

**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 13, 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  
Amy R. Alexander, Trustee  
Daniel O. DeLano, Trustee

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

Absent: Brian J. Geary, Trustee  
Lynda L. Juul, Administrator/Clerk-Treasurer

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on July 23, 2012.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Alexander, it was moved to approve the minutes of the public hearing regarding a proposed amendment to Chapter 107 (Water) held on July 23, 2012.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

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- Mayor Kulpa stated for the record that going forward, public participation will be limited to no more than 5 minutes per speaker all at one time, not cumulatively. This policy was adopted by the Village Board at their July 2, 2012 Re-organization Meeting.

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

*Carolyn Schlifke, 192 Evans St. – Lehigh Trail caboose dedication ceremony; Presented to Trustee DeLano the names of 2 people who are interested in volunteering on the Lehigh Trail; Submitted to the Board a recent article from the Buffalo News regarding water/sewer charges; Requested that broken concrete around a sewer grate in the roadway of Evans at Essjay be repaired . An annoying loud noise is made when cars go over it (Ken Kostowniak stated he has talked twice to Erie County Highway about the broken grate and will continue to pursue it with them).*

*Mary Ann Avery, 64 Garrison Rd. – Increase in Village's deer population and fears of Lyme disease; Asked if Environmental Committee had looked into the problem. (Mayor Kulpa responded that he will ask Environmental Committee to investigate the issue and also asked Ken Kostowniak to contact the DEC for further information)*

*Tom Frank, 225 Evans St. – Water conservation; Congress for New Urbanism; Picture Main Street Committee; War of 1812; Old Home Days; Congratulated Trustee Alexander on the children's art activities at the Glen Park Art Festival.*

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

Motion carried. 4 – 0.

**Report – Mayor Kulpa**

*Mayor Kulpa reported on the following topic(s): ECWA; Thanked volunteers for their hard work on various recent Village events; Urged Main Street businesses to stay open during Music on Main; Picture Main Street; New trees to be planted on Main Street; Striping of Main Street.*

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

**RESOLVED**, that payroll and vouchers in the amount of **\$180,464.11** covering the period from **7/16/12** to **8/8/12** are hereby approved as follows:

<b>Payroll covering: 7/16/12 – 7/29/12:</b>	\$34,617.94
<b>Vouchers covering 7/19/12 – 8/8/12:</b>	
General Fund	\$63,474.68
Water Fund	\$55,285.45
Sewer Fund	\$4,286.14
Glen Park Fund	\$3,888.25
Trust & Agency Fund	\$2,888.12
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$16,097.53</u>
	\$145,846.17
<b>GRAND TOTAL</b>	<b><u>\$180,464.11</u></b>

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, 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:	001-1410-1000 (Village Clerk-Personal Services)	\$1074.00
	001-1640-1000 (Central Garage-Personal Services)	\$6516.00
	001-3310-1000 (Traffic Control-Personal Services)	\$880.00
	001-5010-1000 (Street Administration-Personal Services)	\$308.00
	001-8170-1000 (Street Cleaning-Personal Services)	\$162.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$8940.00

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To:	001-3410-2010 (Fire Protection-Major Equip.)	\$997.00
From:	001-3410-4161 (Fire Protection-Sm. Engine/Equip. Repair)	\$997.00
To:	001-7110-1001 (Parks-Personal Services/OT)	\$30.00
	001-8510-1001 (Community Beautification-Personal Services/OT)	\$84.00
From:	001-5142-1001 (Snow Removal-Personal Services/OT)	\$114.00

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, 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)	\$948.00
	006-8340-1000 (Water Transmission-Personal Services)	\$1583.00
	006-9030-8000 (Social Security)	\$236.00
From:	006-8340-4160 (Water Transmission-Repairs/Lines)	\$2531.00
	006-9040-8000 (Workers' Comp.)	\$236.00

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, 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:	007-8120-4100 (Sanitary Sewers-Professional Fees)	\$1.00
	007-8120-4112 (Sanitary Sewers-Engineer)	\$1356.00
From:	006-8120-4117 (Sanitary Sewers-Engineer/Siphon Flushing)	\$1357.00

Motion carried. 4 – 0.

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

**RESOLVED**, that the following budget *amendment* is hereby made in the *Glen Park Fund* for the *2011-2012* fiscal year to account for payments received for pavers:

Increase: 009-0009-2773 (Glen Park-Memorials/Pavers/Benches/Trees)	\$174.00
Increase: 009-7141-4490 (Glen Park-Memorials/Pavers/Benches/Trees)	\$174.00

Motion carried. 4 – 0.

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

**RESOLVED**, that the following budget *transfers* are hereby made in the *General Fund* for the *2012-2013* fiscal year:

To: 001-7530-1000 (Meeting House-Personal Services)	\$279.00
From: 001-1640-1000 (Central Garage-Personal Services)	\$279.00
To: 001-8560-4450 (Shade Trees-Misc.)	\$43.00
From: 001-8560-4350 (Shade Trees-Maint.)	\$43.00
To: 001-1410-4110 (Village Clerk-Service Contracts)	\$426.00
From: 001-1410-4040 (Village Clerk-Ed./Travel Expenditures)	\$426.00

Motion carried. 4 – 0.

**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 *2012-2013* fiscal year:

To: 009-7141-1001 (Glen Park-Personal Services/OT)	\$294.00
From: 009-7141-1000 (Glen Park-Personal Services)	\$294.00

Motion carried. 4 – 0.

