

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held Williamsville Village Hall, 5565 Main Street, Williamsville, New York, Monday, April 8, 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
Basil J. Piazza, Trustee
Christopher J. Duquin, Trustee
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

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on March 25, 2013.

Roll Call:	Kulpa	Yes
	Piazza	Yes
	Yates	Yes
	DeLano	Yes
	Duquin	Abstained

Motion carried. 4 – 0.

ON MOTION by Trustee Duquin, seconded by Trustee Piazza, it was moved to open the first public hearing at 7:34 p.m.

Unanimously carried.

Public Hearing

<p>Proposed addition to the code of Chapter 75 (Rental Property Registration)</p>
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Trustee Duquin explained that the purpose is to obtain contact information on owners of rental property. We are trying to gather information.

Administrator Juul read aloud the public hearing notice as published in the March 13, 2013 Amherst Bee.

No one from the audience commented.

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ON MOTION by Trustee Duquin, seconded by Trustee Piazza, it was moved at 7:36 p.m. to close the public hearing.

Unanimously carried.

ON MOTION by Trustee Duquin, seconded by Trustee Yates, it was moved to continue the second public hearing at 7:36 p.m.

Unanimously carried.

Public Hearing

<p>Proposed modification to Chapter 70-13 (Parks and Public Areas) to allow dogs in Glen Park</p>
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This public hearing was continued from the last meeting.

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

Peter Warn, Glen Park Joint Board Member – Inquired about the direction this resolution is going.

Mayor Kulpa responded that we must have a proposed change to a local law to hold a public hearing. There is no resolution on the agenda. There will be no motion going forward.

Trustee Duquin stated that at this point no one on the Village Board is interested in changing the code on this subject. The Glen Park Joint Board has recommended the dogs not be allowed in Glen Park by a 7-1 vote.

Trustee DeLano suggested there has been a misconception by the public that the Village Board was pushing for this change in the code.

Bob Krieter, 26 Monroe Dr. – Wondered why the text of the proposed change to the code was printed and available to the public if the Village Board was not voting on it tonight.

Mayor Kulpa responded that the Village Board had previously decided not to close the public hearing or make a decision on the proposed change to the code until the Glen Park Joint Board voted on the issue.

Village Attorney Grieco explained that the procedure is we must have a proposed Local Law in order to hold public hearing. Otherwise the public would not have anything to comment on.

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Mr. Krieter asked why the Board is going through the trouble of rental property registration when the property owner information is already on the tax roll.

Mayor Kulpa responded that this proposed chapter in the code is intended more for Village property owners who live outside of Erie County.

Mr. Krieter asked how multiple-family dwellings would be dealt with.

Mayor Kulpa responded that they usually have a property manager.

ON MOTION by Trustee Duquin, seconded by Trustee Yates, it was moved at 7:48 p.m. to close this public hearing.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, 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):

Judy Catalano, 57 Park Club Lane – The Mill; The Zent House; Hotel Development on Main St.; Zoning Code.

Bob Krieter, 26 Monroe Dr. – Hotel development on Main St.; Intensive Level Survey being conducted by the Historic Preservation Commission; Century Home plaques; Garrison Park improvements; Amherst Police presence in the Village; 1988 survey done by Yvonne Kaye on use of the parks.

Carolyn Schlifke, 192 Evans St. – 1988 park survey and use of village parks by non-village residents; The requirement to have public parks open to all if we take State money; Century plaques program was run by Gartley Weller.

Thomas Frank, 225 Evans St. – Removal of Williamsville toll Barrier; Redevelopment Forum; ECIDA policy committee meeting.

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

Unanimously carried.

