

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, Tuesday, May 29, 2012 at 7:30 p.m.

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

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

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

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on May 11, 2012.

Unanimously carried.

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

Unanimously carried.

The members of the audience who addressed the Board and their topic(s):

Carolyn Schlifke, 192 Evans St. – Completion of designated crosswalk on Evans at Eagle and thanked Ken Kostowniak for getting this job done; New trees planted in the Village; Thanked Trustees DeLano, Geary and volunteers; Suggested that flyers on tree care be distributed to those who received a tree (Trustee DeLano responded that there is a tree care flyer that is distributed); Property maintenance code issues with properties in her neighborhood .

Thomas Frank, 225 Evans St. – Picture Main Street Committee; Blue Bike Project with Williamsville South H.S.; Empire State Development application #7585 (Mr. Frank was advised by the Mayor that he cannot apply for funding on behalf of the Village); Rails to Trails Project; Safe Routes to School; War of 1812; Williamsville Water Mill; Sequel to the film The Patriot may be filmed at the Mill; Joint meeting with the Town of Amherst.

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

Unanimously carried.

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Property at 188 Reist Street; Ethics Code; Union contract negotiations.

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

RESOLVED, that payroll and vouchers in the amount of **\$123,972.62** covering the period from **5/10/12** to **5/23/12** are hereby approved as follows:

Payroll covering: 5/7/12 – 5/20/12:	\$36,062.94
Vouchers covering 5/10/12 – 5/23/12:	
General Fund	\$47,474.66
Water Fund	\$14,505.71
Sewer Fund	\$296.89
Glen Park Fund	\$226.23
Trust & Agency Fund	\$12,986.19
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$12,420.00</u>
	\$87,909.68
GRAND TOTAL	<u>\$123,972.62</u>

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:	001-1010-1000 (Board of Trustees – Personal Services)	\$1.00
	001-1210-1000 (Mayor – Personal Services)	\$1.00
	001-1640-1000 (Central Garage – Personal Services)	\$5,764.00
	001-3310-1000 (Traffic Control – Personal Services)	\$1,554.00
From:	001-8163-1000 (Trash Pickup – Personal Services)	\$7,320.00
To:	001-1410-4061 (Village Clerk – Cell Phone)	\$53.00
From:	001-1410-4160 (Village Clerk – Professional Fees & Books)	\$53.00
To:	001-1620-4231 (Buildings – Maintenance – HVAC)	\$813.00
From:	001-1620-4070 (Buildings – Utilities)	\$813.00
To:	001-1640-4161 (Central Garage – Small Equipment Repairs)	\$113.00
From:	001-1640-4450 (Central Garage – Miscellaneous)	\$113.00
To:	001-3310-4231 (Traffic Control – Signs - Maintenance)	\$762.00
	001-3310-4450 (Traffic Control – Miscellaneous)	\$465.00
From:	001-1640-4450 (Central Garage – Miscellaneous)	\$762.00
	001-5142-4460 (Snow Removal – Lawn Repair)	\$465.00
To:	001-3410-4160 (Fire Protection – Truck Expense)	\$319.00
	001-3410-4160-3404 (Fire Protection – Truck Expense – Rescue 4)	\$82.00
	001-3410-4160-3409 (Fire Protection – Truck Expense – Chief’s Car 9)	\$35.00
	001-3410-4160-3492 (Fire Protection – Truck Expense – Chief’s Car 9-2)	\$85.00
From:	001-3410-4061 (Fire Protection – Cellular Phones)	\$319.00
	001-3410-4160 (Fire Protection – Truck Expense)	\$202.00
To:	001-3410-2010 (Fire Protection – Major Equipment)	\$3,270.00
	001-3410-2020 (Fire Protection – Expendable Equipment)	\$270.00
	001-3410-4250 (Fire Protection – Gas & Oil)	\$1,111.00
From:	001-3410-2050 (Fire Protection – Computer Equipment)	\$70.00
	001-3410-4630 (Fire Protection – Grant Writer)	\$1,400.00
	001-3410-4490 (Fire Protection – Uniforms)	\$1,800.00
	001-3410-4061 (Fire Protection – Cellular Phones)	\$270.00
	001-3410-4230 (Fire Protection – Explorer Post)	\$500.00
	001-3410-4180 (Fire Protection – Radio Repairs)	\$290.00
	001-3410-4620 (Fire Protection – Lease on Copy Machine)	\$321.00
To:	001-5010-4111 (Street Administration – Internet Access)	\$20.00
From:	001-5010-4040 (Street Administration – Education Expense/Travel)	\$20.00

