

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, September 27, 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

Also present: Charles D. Grieco, Village Attorney
Lynda L. Juul, Administrator/Clerk-Treasurer
Judith A. Kindron, Deputy Treasurer
Kenneth Kostowniak, 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 September 13, 2010.

Unanimously carried.

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

Unanimously carried.

The following persons addressed the Board:

Colleen Cusick, 74 N. Cayuga Rd. – Building Dept. services; Code enforcement.

Thomas Frank, 225-A Evans St. – War of 1812 Legacy council; Canal Conference; Niagara Greenway Commission; Williamsville Blue Bike Program; Filming at Mill; Farmers Market; Wehlre Drive; Removal of toll barrier.

Carolyn Schlifke, 192 Evans St. – Truck route signs on Evans St.; Blind driveways on Mill St.; In favor of installation of “Caution Blind Driveways” signs on Mill St.

Zach Frank, 61 Highland Dr. – Status of Mill and Glen Falls.

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

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the *2010-2011* fiscal year:

To:	001-3410-2050 (Fire Protection-Turnout Gear)	\$409.00
	001-3410-4160-3492 (Fire Protection-Truck Exp./Asst. Chief 9-2)	\$619.00
	001-3410-4160-3491 (Fire Protection-Truck Exp./Asst. Chief 9-1)	\$158.00
From:	001-3410-2020 (Fire Protection-Exp. Equipment)	\$409.00
	001-3410-4160 (Fire Protection-Truck Exp.)	\$777.00

Unanimously carried.

Report – Trustee Kingsley

Trustee Kingsley reported on the following topics: Mill RFP process;
Dissemination of information through social media (Facebook, Twitter, etc.);
Smoking ban public hearing will be held 10/12/10.

Trustee Kingsley had no resolutions.

Report – Trustee Kulpa

Trustee Kulpa reported on the following topics: Meeting House Open House will be held 10/2/10, 10am – Noon; Zoning consultant.

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

RESOLVED, that the proposal from Bergmann Associates for the Village of Williamsville Zoning and Land Use Regulations Update is hereby accepted, at a fee not to exceed \$35,000; and

BE IT FURTHER RESOLVED, that upon approval by the Village Attorney of its form and content, the Mayor is hereby authorized and directed to sign any required paperwork related to the proposal.

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Unanimously carried.

Report – Trustee Geary

Trustee Geary reported on the following topics: Tree Board and Emerald Ash Borer policy; November tree planting; Youth & Rec Halloween Parade and pumpkin carving at Glen Park will be held on 10/30/10; Emergency Response Committee meeting will be held on 9/29/10.

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

RESOLVED, that Matthew Sacco of 265 Scamridge Curve, Williamsville, New York, is hereby appointed as firefighter in the Williamsville Fire Department, effective October 1, 2010.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topics: Amherst Utility Cooperative; Sanitary Sewer Consolidation Study; Environmental tips.

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

A BOND RESOLUTION, DATED SEPTEMBER 27, 2010, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE ACQUISITION OF EQUIPMENT, MACHINERY AND APPARATUS FOR USE BY THE VILLAGE AT AN ESTIMATED MAXIMUM COST OF \$140,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT

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NOT TO EXCEED \$140,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of equipment, machinery and apparatus for use by the Village including, but not limited to, a high lift vehicle to be used by the Department of Public Works and any preliminary costs and costs incidental thereto. The estimated maximum cost of said purpose is \$140,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an amount not to exceed \$140,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources, the cost of such acquisition is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties

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of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village had determined that this project will not have an impact on the environment, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice; or

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, September 27, 2010 at 7:30 p.m.

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six (6) conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 14. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Village and hereby designated as the official newspaper of the Village for such publication.

Unanimously carried.

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

RESOLVED, that the Village Administrator is hereby authorized to advertise for sealed bids for the purchase of one (1) 2010 or newer four wheel drive loader for the Village of Williamsville Department of Public Works. Bids are to be opened on Wednesday, October 20th, 2010 at 2:00 p.m. in the Village Clerk's office. The Village reserves the right to reject any and all bids.

Unanimously carried.

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

RESOLVED, that the Village Administrator is hereby authorized to advertise for sealed bids for the purchase of one (1) new trailer mounted tree stump cutting machine for the Village of Williamsville Department of Public Works. Bids are to be opened on Wednesday, October 20th, 2010 at 2:30 p.m. in the Village Clerk's office. The Village reserves the right to reject any and all bids.

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Unanimously carried.

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

RESOLVED, that the Village Administrator is hereby authorized to advertise for sealed bids for the purchase of one (1) new trailer mounted drum chipper for the Village of Williamsville Department of Public Works. Bids are to be opened on Wednesday, October 20th, 2010 at 3:00 p.m. in the Village Clerk's office. The Village reserves the right to reject any and all bids.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to adjourn to Executive Session at 8:40 p.m. to discuss a contractual matter.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Piazza, it was moved to return to the regular meeting at 8:55 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the regular meeting at 8:56 p.m.

Unanimously carried.

Lynda L. Juul

Administrator/Village Clerk-Treasurer