

**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 27, 2012 at 7:30 p.m.**

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

Present: Brian J. Kulpa, Mayor  
Basil J. Piazza, 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

Absent: Brian J. Geary, Trustee

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to approve the minutes of the regular meeting held on August 13, 2012.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

- ***A public hearing was held to hear all persons interested in commenting on a proposal to add Chapter 23 (Ethics) to the Village Code.***

**ON MOTION** by Trustee Alexander, seconded by Trustee Piazza, it was moved to close the public hearing at 7:37 p.m.

Motion carried. 4 – 0.

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**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.

*No one from the audience addressed the Board.*

**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):* Picture Main Street Initiative; Striping of parking on Main Street; Main Street tree planting; Paving of S. Cayuga Rd – Thanked Ken Kostowniak and DPW for a job well done.

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

**RESOLVED**, that payroll and vouchers in the amount of **\$756,595.24** covering the period from **7/30/12** to **8/22/12** are hereby approved as follows:

<b>Payroll covering: 7/30/12 – 8/12/12:</b>	\$35,064.40
<b>Vouchers covering 8/09/12 – 8/22/12:</b>	
General Fund	\$81,078.26
Water Fund	\$7,744.12
Sewer Fund	\$621,217.02
Glen Park Fund	\$207.56
Trust & Agency Fund	\$11,123.88
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$160.00</u>
	\$721,530.84
<b>GRAND TOTAL</b>	<b><u>\$756,595.24</u></b>

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 *transfers* are hereby made in the *General Fund* for the *2011-2012* fiscal year:

To:	001-1640-2010 (Central Garage-Capital Improvements)	\$1.00
	001-1010-4040 (Board of Trustees-Education Exp./Travel)	\$103.00
	001-1210-4040 (Mayor-Education Exp./Travel)	\$103.00
	001-1440-4160 (Engineer-Professional Fees)	\$1675.00
	001-5110-4250 (Street Maint.-Gas & Oil)	\$6021.00
	001-5110-4271 (Street Maint.-Blacktop/Oil/Stone Resurface)	\$10,000.00
	001-7110-4430 (Parks-Sanitary Sewer Waste Disposal)	\$62.00
	001-7310-4170 (Youth Programs-Community Events)	\$38.00
	001-7530-4450 (Village Meeting House-Misc.)	\$92.00
	001-1620-2010 (Buildings-Computer Equip.)	\$3,000.00
	001-7110-2040 (Parks-Capital Reserve)	\$7500.00
From:	001-1640-4070 (Central Garage-Utilities)	\$2934.00
	001-7310-4172 (Youth Programs-Holiday Tree Lighting)	\$38.00
	001-7530-4070 (Village Meeting House-Utilities)	\$92.00
	001-5142-4290 (Snow Removal-Salt)	\$18,031.00
	001-7110-2010 (Parks-Capital Improvements)	\$7,500.00
To:	001-3410-4471 (Fire Protection-Building Repairs)	\$266.00
From:	001-1620-4230 (Buildings-Building Maint.)	\$266.00
To:	001-3410-2010 (Fire Protection-Major Equip.)	\$972.00
	001-3410-4160-3410 (Fire Protection-Repairs/2012 Command Trailer)	\$56.00
	001-3410-4450 (Fire Protection-Misc.)	\$142.00
	001-3410-4471 (Fire Protection-Building Repairs)	\$439.00
	001-3410-4490 (Fire Protection-Uniform)	\$198.00
	001-1620-4750 (Fire Protection-Service Award Program)	\$6167.00
From:	001-3410-1000 (Fire Protection-Personal Services)	\$170.00
	001-3410-4070 (Fire Protection-Utilities)	\$872.00
	001-3410-4071 (Fire Protection-Sewer Charges)	\$20.00
	001-3410-4220 (Fire Protection-Share Fire District)	\$4409.00
	001-3410-4440 (Fire Protection-Central Fire Alarm)	\$100.00
	001-3410-4470 (Fire Protection-Building Maint.)	\$139.00
	001-3410-4701 (Fire Protection-Workers' Comp.)	\$2264.00
To:	001-5110-4161-0910 (Street Maint.-Repairs/2009 Ford F350)	\$995.00
From:	001-5110-4161 (Street Maint.-Equip. Repairs)	\$995.00
To:	001-7530-4240 (Village Meeting House-Tune Piano)	\$350.00
From:	001-7530-4070 (Village Meeting House-Utilities)	\$50.00
	001-7530-4440 (Village Meeting House-Fire Alarm)	\$300.00