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To:	001-5110-4161 (Street Maintenance – Repairs – Equipment)	\$1,993.00
From:	001-8745-4160 (Flood & Erosion Control – Repairs, Maintenance, Paint, etc.)	\$1,993.00
To:	001-5110-4161-0920 (Street Maintenance – Repairs – 1992 John Deere Backhoe)	\$24.00
From:	001-5110-4161 (Street Maintenance – Repairs – Equipment)	\$24.00
To:	001-7110-4169 (Parks – Repairs – Other)	\$23.00
	001-7110-4450 (Parks – Miscellaneous)	\$104.00
From:	001-7110-4070 (Parks – Utilities)	\$127.00
To:	001-7530-4000 (Village Meeting House – Open/Close)	\$100.00
From:	001-7530-4070 (Village Meeting House – Utilities)	\$100.00
To:	001-7540-4070 (Williamsville Water Mill – Utilities)	\$60.00
From:	001-7540-4160 (Williamsville Water Mill – Building Repairs)	\$60.00
To:	001-8510-4160 (Community Beautification – Repairs)	\$308.00
From:	001-8510-4340 (Community Beautification – Plants)	\$308.00
To:	001-8560-4340 (Shade Tress – Trees – Removal)	\$700.00
From:	001-8560-4350 (Shade Trees – Trees – Maintenance)	\$700.00

Unanimously carried.

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 *Water Fund* for the **2011-2012** fiscal year:

To:	006-8310-1000 (Water Administration – Personal Services)	\$1,128.00
From:	006-8340-4500 (Water Transmission – Water Testing)	\$1,128.00
To:	006-8340-1001 (Water Transmission – Personal Services – Overtime)	\$307.00
From:	006-8340-1000 (Water Transmission – Personal Services)	\$307.00
To:	006-8340-4010 (Water Transmission – Office Supplies)	\$184.00
From:	006-8340-4040 (Water Transmission – Education Expense/Travel)	\$184.00
To:	006-8340-4163 (Water Transmission – Repairs – Valves)	\$121.00
From:	006-8340-4160 (Water Transmission – Repairs – Lines)	\$121.00

Unanimously carried.

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

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

To: 007-8120-1001 (Sanitary Sewers – Personal Services – Overtime)	\$95.00
From: 007-8120-1000 (Sanitary Sewers – Personal Services)	\$95.00
To: 007-8120-4112 (Sanitary Sewers – Engineer)	\$1,066.00
From: 007-8120-4110 (Sanitary Sewers – Service Contracts)	\$1,066.00

Unanimously carried.

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

RESOLVED, that *Colleen Cusick of 74 N. Cayuga Rd., Williamsville, New York*, is hereby appointed to the *Picture Main Street Physical Design Work Group*.

Unanimously carried.

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

RESOLVED, that Amy Alexander and Daniel DeLano are hereby appointed co-liaisons to the Lehigh Memory Trail Committee.

Unanimously carried.

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

RESOLVED, that *Carolyn Schlifke of 192 Evans St., Williamsville, New York*, is hereby appointed to the *Lehigh Memory Trail Committee* through the end of the *2011-2012* official village year.

Unanimously carried.

