

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, October 25, 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

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

Absent: Basil J. Piazza, Trustee

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the regular meeting held on October 12, 2010.

Motion carried. 4 - 0.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to approve the minutes of the public hearing held on October 12, 2010 regarding a proposed amendment to Chapter 70 (Parks and Public Areas) to add Section 70-27 "Smoking Prohibited".

Motion carried. 4 - 0.

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

Motion carried. 4 - 0.

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The following persons addressed the Board:

Thomas Frank, 225-A Evans St. – Knows a person interested in the Eli Zent House (80 E. Spring St.); War of 1812 Bi-Centennial; Niagara River Greenway Commission; Erie County Standing Committee.

Dan Delano, 136 Park Dr. – Truck weight limit sign has been re-posted at bottom of Evans, but it appears that the police are not enforcing the restriction; Would like to see Main St. speed limit lowered.

Carolyn Schlifke, 192 Evans St. – Likes new décor of the Auditorium; People are ignoring the new truck limit restriction on Evans St. ; New truck limit sign is on her property.

Morgan Dressler, 107 President's Walk – Cross-walk timing signal at Arlington Rd. and Main Street does not provide enough time for pedestrians to cross safely.

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

Motion carried. 4 - 0.

Report – Mayor Lowther

Mayor Lowther reported on the following topics: Urged everyone to vote in the general election on November 2nd; Reported on the recent Village Officials' Association meeting involving issues with the County budget and loss of library and arts funding; Announced that the next Village Board meeting will be held on November 8th.

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

RESOLVED, that the following *budget amendment* is hereby made in the *Water Fund* for the *2010-2011* fiscal year, to account for an accident claim recovered from Gallagher Bassett Services, Inc. (Waste Management Truck damage to fire hydrant at 40 Eagle St. at Orchard Pl.):

Increase:	006-0006-2680 (Insurance Recoveries)	\$6048.00
Increase:	006-8340-1001 (Water Transmission-Personal Services/OT)	\$214.00
	006-8340-4450 (Water Transmission-Misc.)	\$5834.00

Motion carried. 4 - 0.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2010-2011* fiscal year, to account for payment of Defensive Driving Class by non-employees:

Increase:	001-0001-2770 (Misc. Revenue)	\$120.00
Increase:	001-1920-4000 (Unallocated Insurance)	\$120.00

Motion carried. 4 - 0.

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

RESOLVED, that Trustee Basil J. Piazza is hereby appointed as the Village of Williamsville representative with respect to the Town of Amherst Industrial and Commercial Incentive Board (ICIB).

Motion carried. 4 - 0.

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

WHEREAS, the Village of Williamsville is currently undertaking a zoning project which looks at the Main Street corridor within the Village and its commercial business district; and

WHEREAS, the Town of Amherst will be concurrently undertaking a zoning project which will review the zoning regulations for Main Street adjacent to the Village of Williamsville; and

WHEREAS, Amherst Planning Director Eric W. Gillert, AICP has met with the Village Administrator to discuss these projects, and is proposing that the Planning Department and Village each designate a liaison to the other's project committee;

NOW, THEREFORE, BE IT RESOLVED, that Trustee Brian Kulpa is hereby appointed as liaison to the Town of Amherst Main Street Corridor Zoning Project.

Motion carried. 4 - 0.

- Mayor Lowther announced she was removing from tonight's agenda the resolution to adopt Local Law #6 of 2010, which would amend Chapter 70 (Parks and Public Areas) to add Section 27 (Smoking Prohibited).

ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, it was moved to leave the regular agenda to consider two new resolutions.

Motion carried. 4 - 0.

ON MOTION by Mayor Lowther, seconded by Trustee Kulpa, it was moved to adopt the following resolution:

RESOLVED, that the Administrator is hereby authorized to publish Notice of a public hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, November 22, 2010, at 7:35 p.m., in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in

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discussing an application for an Exceptional Development Permit for the erection of a building in excess of thirty feet from the finished grade of the street of a residential parcel located at 1519 Wehrle Dr., in the Village of Williamsville, as per Chapter 28-5 D(3) of the Village Code.

Motion carried. 4 - 0.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to adopt the following resolution:

RESOLVED, that the Administrator is hereby authorized to publish Notice of a public hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, November 22, 2010, at 7:40 p.m., in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing an application for an Exceptional Development Permit for the erection of a building in excess of thirty feet from the finished grade of the street of a residential parcel located at 1525 Wehrle Dr., in the Village of Williamsville, as per Chapter 28-5 D(3) of the Village Code.