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**Report – Trustee Piazza**

*Trustee Piazza reported on the following topic(s):* AUC approval of locked in gas purchase price for next winter ; Water main break on Belmont last week; Planning Board and Zoning Board members' frustration with lack of information on sign applications.

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

**RESOLVED**, that the proposal to amend Chapter 107 (Water), which would modify the water code to reduce the amount of service line the property owner is responsible to maintain and clarify who is responsible for tapping the main, which was the subject of a public hearing by the Village Board of Trustees on Monday, July 23, 2012, at 7:34 p.m., in Village Hall, 5565 Main Street, Williamsville, New York, is hereby adopted as **Local Law 7 of 2012.**

Motion carried. 4 – 0.

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

**RESOLVED**, that *Joseph Frese of 275 Mill Street, Williamsville, New York*, is hereby appointed to the ***Zoning Board of Appeals*** until the end of the **2016-2017** official Village year, to fill the unexpired term of Lawrence Hillebrand.

Motion carried. 4 – 0.

- *On behalf of the Village Board of Trustees, Mayor Kulpa expressed his sympathies to the family of Lawrence Hillebrand, distinguished former trustee and longtime member of the Zoning Board of Appeals. Mayor Kulpa lauded Mr. Hillebrand's inestimable service to the Village community. He will be sorely missed by all. Trustee Piazza added his praise of Mr. Hillebrand's keen insight into zoning issues that came before him as a member of the Zoning Board of Appeals.*

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

**WHEREAS**, Wm. Schutt Associates has requested compensation for additional services provided under Contract No. 27, N. Ellicott, Edward, and Mill Streets Sewer Rehabilitation Project, in the amount of \$6,400.00; and

**WHEREAS**, the Village Board has determined that sufficient backup has been provided for such request;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is hereby authorized and directed to sign the Request for Engineering Services Amendment #1 from Wm. Schutt Associates, dated July 16, 2012, in the amount of \$6,400.00, bringing the total adjusted agreement amount to \$67,900.00.

Motion carried. 4 – 0.

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

**WHEREAS**, C&C Contractors was awarded the work under Contract No. 27, N. Ellicott, Edward, and Mill Streets Sewer Rehabilitation Project; and

**WHEREAS**, additional paving was requested by the Village that was not in the original scope of work because work in those areas was completed by the Village's Department of Public Works; and

**WHEREAS**, this additional paving resulted in a work item over-run of \$25,660.08; and

**WHEREAS**, other work item over-runs and under-runs occurred under the scope of the project, resulting in a total project over-run of \$20,410.29;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is hereby authorized and directed to sign Change Order No. 1 for C&C Contractors, dated July 26, 2012, in the amount of \$20,410.29, bringing the total adjusted contract price to \$321,296.54.

Motion carried. 4 – 0.

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**Report – Trustee DeLano**

*Trustee DeLano reported on the following topic(s):* Tree plantings on Main Street will commence this season with 54 trees being planted with DPW labor; Tree Planting Day for side streets will be Nov. 3<sup>rd</sup> with about 50 trees to be planted; Glen Ave. Extension. (*Mayor Kulpa praised Trustee DeLano for his dedication to tree plantings in the Village.*)

**ON MOTION** by Trustee DeLano, 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 on Monday, September 10, 2012 at 7:35 p.m. in Williamsville Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in commenting on a proposed amendment to Chapter 103 (Vehicles & Traffic) regarding no standing on Reist Street.

Motion carried. 4 – 0.

**Report – Trustee Alexander**

*Trustee Alexander reported on the following topic(s):* Last Movie in the Park for the summer will be on Aug. 17 at 8:30pm in Island Park; Village wading pools will close for the season on Aug. 19<sup>th</sup>; Public hearing for a proposed Ethics Code will be held at the next Village Board meeting on Aug. 27<sup>th</sup>.

Other comments:

- Mayor Kulpa reported that the property at 188 Reist St. has been sold to a private individual who plans on demolishing the structures and building a new house on the site.
- Ken Kostowniak reported that S. Cayuga Rd. will be closed to traffic on Aug. 17 for surface milling and closed again on Aug. 21 for repaving of the roadway.
- Trustee Piazza reported that the Jolly Boys held their annual charity golf tournament today raising about \$20,000 which will be targeted for drug rehab programs for Amherst youth.

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

**RESOLVED**, that David Johnston, Code Enforcement and Planning Officer, is hereby authorized to travel to Niagara Falls, New York, on 8/15/12, to attend the NYCOM "Vacant and Abandoned Properties" Seminar, at a cost not to exceed \$68.00, to be paid by the Village of Williamsville.

Motion carried. 4 – 0.

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

**RESOLVED**, that John Pidgeon of the Williamsville Fire Dept. is hereby authorized to attend the Paratech Nation University Special Stabilization Equipment Training Seminar in Chicago, Illinois, from 8/19/12 to 8/22/12, at a cost not to exceed \$995.00, to be paid by the Village of Williamsville.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to open the Executive Session at 8:15 p.m. to discuss a legal matter.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adjourn the Executive Session and return to the regular agenda at 8:29 p.m.

Motion carried. 4 – 0.

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**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adjourn the meeting at 8:29 p.m.

Motion carried. 4 – 0.

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Judith A. Kindron

Deputy Treasurer