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

WHEREAS, the personal safety and welfare of our employees, as well as the general public, is a primary and continuing concern of the Village of Williamsville; and

WHEREAS, it is the goal of the Village Board of Trustees to provide every employee of the Village of Williamsville a place of employment that is free from recognized hazards that are a potential cause for serious physical harm or health impairment;

NOW, THEREFORE, BE IT RESOLVED, that in order to accomplish our goal,

Management will:

- Implement progressive accident prevention programs, systems, and techniques
- Provide a work environment where identified occupational hazards are controlled when elimination is not feasible
- Cooperate with government and labor to optimize employee safety and health
- Appropriate the funding necessary to achieve the goal of an effective loss control and safety program in the workplace

Departments Heads, Supervisors and Foremen will:

- Be responsible and accountable for a superior level of employee protection and performance
- Institute work practices which reflect the safest, most efficient methods available for accomplishing the required tasks
- Educate and train employees regarding “on” and “off-the-job” hazards

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All Employees will:

- Be expected to perform their jobs in the safest and healthiest manner prescribed
- Be expected to conduct themselves in a way that enhances their personal safety and that of their fellow employees
- Be encouraged to cooperate and contribute towards the overall success of the safety program

Unanimously carried.

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

RESOLVED, that the General Crew Chief of the Department of Public Works is hereby appointed as the Safety Coordinator for the Village of Williamsville Executive Safety Committee.

Unanimously carried.

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

RESOLVED, that the Executive Safety Committee is hereby created to assist with the implementation of the Safety Policy; and

BE IT FURTHER RESOLVED, that the following are hereby appointed as members of the Executive Safety Committee: Village Administrator, General Crew Chief - Department of Public Works (Safety Coordinator), Department of Public Works Union Representative (to be selected by the Union membership).

Unanimously carried.

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Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Observance of Memorial Day; Retirement ceremony for Fort Myer; Planning Board meeting is scheduled for June 4th.

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

WHEREAS, on or about March 14, 2012 the Village of Williamsville (Village), by its representatives, and the American Federation of State, County and Municipal Employees, AFSCME Council 66, Local 1783-c (Union), by its representatives, commenced negotiations for a successor collective bargaining agreement (CBA) between the Village and the Union; and

WHEREAS, those negotiations continued over multiple days and resulted in a package of proposals to modify the CBA that was tentatively agreed upon on May 15, 2012; and

WHEREAS, the package of proposals tentatively agreed upon on May 15, 2012, as ratified and executed by the Union on May 21, 2012, is submitted to the Village Board for final approval;

NOW, THEREFORE, BE IT RESOLVED, that the package of proposals tentatively agreed to on May 15, 2012, ratified and executed by the Union on May 21, 2012, is hereby approved for the four year period covering June 1, 2012 to May 31, 2016; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the modified CBA, which includes the proposals tentatively agreed to by the negotiating committees and ratified by the Union.

Unanimously carried.

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

WHEREAS, it is the position of the Village of Williamsville to encourage injured employees to return to work in a productive capacity as soon as practical; and

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WHEREAS, many times an injured employee cannot return to work immediately to a full capacity, but is often released by the doctor to perform limited tasks; and

WHEREAS, the Village originally approved a Transitional Duty Policy in 1997, which was limited to injuries occurring in the workplace, however the Village believes it is beneficial to encourage employees injured either in the work place, or under other circumstances to return to work as soon as practical; and

WHEREAS, this modification to the Transitional Duty Policy was approved by both the Village representation and Union representation during recent contract negotiations;

NOW, THEREFORE, BE IT RESOLVED, that the following be adopted as the Transitional Duty Policy of the Village of Williamsville:

TRANSITIONAL DUTY POLICY

GENERAL PRINCIPLE:

Transitional duty is for employees returning to work after an injury or illness who have received a written medical release from a qualified medical doctor stating that he/she cannot fulfill all normal tasks of the job description, but can fulfill a specified transitional duty assignment. All transitional duty must be approved by the Village's Worker's Compensation or Disability Insurance carrier in advance, if the employee is eligible for such benefits.

