

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held Williamsville Village Hall, 5565 Main Street, Williamsville, New York, Monday, March 25, 2013 at 7:30 p.m.

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

Present: Brian J. Kulpa, Mayor
Daniel O. DeLano, Trustee
John "Al" Yates, 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: Basil J. Piazza, Trustee
Christopher J. Duquin, Trustee

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on March 11, 2013.

Motion carried. 3 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to open the first public hearing at 7:32 p.m.

Motion carried. 3 – 0.

Public Hearing

2013-2014 Budgets General Fund, Water Fund & Water Rates, Sewer Fund & Sewer Rent Rates, Glen Park Activities Fund, and Debt Service Fund

Administrator Juul read aloud the public hearing notice as published in the March 20, 2013 Amherst Bee.

Mayor Kulpa reported that the tax rate has an increase of 1.9%. There is an increase in the amount raised of 2.19% (versus 3.25% allowable under the property tax cap). Water rate will remain at \$5.37. Working on consolidation of Water Department with ECWA; Sewer rates will remain the same.

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- The member of the audience who addressed the Board and his topic(s):

Tom Frank, 225 Evans St. – Urges consideration of a Niagara National Heritage Area - Should be a 3 – 5 year plan; Picture Main Street; Restoration of Mill; IDA funding; 50 year indemnification..

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

Motion carried. 3 - 0.

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

Motion carried. 3 – 0.

Public Hearing

Proposed modification to Chapter 70-13 (Parks and Public Areas) to allow dogs in Glen Park

- This public hearing was continued from the last meeting.
- The member of the audience who addressed the Board and his topic(s):

Nicholas Perino, 40 Hillside Dr. – There are two government agencies – one is trying to clean up waterways, one is advocating allowing dogs in Glen Park; There are other places to go with dogs.
- Trustee DeLano responded that the Village is not pushing for this, but rather the Glen Park Joint Board raised the issue and the Village Board is looking for public input.
- Mayor Kulpa stated that right now, dogs are not allowed in Glen Park. Any change to the code would require a resolution be brought before the Village Board by a Village Board member.

This public hearing was left open.

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Glen Park Fund	\$246.14
Trust & Agency Fund	\$9,925.16
Debt Service	\$17,662.50
Community Development	\$0.00
Capital Fund	<u>\$660.00</u>
	\$126,688.26

GRAND TOTAL **\$156,035.54**

Motion carried. 3 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, 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:	001-1620-1001 (Buildings-Personal Services/OT	\$17.00
	001-1640-1001 (Central Garage-Personal Services/OT	\$31.00
	001-7530-1001 (Village Meeting House-Personal Services/OT)	\$153.00
From:	001-8162-1001 (Leaf Pickup-Personal Services/OT)	\$201.00
To:	001-3410-2020 (Fire Protection-Expendable Equip.)	\$134.00
	001-3410-4160-3402 (Fire Protection-Truck Exp./Engine 2)	\$23.00
	001-3410-4160-3471 (Fire Protection-Truck Exp./ATV 71)	\$29.00
	001-3410-4180 (Fire Protection-Radio Repairs)	\$81.00
	001-3410-4470 (Fire Protection-Building Maint.)	\$138.00
	001-3410-4450 (Fire Protection-Misc.)	\$58.00
From:	001-3410-4161 (Fire Protection-Sm. Engine Equip. Repair	\$134.00
	001-3410-4160 (Fire Protection-Truck Exp.)	\$52.00
	001-3410-2050 (Fire Protection-Turnout Gear)	\$277.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1566.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1566.00
To:	001-5110-1000 (Street Maint.-Personal Services)	\$1675.00
	001-7530-1000 (Village Meeting House-Personal Services)	\$1286.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$2961.00
To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump /Plow)	\$19.00
	001-5110-4161-0904 (Street Maint.-Repairs/2005 Freightliner)	\$150.00
	001-5110-4161-0907 (Street Maint.-Repairs/1992 Autocar Dump)	\$1447.00

