

**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, August 22, 2011 at 7:30 p.m.**

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

Present: Brian J. Kulpa, Mayor  
Basil J. Piazza, Trustee  
Brian J. Geary, Trustee  
Amy R. Alexander, Trustee  
Daniel O. DeLano, Trustee

Also present: Charles Grieco, Village Attorney  
Judy A. Kindron, Deputy Treasurer  
Deborah A. Habes, Deputy Clerk  
Kenneth Kostowniak, DPW Crew Chief

Absent: Lynda L. Juul, Administrator/Clerk-Treasurer

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to approve the minutes of the regular meeting held on August 8, 2011.

Unanimously carried.

Mayor Kulpa read aloud a proclamation honoring Larry Brownell for his 25 years of organizing the Moonlight Run a 5 K race in the Village.

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

Unanimously carried.

The following members of the audience addressed the Board:

*Larry Brenton, 31 Monroe Dr.* – Welcomed Trustees Alexander and DeLano to the Village Board; WNY Railway Society's work on the Depot and possible Halloween event at Lehigh Trail.

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*Tom Frank, 225 Evans St.* – Congratulated Trustees Alexander and DeLano on their election to office; Collaboration between Town of Amherst and the Village; Niagara Greenway; Riverkeepers; Tiger Funding; 1812 Legacy Council.

*Carolyn Schlifke, 192 Evans St.* – Thanked Larry Brenton for his work on the Depot.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to close the public participation portion of the meeting.

Unanimously carried.

**Report – Mayor Kulpa**

*Mayor Kulpa reported on the following topics:* Thanked Moonlight Run organizers for holding it in the Village this year; Success of many events held in the Village this summer; Village Code update; Timeline for Mill restoration work; Bonding for Mill restoration; Thanked the Beautification and Glen Park volunteers for the plantings at the Glen Park Entrance from Main Street.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$138,529.95** covering the period from **8/01/11** to **8/17/11** are hereby approved as follows:

<b>Payroll covering: 8/1/11 – 8/14/11:</b>	<b>\$36,031.73</b>
<b>Vouchers covering: 8/3/11 – 8/17/11:</b>	
General Fund	\$63,285.16
Water Fund	\$2,466.91
Sewer Fund	\$2,614.89
Glen Park Fund	\$327.20
Trust & Agency Fund	\$15,759.91
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$18,044.15
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	\$102,498.22
 <b>GRAND TOTAL:</b>	 <b><u>\$138,529.95</u></b>

Unanimously carried.

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

**RESOLVED**, that the following budget *transfers* are hereby made in the *General Fund* for the *2011-2012* fiscal year:

To:	001-3410-4160-3406 (Fire Protection-Truck Exp./Truck 6)	\$57.00
	001-3410-4160-3409 (Fire Protection-Truck Exp./Chief Car 9)	\$86.00
	001-3410-4160-3492 (Fire Protection-Truck Exp./Chief Car 9-2)	\$86.00
From:	001-3410-4160 (Fire Protection-Truck Expenses)	\$229.00
To:	001-1010-4010 (Board of Trustees-Office Supplies)	\$79.00
From:	001-1010-4040 (Board of Trustees-Education Exp./Travel)	\$79.00
To:	001-1210-4010 (Mayor-Office Supplies)	\$34.00
From:	001-1210-4061 (Mayor-Cellular Phone)	\$34.00
To:	001-7530-4000 (Village Meeting House-Opening/Closing)	\$130.00
From:	001-7530-4230 (Village Meeting House-Maint.)	\$130.00
To:	001-7540-4230 (Williamsville Water Mill-Building Maint.)	\$318.00
From:	001-7540-4160 (Williamsville Water Mill-Building Repairs)	\$318.00
To:	001-7550-4450 (Celebrations-Misc.)	\$455.00
From:	001-7550-4160 (Williamsville Water Mill-Building Repairs)	\$455.00

Unanimously carried.

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

**RESOLVED**, that the following budget *transfer* is hereby made in the *Glen Park Fund* for the *2011-2012* fiscal year:

To:	009-7141-1001 (Glen Park-Personal Services/OT)	\$392.00
From:	009-7141-1001 (Glen Park-Personal Services)	\$392.00

Unanimously carried.

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

**RESOLVED**, that the following budget *transfer* is hereby made in the *Sewer Fund* for the *2011-2012* fiscal year:

To:	007-8120-1001 (Sanitary Sewers-Personal Services/OT)	\$363.00
From:	009-8120-1000 (Sanitary Sewers-Personal Services)	\$363.00

Unanimously carried.