ELIGIBILITY:

1. Individual must be a paid full-time employee.
2. An employee may begin transitional duty after providing certification from his/her doctor that he/she can perform some form of transitional duty.
3. The Village Board may request a second opinion from a doctor before the employee can return to work in a transitional duty position. The second opinion will be provided by a doctor chosen by the Village. The Village will be responsible for paying any portion of the cost to the employee (net of any applicable insurance coverage) charged by the doctor for providing such second opinion, including any applicable co-pay or deductible.
4. Transitional duty may begin only after authorization by the Village Board.
5. It is the policy of the Village to provide transitional duty when such work exists. The Village shall encourage employees to return to work in a timely and productive capacity, working in conjunction with the employee's doctor and the Village's workers' compensation or disability insurance representatives, if applicable.

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DURATION:

1. Transitional duty will be defined as an unclassified position for a period of 30 days.
2. The employee is required to submit updated medical reports within 30 days. Each case will be reviewed by the Village Board to determine if transitional duty is to be extended.
3. Extension past the initial 30 days may only be granted by the Village Board.
4. An employee eligible for transitional duty will work the same number of hours per day based on his/her regularly scheduled shift prior to their injury. An employee may be assigned to more than one (1) department each day, and will report to the individual in charge of that department.
5. Failure to report for transitional duty assignments shall be grounds for disciplinary action.

Unanimously carried.

Report – Trustee Alexander

Trustee Alexander reported on the following topic(s): Youth & Rec Street Hockey Tournament is June 2nd (rain date is June 9th); The Muppets is the movie for Family Movie Night in the Park on June 29th; Rotary sponsored annual Strawberry Festival is June 20th; A resolution calling for a public hearing regarding the Ethics Code will be called for at the Village Board meeting on June 25th, with the public hearing being held on July 23rd and the vote on the local law being held in August.

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

RESOLVED, that the following Village Hall equipment is hereby declared surplus, and will be disposed of via recycling:

Asset #139	Olympia MasterType3 Typewriter (1984)	Clerk's Office
Asset #294	Microsoft Windows NT Server (2000)	Clerk's Office
Asset #302	Veritas Backup Exec v8.0 Software (2000)	Clerk's Office
Asset #340	Compaq EVO D500 PC (2001)	Mayor's Office
Asset #366	Sony MVC-FD73 Digital Camera (2000)	Building Dept.
Asset #406	Dell PowerEdge 2600 File Server (2003)	Clerk's Office
Asset #415	HP DC5000 Desktop PC (2004)	Clerk's Office

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Asset #416	HP DC5000 Desktop PC (2004)	Clerk's Office
Asset #498	HP DC5100 Desktop PC (2005)	Building Dept.

Unanimously carried.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Tree plantings and care of trees; Emerald Ash Borer inoculation bid; New Lehigh Memory Trail Committee; Urged the public to drive the speed limit.

Trustee DeLano had no resolutions this evening.

Report – Trustee Geary

Trustee Geary reported on the following topic(s): Thanked Trustee DeLano for his assistance watering the newly planted trees; Thanked Parks Committee and Beautification Committee for Parks Day along with many homeowners and other volunteers.

Trustee Geary had no resolutions this evening.

Report – DPW Crew Chief Kostowniak

Crew Chief Kostowniak reported on the following topic(s): Glen Avenue will be milled and paved; Thanked the Village Board for his appointment to the Safety Committee.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to leave the regular at agenda at 8:34 p.m. to open the Executive Session to discuss a labor issue.

Unanimously carried.

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ON MOTION by Mayor Kulpa, seconded by Trustee Geary, it was moved to close the Executive Session and return to the regular agenda at 8:56 p.m.

Unanimously carried.

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

Unanimously carried.

Lynda L. Juul

Administrator/Clerk-Treasurer