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001-5110-4161-0914 (Street Maint.-Repairs/2001- Trackless Sidewalk Plow) \$36.00
From: 001-5110-4161 (Street Maint.-Repairs/Equipment) \$1652.00

To: 001-7310-4179 (Youth Programs-Movies at the Meeting House) \$8.00
From: 001-7550-4175 (Youth Programs-Movies in the Park) \$8.00

Motion carried. 3 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, 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: 009-7141-4109 (Glen Park-Insurance) \$60.00
From: 009-7141-4352 (Glen Park-Park Maint.) \$60.00

Motion carried. 3 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, 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 an insurance payment on damaged salt box:

Increase: 001-0001-2680 (Insurance Recoveries) \$7548.00
Increase: 001-5142-2000 (Snow Removal-Equip.) \$7548.00

Motion carried. 3 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, 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 assigned funds to be used in the current year:

Increase: 001-0001-0599 (Appropriated Surplus) \$1359.00

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Increase: 001-1420-4620 (Law Attorney-Opinions) \$1359.00

Motion carried. 3 – 0.

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

RESOLVED, that the following budget *amendment* is hereby made in the *Sewer Fund* for the *2012-2013* fiscal year:

Increase: 007-0007-2770 (Miscellaneous Revenue) \$30,852.00
Increase: 007-9950-9000 (Transfer to Capital) \$30,852.00

Motion carried. 3 – 0.

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

RESOLVED, that *Mark Kutner of 55 Bissell Ave., Depew, NY,* is hereby appointed as *Motor Equipment Operator* in the Department of Public Works, effective immediately, at a starting rate of \$15.16.

Motion carried. 3 – 0.

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

RESOLVED, that the following changes are hereby made to committee liaisons:

Environmental Committee – Trustee Al Yates
Historic Preservation Commission – Trustees Basil Piazza and Dan DeLano

Motion carried 3 – 0.

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

WHEREAS, consistent with the Village of Williamsville Community Plan, adopted in April 2010, the Village is desirous of enhancing and expanding upon its system of parks and open spaces by, among other improvements, creating new pathways and connections to better link the existing Village parks; and

WHEREAS, the Community Plan specifically envisions new parks and pathways between Island Park and Glen Park; and

WHEREAS, the Village has identified the area located between Village Hall, 5565 Main Street, and the Williamsville Library, 5571 Main Street, currently used primarily as a driveway, as an appropriate location for a "pocket park" providing an improved connection between Island Park and Glen Park, as well as providing improved pedestrian safety and an enhanced experience for library patrons ("Pocket Park"); and

WHEREAS, the majority of the area identified for the Pocket Park is owned by the Town of Amherst; and

WHEREAS, the Town Board adopted a resolution on February 25, 2013 supporting the concept of removing the existing curb cut and driveway between Village Hall and the Library to be used as a walkway and pocket park to serve the residents of both the Town and Village; and

WHEREAS, the Town and Village jointly prepared a concept plan for development of the Pocket Park to be developed and operated on a portion of the Town Library Parcel ("Concept Plan"), subject to a license agreement between the Village and Town ("License Agreement"); and

WHEREAS, the terms of the License Agreement have been reviewed and agreed upon by the Village and Town attorneys; and

WHEREAS, the Concept Plan is consistent with the Community Plan and Generic Environmental Impact Statement, and therefore no further review is necessary under the State Environmental Quality Review Act in connection with the development of the Pocket Park;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute the License Agreement on behalf of the Village and to take other such steps as are necessary to implement the creation of the Pocket Park consistent with the License Agreement and Concept Plan.

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Motion carried. 3 – 0.

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

RESOLVED, that the proposal from **Joy Kuebler Landscape Architect PC** for landscape services related to the creation of the **Library Pocket Park** in the space between the Williamsville Library and Village Hall, in the amount of \$4,230.00 for schematic design, dated 11/8/12, is hereby accepted.

Motion carried.

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

RESOLVED, that the proposal from **Joy Kuebler Landscape Architect PC** for additional landscape services related to the landscaping of the **Main /Evans Triangle**, in the amount of \$2,370, dated 2/25/13, is hereby accepted.