Motion carried. 4 - 0.

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

Motion carried. 4 - 0.

Report – Trustee Geary

Trustee Geary reported on the following topics: Village-wide Tree Planting Day is November 6th, starting at 8:45 a.m.; Trees will be delivered on October 30th; Loading of trees onto the trailers will take place on November 5th; Volunteers are needed for all aspects of the event; Youth & Rec Committee sponsored Halloween Costume Contest and Parade will start at the Hampton Inn at 5:45 p.m. on October 30th; Emergency Response Committee will meet on October 27th.

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

RESOLVED, that *Sunday, October 31, 2010*, is hereby designated “*Trick or Treat Night*” in the Village of Williamsville.

Motion carried. 4 - 0.

Report – Trustee Kingsley

Trustee Kingsley reported on the following topics: Vote on smoking ban in the parks to be held on November 8th when the entire Village Board will be present; Urged Village Board members to handle information very carefully moving forward as there are important issues that will require decisions in the next few months; Mill development.

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

WHEREAS, the Village Administrator has advertised for competitive bids for one (1) new trailer-mounted drum chipper; and

WHEREAS, the bid was duly advertised on October 6, 2010; and

WHEREAS, all submitted bids were opened on October 20, 2010 at 3:00 pm at the Village Clerk’s Office, 5565 Main Street, Williamsville, New York; and

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

WHEREAS, Vermeer Northeast has submitted a bid that satisfies all specifications and all competitive bidding requirements for the Village of Williamsville, as outlined in NYS General Municipal Law;

NOW, THEREFORE, BE IT RESOLVED, that the bid for one (1) new trailer-mounted drum chipper is hereby awarded to Vermeer Northeast, for the amount of \$32,750.00 after trade-in, as per their bid proposal dated October 20, 2010.

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Motion carried. 4 - 0.

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

WHEREAS, the Village Administrator has advertised for competitive bids for one (1) new trailer-mounted tree stump cutting machine; and

WHEREAS, the bid was duly advertised on October 6, 2010; and

WHEREAS, all submitted bids were opened on October 20, 2010 at 2:30 pm at the Village Clerk's Office, 5565 Main Street, Williamsville, New York; and

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

WHEREAS, LC Whitford Equipment Co. has submitted a bid that satisfies all specifications and all competitive bidding requirements for the Village of Williamsville, as outlined in NYS General Municipal Law;

NOW, THEREFORE, BE IT RESOLVED, that the bid for one (1) new trailer-mounted tree stump cutting machine is hereby awarded to LC Whitford Equipment Co., for the amount of \$36,000 after trade-in, as per their bid proposal dated October 20, 2010.

Motion carried. 4 - 0.

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

WHEREAS, National Grid has been working closely with the New York Conference of Mayors (NYCOM) to come to a mutually acceptable settlement agreement pertaining to gross receipts tax on delivery of Energy Supply Company ("ESCO") transactions being delivered by National Grid; and

WHEREAS, the Village of Williamsville Board of Trustees agrees with NYCOM's recommendation giving support to the proposed settlement agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the Settlement Agreement from National Grid dated September 2, 2010.

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Motion carried. 4 - 0.

Report – Trustee Kulpa

Trustee Kulpa reported on the following topics: Zoning Committee meeting will be held on October 28th at 6:00pm; Pumpkin carving at Glen Park will take place at the Noll Nature Center Building on October 30th at 1:00 p.m.

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

RESOLVED, that *Dan Delano of 136 Park Drive, Williamsville, New York*, is hereby appointed to the *Traffic & Safety Committee* until the end of the **2010-2011** official Village year.

Motion carried. 4 - 0.

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

WHEREAS, the Justice Court Assistance Program has been invaluable in its aid to local courts; and

WHEREAS, the Williamsville Court wishes to apply to the Justice Court Assistance Program for improvements to their court's operation including a handicap entrance at the rear of the building, and improvements to their offices; and

WHEREAS, the Village Board of Trustees fully supports this application, under which a match is not required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the 2010-2011 Justice Court Assistance Program Grant Application, as completed by the Williamsville Court.

Motion carried. 4 - 0.

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ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn to Executive Session at 8:14 p.m. to discuss a contractual matter and a personnel matter.

Motion carried. 4 - 0.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the Executive Session and return to the regular meeting at 8:42 p.m.

Motion carried. 4 - 0.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 8:42 p.m.

Motion carried. 4 - 0.

Lynda L. Juul

Administrator/Village Clerk-Treasurer