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To:	001-1640-1001 (Central Garage-Personal Services/OT)	\$162.00
	001-8560-1001 (Shade Trees-Personal Services/OT)	\$1252.00
From:	001-5142-1001 (Snow Removal-Personal Services/OT)	\$1414.00
To:	001-3410-2010 (Fire Protection-Major Equip.)	\$2,000.00
	001-3410-2020 (Fire Protection-Expendable Equip.)	\$292.00
	001-3410-2060 (Fire Protection-Computer Equip.)	\$160.00
	001-3410-4010 (Fire Protection-Office Supplies)	\$124.00
	001-3410-4471 (Fire Protection-Building Maint.)	\$599.00
From:	001-3410-4610 (Fire Protection-Health & Welfare)	\$2,000.00
	001-3410-4110 (Fire Protection-Service Accounts)	\$576.00
	001-3410-1000 (Fire Protection-Personal Services)	\$599.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1740.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1740.00
To:	001-5110-4161-0904 (Street Maint.-Repairs-2005 Freightliner)	\$8.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$8.00
To:	001-5110-1000 (Street Maint.-Personal Services)	\$1848.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$1848.00

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 *Sewer Fund* for the **2012-2013** fiscal year:

To:	007-8120-1001 (Sanitary Sewers-Personal Services/OT)	\$469.00
From:	007-8120-1000 (Sanitary Sewers-Personal Services)	\$469.00

Unanimously carried.

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

WHEREAS, the tentative *General Fund Budget for the 2013-2014* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as

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stated in the Salary Schedule, are hereby adopted as the *General Fund Budget* for the Village of Williamsville, for the **2013-2014** fiscal year; and

BE IT FURTHER RESOLVED, that the General Fund tax rate effective June 1, 2013, is as follows:

\$4.2812 per \$1,000 of assessed value at 100% equalization

Unanimously carried.

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

WHEREAS, the tentative *Water Fund Budget for the 2013-2014* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as stated in the Salary Schedule, are hereby adopted as the *Water Fund Budget* for the Village of Williamsville, for the **2013-2014** fiscal year; and

BE IT FURTHER RESOLVED, that the Village water rates effective June 1, 2013, are as follows:

Inside Village	\$5.37 per 1,000 gallons
Outside Village	\$8.06 per 1,000 gallons
Minimum Bill	\$21.48 per 0-4,000 gallons
Williamsville Central	\$6.71 per 1,000 gallons

Unanimously carried.

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

WHEREAS, the tentative *Sewer Fund Budget for the 2013-2014* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as

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stated in the Salary Schedule, are hereby adopted as the *Sewer Fund Budget* for the Village of Williamsville, for the **2013-2014** fiscal year; and

BE IT FURTHER RESOLVED, that the *Sewer Rent Rates for the 2013-2014* fiscal year are hereby set as follows:

\$4.07 per 1,000 gallons of water consumed
\$0.9804 per \$1,000 of assessed value at 100% equalization

Unanimously carried.

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

WHEREAS, the tentative *Glen Park Fund Budget for the 2013-2014* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget and the salaries and wages as stated in the Salary Schedule, are hereby adopted as the *Glen Park Fund Budget* for the Village of Williamsville, for the **2013-2014** fiscal year.

Unanimously carried.

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

WHEREAS, the tentative *Debt Service Fund Budget for the 2013-2014* fiscal year has been duly represented to the Village Board by the Budget Officer and a duly advertised public hearing has been held thereon;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget is hereby adopted as the *Debt Service Fund Budget* for the Village of Williamsville, for the **2013-2014** fiscal year.

Unanimously carried.

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

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RESOLVED, that *Katherine Maddigan, of 10 Pierpont Ave., Williamsville, New York*, is hereby appointed as a member of the *Williamsville Fire Department*, effective April 1, 2013.

Unanimously carried.

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

RESOLVED, that Chris Petrie, Christina Haffa, John Pidgeon and Adam Oehmler of the Williamsville Fire Department, are hereby authorized to travel to the Fire Department Instructors Conference to be held in Indianapolis, Indiana, from April 23 to April 27, 2013, at a cost not to exceed \$3,500.00, to be paid by the Village of Williamsville.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to go off the regular agenda to consider two additional resolutions.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adopt the following resolution:

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, May 13, 2013, at 7:35 p.m., at Williamsville Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in commenting on a proposed modification to Chapter 6 (Alarms) of the Village Code, to allow the Village of Williamsville Building Inspector to enforce that chapter for alarm systems which detect medical emergencies.

