (Zoning) of the Village Code, adding the following provisions for ***Seasonal Outdoor Seating***: Chapter 112-2 (Definitions); Section 112-21 (A) (3) (Off-Street Parking Requirements); Section 112 to add a new subsection 112-27 (Seasonal Outdoor Seating), which was the subject of a public hearing held by the Village Board of Trustees this evening, is hereby adopted.

Unanimously carried.

Report – Trustee Kingsley

Trustee Kingsley reported on the following topics: Youth & Recreation Committee's Street Hockey Tournament takes place on 5/29; Youth & Recreation Committee is looking for volunteers; Thanked the members for their hard work; Youth & Recreation Committee's Fun Run will be held 5/26; Mill progress with the architect, RFP and stabilization of the back wall.

Trustee Kingsley had no resolutions this evening.

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, May 24, 2010 at 7:30 p.m.

Report – Trustee Kulpa

Trustee Kulpa reported on the following topics: Beautification Committee planting of 5/22 was a success; Zoning process will have a one-year time frame; Business corridor as an overlay district; Glen Park Photo Contest Awards set for 7/24.

ON MOTION by Trustee 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 a grant received for the Meeting House:

Increase:	001-0001-3090 (State Aid-Grants)	\$25,397.00
Increase:	001-7530-4980 (Village Meeting House-Building Preservation)	\$25,397.00

Unanimously carried.

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

RESOLVED, that the *Local Law #4 of 2010*, amending Chapter 31-10 (*Flood Damage Prevention – Designation of local administrator*), which was the subject of a public hearing held by the Village Board of Trustees this evening, is hereby adopted.

Unanimously carried.

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

RESOLVED, that *CRA Infrastructure & Engineering, Inc.* is hereby appointed as *Local Floodplain Administrator* for the Village of Williamsville.

Unanimously carried.

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, May 24, 2010 at 7:30 p.m.

Report – Trustee Geary

Trustee Geary reported on the following topics: Tree planting; Reminded residents with new trees to water them; S. Long Park improvements are completed; Thanked boys for coming forward for issues at the Mill property.

Trustee Geary had no resolutions this evening.

Report – Administrator Juul

Administrator Juul reported on the following topic: Annual Storm Water Report

ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, it was moved to leave the regular agenda at 8:10 p.m. to open the Executive Session to discuss a legal matter and a personnel matter.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the Executive Session at 9:13 p.m. and return to the regular agenda.

Unanimously carried.

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

Unanimously carried.

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, May 24, 2010 at 7:30 p.m.

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

WHEREAS, there is now pending before the New York State Supreme Court, a lawsuit under Index number 2008-13763 entitled SALLY KUZON v. VILLAGE OF WILLIAMSVILLE (“Lawsuit”); and

WHEREAS, the parties to the Lawsuit deny any liability or wrongdoing whatsoever, but have determined to settle and resolve any and all existing and/or potentially existing disputes relating to the Lawsuit; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or her designee are hereby authorized to execute a settlement agreement and all required, related agreements and documents necessary to effectuate the settlement and dismissal with prejudice of the Lawsuit; and

BE IT FURTHER RESOLVED, that the payment of monies pursuant to the settlement agreement shall not occur until all conditions precedent stated in the settlement agreement are fully met, including but not limited to, the filing of a Stipulation of Dismissal of the Lawsuit.

Unanimously carried.

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

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the regular meeting at 9:14 p.m.

Unanimously carried.

Lynda L. Juul

Administrator/Clerk-Treasurer