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 *General Fund* for the **2011-2012** fiscal year to account for the sale of cider equipment from the Mill:

Increase: 001-0001-2665 (Sale of Equipment)	\$6000.00
Increase: 001-9950-9000 (Transfer to Capital)	\$6000.00

Motion carried. 4 – 0.

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

**RESOLVED**, that the following budget *amendment* is hereby made in the *General Fund* for the **2012-2013** fiscal year to account for 5/31/12 encumbrances:

Increase: 001-0001-0909 (Fund Balance-Unassigned)	\$14,410.00
Increase: 001-1410-4120 (Village Clerk-Bond & Note Expenses)	\$3560.00
001-3410-2030 (Fire Protection-Radio Equip.)	\$4014.00
001-3410-4470 (Fire Protection-Bldg. Maint.)	\$366.00
001-3410-4471 (Fire Protection-Bldg. Repairs)	\$2000.00
001-6410-4920 (Publicity-Flags)	\$414.00
001-7310-4176 (Youth Programs-Hockey Tournament)	\$3606.00
001-7530-4240 (Village Meeting House-Tune Piano)	\$450.00

Motion carried. 4 – 0.

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

**WHEREAS**, the Town of Amherst and Village of Williamsville share a common vision for diverse, pedestrian oriented redevelopment along Main Street; and

**WHEREAS**, the Village of Williamsville has committed resources of time and money in attempts to correct past mistakes on NYS Route 5, better known as the

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Village's Main Street, and have committed to developing the "Picture Main Street Plan"; and

**WHEREAS**, the volume of vehicles along Main Street contributes to unsafe and hostile conditions to pedestrian interaction; and

**WHEREAS**, the air and noise pollutants generated by idling vehicles at the Williamsville toll barrier create undesirable conditions for Village and Town residents alike; and

**WHEREAS**, evidence in the form of a traffic study produced by the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) showed resultant decreases in commuter volumes on Main Street if the toll barrier were removed; and

**WHEREAS**, the Town of Amherst has adopted resolutions calling for an open dialogue and public presentations in the areas affected by the toll barrier, and to file a Freedom of Information Request insisting the Thruway Authority hand over all documents related to the project, including an accounting for all of the federal funds allocated for it; and

**WHEREAS**, the NYS Thruway Authority did request the first draft environmental impact statement as far back as 2001 and put together graphics and animations of designs, and even held public hearings; and

**WHEREAS**, the last public hearing was July 11, 2006;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Williamsville does join with the Town of Amherst in calling upon the New York State Thruway Authority Chairman Howard P. Milstein to hold one of his upcoming Board meetings at the "Buffalo Location" of the New York State Thruway Authority and around that time to meet with the various impacted communities' elected officials; and

**BE IT FURTHER RESOLVED**, that the Board of Trustees of the Village of Williamsville does hereby endorse the Town of Amherst Resolution 2012-728 and Resolution 2012-729; and

**BE IT FURTHER RESOLVED**, that the Village Administrator shall issue a copy of this resolution to the Town of Amherst, Senator Ranzenhofer, Assemblyman Walter, Congresswoman Hochul, Congressman Higgins, Senator Gillibrand, Senator Schumer, Governor Cuomo, Hal Morse of the GBNRTC, and Thruway Authority Vice-Chairwoman Donna Luh; and

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**BE IT FURTHER RESOLVED**, that the Village Administrator shall issue a copy of this resolution to the Board Members of the New York State Thruway Authority, the Authority's District Engineer and local and statewide spokesperson's office.

Motion carried. 4 – 0.