Unanimously carried.

ON MOTION by Mayor Kulpa, 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, May 13, 2013, at 7:40 p.m.,

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at Williamsville Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in commenting on a proposed modification to Chapters 73 (Public Order) and 112 (Zoning) of the Village Code, which would exempt Special Event Outdoor Seating from Planning Board review, and would modify the railing requirement for Seasonal Outdoor Seating on elevated platforms.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to return to the regular agenda.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Earth/Arbor Day Celebration on April 20th.

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

WHEREAS, the Village of Williamsville Youth and Recreation Committee's 5th Annual Youth Street Hockey Tournament will be held on June 8, 2013, from 9:00 AM to 3:00 PM, at the municipal parking lot behind Village Hall; and

WHEREAS, the Town of Amherst owns and maintains the municipal parking lot behind Village Hall;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville shall indemnify the Town of Amherst and hold it harmless from and against any loss, obligation, claim, liability, damage or other charge arising from or relating to the Youth & Recreation Committee's Annual Youth Street Hockey Tournament, sponsored by the Village of Williamsville on the Town's real property, and the use of its general facilities and equipment; and

BE IT FURTHER RESOLVED, that the Village shall give the Town written notice of any claim or event known to it which does or may give rise to a claim by the Village against the Town based upon this agreement; such notice shall contain the nature and basis of such claim or event(s) and the amounts thereof, to the extent known; and

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BE IT FURTHER RESOLVED, that in the event any claim, action, suit or proceeding is made or brought by third parties, with respect to which the Town may be entitled to indemnification hereunder, the Town shall give written notice of such claim, action, suit or proceeding, and all legal pleadings with respect thereto to the Village within such time as may be required by the Village to advise

its insurers, if any, in a timely manner of such claim, etc. or as otherwise may be reasonably necessary for the Village to defend such action, claim process or legal pleading; the Village shall have the right to assume the defense of any such claim or action; and

BE IT FURTHER RESOLVED, that the Village shall render to the Town such assistance as may be reasonably required and cooperate with the Town in good faith to insure the proper and adequate defense of any claim, action, suit or proceeding brought by any third party.

Unanimously carried.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Tree Planting on Main Street; Right-of-way restorations; Curb cut elimination on Main Street; Spring Tree Planting Day is May 4th; Parks Day is May 18th from 9am – 1pm.

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

RESOLVED, that the Village Board of Trustees hereby approves the *Volunteer Firefighters Service Award Program List* of all 2012 active volunteer firefighters for the Village of Williamsville, as amended, and hereby authorizes the Mayor to sign the authorization for Penflex, Inc. to use the data submitted for the 2012 records.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Glen Park Joint Board – Thanked them for their assistance with the issue of whether to allow dogs in Glen Park; Call for public hearing; Village Board is going paperless.

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Trustee Duquin did not have any resolutions this evening.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): AUC; Earth/Arbor Day on Saturday, April 20th.

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

RESOLVED, that Ken Kostowniak, Kevin Stahrr, and Ryan Maj of the DPW, are hereby authorized to travel to the Western New York Village Superintendents Equipment Show to be held in Rochester, New York on April 10, 2013, at a cost not to exceed \$5.00, plus the cost of gas.

Unanimously carried.

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

RESOLVED, that the proposal from *Fisher Associates, P.E., L.S., P.C.*, for engineering services for the design of pier repairs to the dam at Island Park, in the amount of \$1,500.00, dated March 4, 2013 , is hereby accepted.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to adjourn the meeting at 9:06 p.m.

Unanimously carried

Lynda L. Juul
Administrator/Clerk-Treasurer