

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, November 22, 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 Piazza, it was moved to approve the minutes of the regular meeting held on November 8, 2010.

Roll Call:	Mayor Lowther	Yes
	Trustee Geary	Yes
	Trustee Kulpa	Yes
	Trustee Kingsley	Abstained
	Trustee Piazza	Yes

Motion carried.

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

Unanimously carried.

Public Hearing - Exceptional Development

A public hearing was held to hear all persons interested in commenting on an application for an Exceptional Development Permit for the construction of a 2-family dwelling in excess of 30 feet from the finished grade of the street for a residentially zoned parcel located at 1519 Wehrle Dr. (R-3M) in the Village of Williamsville, as per Chapter 28-5 D (3) of the Village Code.

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ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to close the first public hearing at 7:40 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to open the second public hearing at 7:40 p.m.

Unanimously carried.

Public Hearing - Exceptional Development

A public hearing was held to hear all persons interested in commenting on an application for an Exceptional Development Permit for the construction of a 2-family dwelling in excess of 30 feet from the finished grade of the street for a residentially zoned parcel located at 1525 Wehrle Dr. (R-3M) in the Village of Williamsville, as per Chapter 28-5 D (3) of the Village Code.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, it was moved to close the second public hearing at 7:47 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:

Noel Bartlo, 55 California Dr. - Spoke as a representative of the Parks Committee, which had requested an advisory ban on smoking, not a law; Does not see a big problem in the parks.

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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 *General Fund* for the *2010-2011* fiscal year:

To:	001-3410-4160-3409 (Fire Protection-Truck Exp./Chief 9)	\$179.00
	001-3410-4160-3404 (Fire Protection-Truck Exp./Rescue 4)	\$57.00
	001-3410-4160-3492 (Fire Protection-Truck Exp./Chief 9-2)	\$274.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$179.00
	001-3410-4160(Fire Protection-Truck Exp.)	\$331.00
To:	001-1410-4600 (Village Clerk-Computer Support)	\$1319.00
From:	001-1410-2000 (Village Clerk-Equipment)	\$1319.00
To:	001-1410-4110 (Village Clerk-Service Contracts)	\$516.00
From:	001-1620-4110 (Buildings-Service Contracts)	\$516.00
To:	001-1640-1001 (Central Garage-Personal Services/OT)	\$192.00
	001-7110-1001 (Parks-Personal Services/OT)	\$111.00
From:	001-8560-1001 (Shade Trees-Personal Services/OT)	\$303.00
To:	001-1640-4440 (Central Garage-Parts)	\$406.00
From:	001-1640-4160 (Central Garage-Building Repairs)	\$406.00
To:	001-7530-4450 (Village Meeting House-Misc.)	\$22.00
From:	001-7530-4230 (Village Meeting House-Maint.)	\$22.00

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Geary, 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 the purchase of a new 2010 brush chipper from the DPW capital reserve account:

Increase:	001-0001-0599 (Appropriated Surplus)	\$32,750.00
Increase:	001-5110-2000 (Street Maint.-Equipment)	\$32,750.00

Unanimously carried.

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ON MOTION by Mayor Lowther, seconded by Trustee Geary, 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 the purchase of a new 2011 stump cutter from the DPW capital reserve account:

Increase:	001-0001-0599 (Appropriated Surplus)	\$36,000.00
Increase:	001-5110-2000 (Street Maint.-Equipment)	\$36,000.00

Unanimously carried.

Report – Trustee Kingsley

Trustee Kingsley reported on the following topics: Grant received for almost \$250,000 on Mill; RFP process for Mill is moving forward; RFP response date extended until 11/24/10; Smoking ban and reasons for local law as opposed to a policy.

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

RESOLVED, that **Local Law #6 of 2010**, regarding a proposed amendment to Chapter 70 (Parks and Public Areas) to add Section 70-27 “Smoking Prohibited”, which was the subject of a public hearing held by the Village Board of Trustees at Village Hall, 5565 Main Street, Williamsville, New York, on October 12, 2010, is hereby adopted.

Roll Call:	Trustee Geary	No
	Trustee Kingsley	Yes
	Trustee Kulpa	Yes
	Trustee Piazza	Yes
	Mayor Lowther	No

Motion carried. 3 – 2.

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

WHEREAS, the Village of Williamsville requested proposals for architectural services relating to the Williamsville Water Mill to assist with work on a conceptual re-development plan for the property, as well as for assistance with grants received from NYS Office of Parks, Recreation and Historic Preservation; and

WHEREAS, Flynn Battaglia Architects was chosen as the preferred architect for these projects; and

WHEREAS, an agreement was signed with Flynn Battaglia dated March 8, 2010 for architectural services pertaining to planning and concept/schematic design activities for the property; and

WHEREAS, that agreement requires amendment in order to cover services pertaining to the 2008 and 2009 EPF grants received from New York State;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to sign the AIA Document G802-2007, Amendment to the Professional Services Agreement dated March 8, 2010.

Unanimously carried.