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

**RESOLVED**, that the following *amendment* is hereby made in the *Glen Park Fund* for the *2011-2012* fiscal year, to account for fees received to cover expenses associated with photo contest, pavers and art festival:

Increase:	009-0009-2771 (Photo Contest)	\$105.00
	009-0009-2773 (Memorials/Benches/Trees)	\$770.00
	009-0009-2772 (Art Festival)	\$1954.00
Increase:	009-7141-4450 (Glen Park-Misc.)	\$105.00
	009-7141-4490 (Glen Park-Memorials/Benches/Pavers/Trees)	\$770.00
	009-7141-4500 (Glen Park- Art Festival)	\$1954.00

Unanimously carried.

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

**A BOND RESOLUTION, DATED AUGUST 22, 2011, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT FOR THE RESTORATION OF THE WILLIAMSVILLE**

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**WATER MILL, LOCATED AT 56 EAST SPRING STREET, AT AN ESTIMATED MAXIMUM COST OF \$400,000, AND AUTHORIZING: A) THE USE OF \$100,000 FROM THE VILLAGE'S FUND BALANCE (AS PREVIOUSLY DESIGNATED FOR SUCH RESTORATION), B) THE APPLICATION OF \$200,000 IN GRANTS EXPECTED TO BE RECEIVED FROM NYS OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION AND C) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$100,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT OF BONDS TO BE OFFSET BY ANY ADDITIONAL 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 authorization to undertake a capital improvements project for the restoration of the Williamsville Water Mill, located at 56 East Spring Street, including, but not limited to, restoration of the foundation, site improvements, replacement of beams and roofing, restoration and painting of clapboards, structural renovations and replacement of gutters and downspouts, including any preliminary work, necessary site work, acquisition of apparatus, equipment and other improvements in connection therewith and all preliminary costs and costs incidental thereto. The estimated maximum cost of said purpose is \$400,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of said purpose by the use of: a) \$100,000 from the Village's fund balance (as previously designated for such restoration), b) \$200,000 in grants expected to be received from NYS Office of Parks, Recreation, and Historic Preservation, and c) and the issuance of serial bonds in an amount not to exceed \$100,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount of bonds to be offset by any additional federal, state, county and/or local funds received. Unless paid from other sources, the cost of such improvements is to be paid by the levy and collection of taxes on all real property in the Village to pay 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 12(3) of paragraph (a) of Section 11.00 of the Local

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Finance Law, and that the period of probable usefulness of said purpose is 10 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five years from the date of original issuance of said bonds or notes.

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 not exceed 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 said 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 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 as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said 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.

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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 has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, 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 at the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication of this notice; or
2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. This Resolution is effective immediately pursuant to Section 36.00(a)(1) of the Local Finance Law.

SECTION 14. 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 the Village and hereby designated as the official newspaper of the Village for such publication.

Unanimously carried.

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**Report – Trustee Alexander**

*Trustee Alexander reported on the following topics:* Volunteer picnic is 9/16; Nature Day in Glen Park is 10/1; Farmers Market Children's tent is 10/23; Halloween Parade and Party is 10/29; Encouraged residents to join the Special Events Committee.

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

**RESOLVED**, that *Julianne Yates of 204 Monroe Dr., Williamsville, New York*, is hereby appointed to the *Youth & Recreation Committee* until the end of the **2011-2012** official Village year.

Unanimously carried.

*Trustee Alexander withdrew her second resolution.*

**Report – Trustee DeLano**

*Trustee DeLano reported on the following topics:* Main Street tree planting; Thanked Joyce Brewer in the Village Clerk's Office for her help in getting the street lights on Main St. all in working order; Tree removals.

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

**RESOLVED**, that Gail Jahreis and Toni Canazzi of the Village of Williamsville Justice Court are hereby authorized to attend the Annual Magistrates Court Clerks Conference in Niagara Falls, New York, on 9/26/11 and 9/27/11, at a cost not to exceed \$118.00, to be paid by the Village of Williamsville.

Unanimously carried.

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topics:* Planning Board meeting is 9/6; AUC meets next Tuesday; September 11<sup>th</sup> Commemorative Ceremony will be held at Amherst High School.

*Trustee Piazza had no resolutions.*

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**Report – Trustee Geary**

*Trustee Geary reported on the following topics: Eagle Scout projects at Lehigh Trail; Train Depot garden; Emerald Ash Borer.*

*Trustee Geary had no resolutions.*

**Report – DPW Crew Chief Ken Kostowniak**

*Crew Chief Kostowniak reported on the following topic: The Village's wading pools are closed for the season.*

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open the Executive Session at 8:31 p.m. to discuss a personnel matter.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adjourn the Executive Session and return to the regular meeting at 8:45 p.m.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Geary, it was moved to adjourn the regular meeting at 8:45 p.m.

Unanimously carried.

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Judy Kindron

Deputy Treasurer