Motion carried. 3 – 0.

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

RESOLVED, that *Shawn LeMay of 111 S. Cayuga Rd., Williamsville, NY*, is hereby appointed to the *Lehigh Trail Committee* until the end of the **2012-2013** official Village year.

Motion carried.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Thanked his fellow trustees and Mayor for all their work on the ECWA MOU, grants, etc.; Thanked department heads, Administrator and DPW; Tree planting on Main St has been completed way ahead of schedule – Thanked DPW; Right-of-way restoration; Thanked Tree Board for hard work and support; Spring Tree Planting Day is May 4th at 9am; Parks and Gardens Day is Saturday, May 18th from 9am to Noon, followed by a picnic on Island Park.

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ON MOTION by Trustee DeLano, seconded by Trustee Yates, the following resolution was adopted:

WHEREAS, A public hearing on a proposed modification to Chapter 47 (Historic Preservation) was held on February 25, 2013 regarding modification to membership requirements for the Historic Preservation Commission (HPC); and

WHEREAS, alternatives to the elimination of the requirement to have a Williamsville Historical Society member were discussed at said public hearing;

NOW, THEREFORE, BE IT RESOLVED, that **Local Law 2013-1**, as amended, to maintain the requirement of having a Williamsville Historic Society member as a member of HPC, and adding the requirement of having a Planning and Architectural Review Board member as a member of HPC, is hereby approved; and

BE IT FURTHER RESOLVED that, this local law will go into effect upon filing with the NYS Secretary of State.

Motion carried. 3 – 0.

ON MOTION by Trustee DeLano, seconded by Trustee Yates, the following resolution was adopted:

RESOLVED, that *Elizabeth A. Holden of 47 North Long St., Williamsville, NY*, is hereby appointed to the *Parks Committee* until the end of the *2012-2013* official Village year.

Motion carried. 3 – 0.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Thanked Tree Board and DPW for getting all our trees planted along Main Street; Thanked the Mayor, Trustee Duquin and Trustee Piazza for their work on ECWA MOU; Happy to be part of Environmental Committee; Earth Day will be celebrated on April 20th; Looking to hear from Glen Park Joint Board on the issue of allowing dogs in Glen Park; Youth & Recreation Committee is sponsoring the Youth Street Hockey Tournament on June 8th.

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ON MOTION by Trustee Yates, seconded by Trustee DeLano, the following resolution was adopted:

WHEREAS, the Board of Trustees of the Village of Williamsville has been studying the feasibility of transferring its water delivery system to the ownership and operation of the Erie County Water Authority ("Water Authority") , from whom the Village already obtains its water supply; and

WHEREAS, the Village has held a number of public information sessions and public hearings on the issue of such transfer; and

WHEREAS, the Board of Trustees has determined that transferring the water system to the Water Authority is in the long term best financial interest of both the Village and the users of the water system and had previously authorized the Mayor to sign a Memorandum of Understanding (MOU) to initiate the process to effectuate that transfer; and

WHEREAS, the Water Authority proposed a number of changes to the terms of the MOU approved previously by the Village to clarify the transfer process; and

WHEREAS, the Board of Trustees has determined that the proposed changes to the MOU are acceptable and that the transfer of the Water System pursuant to its terms remain in the best interest of the Village and the water system users;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute the revised Memorandum of Understanding on behalf of the Village.

Motion carried. 3 – 0.

- Mayor Kulpa read the following comments from Trustee Piazza: Trustee Piazza wished we would have consolidated the water with ECWA 20 years ago; He is happy we are doing it now.
- Mayor Kulpa read a letter from Trustee Duquin (attached).
- Mayor Kulpa thanked ECWA Commissioners Fran Warthling, Earl Jan and Jack O'Donnell for their assistance with the MOU.

Report – DPW Crew Chief Ken Kostowniak

Crew Chief Kostowniak reported on the following topic(s): CHIPS funding may be increasing as per fax from Senator Ranzenhofer.

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ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the meeting at 8:22 p.m.

Unanimously carried

Lynda L. Juul
Administrator/Clerk-Treasurer