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

**WHEREAS**, the Internal Revenue Service has issued new regulations requiring issuers of tax-exempt obligations to certify on Form 8038-G that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

**WHEREAS**, the Village is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of preferential tax status of those obligations; and

**WHEREAS**, it is therefore in the best interest of the Village to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed;

**NOW, THEREFORE, BE IT RESOLVED**, that Village hereby adopts the interim post-issuance compliance procedures attached hereto as "Schedule A" and resolves to be governed thereby; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon its adoption.

**Schedule A**

- a. Purpose: The purpose behind implementation of post-issuance compliance procedures is to ensure that the Village is compliant with federal tax law requirements related to its outstanding tax-exempt obligations for the life of the obligations.
- b. Compliance Officer Designation, Education and Training: The Village will designate a "Compliance Officer" who will be the primary official responsible for monitoring post-issuance compliance with federal tax laws. The Compliance Officer will attend training and educational seminars at least annually and will consult with bond counsel as needed to keep current on IRS regulations and developments relating to post-issuance compliance for its obligations. The Village's designated Compliance Officer is the Village Administrator/Clerk-Treasurer.

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- c. Record Retention and Due Diligence Review: The Compliance Officer is responsible for thorough record retention of all material documents relevant to the issuance of the Village's tax-exempt obligations including, but not limited to, the transcript of proceedings, closing binder, bond counsel opinion, tax certificate, IRS-required filings, records of investments and expenditures made with proceeds, documents pertaining to existing or potential private and public use of bond-financed property, etc. The Compliance Officer will conduct due diligence review of these documents both upon receipt and at regular intervals throughout the life of the obligation.
- d. Monitoring Compliance: Compliance Officer will monitor use of proceeds and arbitrage restrictions through implementation of accounting methods and consultation with bond counsel and a rebate consultant when necessary.
- e. Correcting Potential Non-Compliance: Upon discovery of potential or existing non-compliance with post-issuance tax laws, Compliance Officer will promptly take steps, including consultation with bond counsel, to correct such non-compliance.

Motion carried. 4 – 0.

**Report – Trustee Alexander**

*Trustee Alexander reported on the following topic(s):* WBA sponsored Evening in the Village event and Fire Dept. Open House on 9/8; Parks survey coming out in water bills.

*Trustee Alexander had no resolutions this evening.*

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topic(s):* Planning Board and sign approvals – urged business owners to get permit before they erect signage; AUC July savings are \$48,000; Planning Board meets Tuesday, 9/4 due to Labor Day holiday.

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

**WHEREAS**, Robert Midda has filed an application for a lump sum payment under the Village of Williamsville Fire Department's Service Award Program, said application being for a disability based payment; and

**WHEREAS**, the Board of Trustees for the Village of Williamsville has reviewed said

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application, together with all documents submitted therewith;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby approves the application by Robert Midda for an award for total and permanent service award program disability under the terms of the Village of Williamsville Fire Department's Service Award Program.

Motion carried. 4 – 0.

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

**RESOLVED**, that *John Pidgeon of 18 Stanton Street, Williamsville, New York*, is hereby appointed as an *Alternate Member of the Zoning Board of Appeals* until the end of the *2012-2013* official Village year

Motion carried. 4 – 0.

**Report – Trustee DeLano**

*Trustee DeLano reported on the following topic(s): 10,000 Trees and Growing! Program – Received \$2550 last year and expect \$3500 this year; Main Street tree planting – 55 sites from Village Square at 5403 Main St. to Mill St.; Thanked Greg Szewczyk for his assistance on Picture Main Street Committee, as well as DOT Landscape Architect Mike Christner and Al Ayoyo in the DOT Permitting Dept.*

*Trustee DeLano had no resolutions this evening.*

**ON MOTION** by Mayor Kulpa, seconded by Trustee Alexander, it was moved to open the Executive Session at 8:04 p.m. to discuss threatened litigation stemming from Water Dept. issues and to discuss a personnel issue related to performance.

Motion carried. 4 – 0.

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**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adjourn the Executive Session and return to the regular agenda at 9:00 p.m.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Alexander, it was moved to adjourn the meeting at 9:00 p.m.

Motion carried. 4 – 0.

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Lynda L. Juul

Administrator/Clerk-Treasurer