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

WHEREAS, per Chapter 28-5 C(3) of the Village Code, a request for an *Exceptional Development Permit* for the erection of a building in excess of 30' from the finished grade of the street for a residential parcel located at **1519 Wehrle Drive** was submitted to the Village Board of trustees by Kevin Curry, record owner; and

WHEREAS, the request was duly reviewed by the Planning Board, Traffic and Safety Committee, Environmental Committee and Youth and Recreation Committee, as per Chapter 28-5 D(2), and was received back with either recommendations to approve it or with no comment; and

WHEREAS, the Village Board of Trustees held a public hearing for the request this evening, November 22, 2010, as required by Chapter 28-5 D(3); and

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WHEREAS, the proposed height is allowable under the Village of Williamsville Zoning Code;

NOW, THEREFORE, BE IT RESOLVED, that the *Exceptional Development Permit* for the proposed erection of a building in excess of 30' from the finished grade of the street at *1519 Wehrle Drive* is hereby granted, as submitted.

Unanimously carried.

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

WHEREAS, per Chapter 28-5 C(3) of the Village Code, a request for an *Exceptional Development Permit* for the erection of a building in excess of 30' from the finished grade of the street for a residential parcel located at *1525 Wehrle Drive* was submitted to the Village Board of trustees by Kevin Curry, record owner; and

WHEREAS, the request was duly reviewed by the Planning Board, Traffic and Safety Committee, Environmental Committee and Youth and Recreation Committee, as per Chapter 28-5 D(2), and was received back with either recommendations to approve it or with no comment; and

WHEREAS, the Village Board of Trustees held a public hearing for the request this evening, November 22, 2010, as required by Chapter 28-5 D(3); and

WHEREAS, the proposed height is allowable under the Village of Williamsville Zoning Code;

NOW, THEREFORE, BE IT RESOLVED, that the *Exceptional Development Permit* for the proposed erection of a building in excess of 30' from the finished grade of the street at *1525 Wehrle Drive* is hereby granted, as submitted.

Unanimously carried.

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Report – Trustee Kulpa

Trustee Kulpa reported on the following topics: Holiday activities in the Village on December 4th include photos with Santa and the Tree lighting as well as a Grinch movie at the Meeting House; December 5th there is a movie and dinner package for \$13.95 a ticket sponsored by the Village and the WBA with the movie at the Meeting House followed by a dinner at the Irishman Pub; December 12th there is a free concert with Nan Hoffman at the Meeting House at 3pm; Zoning process is underway; Glen Park entrance will be completed in the Spring.

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

RESOLVED, that Village Administrator/Clerk-Treasurer Lynda L. Juul, and Deputy Treasurer Judith A. Kindron are hereby authorized to attend the Government Finance Officers Association Western Regional Seminar in Pittsford, NY on December 10, 2010 at a cost not to exceed \$166.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees, at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, December 13, 2010, at 7:35 p.m., to hear all persons interested in commenting on an amendment to Chapter 112-22 (Zoning – Planning/Architectural Review Board) of the Village code which proposes to modify when items are referred to the Traffic & Safety Committee and the Environmental Advisory Council.

Unanimously carried.

Report – Trustee Geary

Trustee Geary reported on the following topics: Tree Board grant application; Thanked Dan Delano and Nick Roth for assistance with location of Ash trees; Youth & Rec lighting of the

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Tree is December 4th at 6pm followed by a bonfire, singing and cocoa at Island Park; Tree and tree lights were donated by the Roth family; Tree Board will host educational forums on the Emerald Ash Borer.

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

RESOLVED, that Mary E. Lowther, Mayor of the Village of Williamsville, is hereby authorized and directed to file an application for contributory reimbursement funds as part of the **“10,000 Trees...And Growing!”** tree planting program and upon approval of said request, to enter into and execute a project agreement with National Grid for such financial contribution to this municipality.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topics: AUC continues to save money; Snow removal on sidewalks in commercial district; December 4th holiday activities in the Village; Environmental Committee and energy cost saving tips.

ON MOTION by Trustee Piazza, seconded by Trustee Kingsley, it was moved to adopt the following resolution:

WHEREAS, the Village Administrator has advertised for competitive bids for one (1) new front wheel drive loader; and

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

WHEREAS, all submitted bids were opened on October 20, 2010 at 2:00 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

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WHEREAS, Southworth-Milton, Inc. 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 front wheel drive loader is hereby awarded to Southworth-Milton, Inc., for the amount of \$119,626.00, as per their bid proposal dated October 15, 2010; and

BE IT FURTHER RESOLVED, that the Village's current 1994 John Deere front end loader, asset # 267, is hereby declared surplus, and will be traded in to Southworth-Milton, Inc. for \$25,000.00 as per their bid proposal dated October 15, 2010; and

BE IT FURTHER RESOLVED, that due to the fact that the purchase of this equipment is being bonded by the Village of Williamsville, the award of this bid will not become effective until December 1, 2010, at which time the estoppel period will expire.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn to Executive Session at 8:45 p.m. to discuss a personnel matter.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the Executive Session and return to the regular meeting at 9:30 p.m.

Unanimously carried.

ON MOTION by Mayor Lowther, seconded by Trustee Kingsley, it was moved to adjourn the regular meeting at 9:30 p.m.

Unanimously carried.

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Lynda L. Juul

Administrator/Village Clerk-Treasurer