

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 22, 2013 at 7:30 p.m.

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

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 Piazza, it was moved to approve the minutes of the regular meeting held on April 8, 2013.

Unanimously carried.

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

Mitch Stenger, Attorney for WNY Food Truck Assoc. – Food trucks in the Village.

Thomas Frank, 225 Evans St. – Research project; Funding application.

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

Unanimously carried.

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Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Main Street Market & Feasibility Study; Lehigh Memory Trail Committee.

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

RESOLVED, that payroll and vouchers in the amount of **\$101,431.27** covering the period from **4/4/13** to **4/17/13** are hereby approved as follows:

Payroll covering: 3/25/13 – 4/7/13:	\$29,548.62
Vouchers covering 4/4/13 – 4/17/13:	
General Fund	\$57,426.99
Water Fund	\$200.46
Sewer Fund	\$329.29
Glen Park Fund	\$868.20
Trust & Agency Fund	\$10,117.71
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$2,940.00</u>
	\$71,882.65
GRAND TOTAL	<u>\$101,431.27</u>

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

To:	001-1640-1001 (Central Garage – Personal Services/OT)	\$132.00
From:	001-5142-1001 (Snow Removal – Personal Services/OT)	\$132.00
To:	001-3410-1000 (Fire Protection – Personal Services)	\$498.00
	001-5110-1000 (Street Maintenance – Personal Services)	\$1689.00

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From:	001-5142-1000 (Snow Removal – Personal Services)	\$2187.00
To:	001-3410-2020 (Fire Protection – Expendable Equipment)	\$274.00
	001-3410-2060 (Fire Protection – Computer Equipment)	\$166.00
	001-3410-4010 (Fire Protection – Office Supplies)	\$37.00
	001-3410-4160-3407 (Fire Protection – Truck Expense/Rescue 7)	\$861.00
	001-3410-4160-3471 (Fire Protection – Truck Expense/ATV 7-1)	\$60.00
	001-3410-4470 (Fire Protection – Building Maintenance)	\$1074.00
From:	001-3410-4110 (Fire Protection – Service Contracts)	\$477.00
	001-3410-4160 (Fire Protection – Truck Expense)	\$921.00
	001-3410-4630 (Fire Protection – Grant Writer)	\$1074.00
To:	001-5110-4000 (Street Maintenance – Seasonal Help)	\$1158.00
From:	001-5110-1000 (Street Maintenance – Personal Services)	\$1158.00
To:	001-7530-2000 (Village Meeting House – Equipment)	\$567.00
	001-7530-4230 (Village Meeting House – Maintenance)	\$100.00
From:	001-7530-4451 (Village Meeting House – Meeting House Committee)	\$575.00
	001-7530-4440 (Village Meeting House – Fire Alarm)	\$92.00

Unanimously carried.

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 the purchase of a piano at the Meeting House through the use of assigned funds:

Increase:	001-0001-0599 (Appropriated Surplus)	\$308.00
Increase:	001-7530-2000 (Village Meeting House – Equipment)	\$308.00

Unanimously carried.

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 **2012-2013** fiscal year, to account for previously assigned funds, to be applied to the current budget for legal expenses:

Increase:	001-0001-0599 (Appropriated Surplus)	\$6393.00
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Increase: 001-1420-4620 (Law/Attorney – Opinions)

\$6393.00

Unanimously carried.

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

To: 007-8120-1001 (Sanitary Sewers – Personal Services/OT)

\$7.00

Increase: 007-8120-1000 (Sanitary Sewers – Personal Services)

\$7.00

Unanimously carried.

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

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

To: 009-7141-4351 (Glen Park – Park Supplies)

\$333.00

Increase: 009-7141-4352 (Glen Park-Park Maint.)

\$333.00

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Fire Dept. Length of Service Program; No dogs in Glen Park!; Earth/Arbor Day.

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

A BOND RESOLUTION, DATED APRIL 22, 2013, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF A STREET SWEEPER VEHICLE AND APPARATUS FOR USE BY THE VILLAGE AT AN ESTIMATED MAXIMUM COST OF \$200,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Village Board of Trustees of the Village of Williamsville, in the County of Erie, New York (the "Village") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of a street sweeper vehicle and apparatus for use by the Village including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto. The estimated maximum cost of said purpose is \$200,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$200,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such acquisition is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years.

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SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest

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on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication of this notice; or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six (6) conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten (10) days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local

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Finance Law, in a newspaper having a general circulation in said Village and hereby designated as the official newspaper of the Village for such publication.

ROLL CALL: Duquin Yes
Yates Yes
Piazza Yes
DeLano Yes
Kulpa Yes

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Meeting House concerts; Earth/Arbor Day; Meeting House Committee; Garden Walk talk at the Meeting House.

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

WHEREAS, The Village of Williamsville has received a grant for an Electronic Content Management System (“ECMS”) through the New York State Education Department’s Local Government Records Management Improvement Fund (“LGRMIF”) in the amount of \$18,678.00; and

WHEREAS, a Request for Proposals for the ECMS, along with training and implementation, and scanning of the Village’s existing records was advertised on March 20, 2013, with proposals being due on March 29, 2013; and

WHEREAS, four of such proposals were received and evaluated by the Village Administrator and the Village’s grant writer, and a recommendation was made for the acceptance of the proposal submitted by Copier Fax Business Technologies, Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the proposal from Copier Fax Business Technologies, Inc. is hereby accepted, in an amount not to exceed \$24,900.00.

Unanimously carried.

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Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Arbor/Earth Day; Tree planting in Right-of-way; Re-tree WNY; Spring tree planting day is May 4th.

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

RESOLVED, that the following persons are hereby appointed Election Inspectors for the regular Election of the Village of Williamsville to be held on Tuesday, June 18, 2013 at a rate of \$80.00 each for the day, to be paid by the Village of Williamsville:

District #1: Village Hall – Auditorium, 5565 Main St., Williamsville, New York 14221

- Inspectors:
1. Eileen Wall, 27 Howard Ave.
 2. Al Reinhardt, 157 Columbia Dr.
 3. Patricia Reinhardt, 157 Columbia Dr.
 4. Nancy Vanderlinde, 374 Cadman Dr.
 5. Joan Jennings Scalfani, 262 Hirschfield Dr.
 6. Janet Pfaff, 165 Monroe Dr.
 7. Suzanne Buyer, 75 Garrison Rd.
 8. Linda Wutz, 236 Highland Dr.

BE IT FURTHER RESOLVED, that the following persons are hereby appointed as Alternate Election Inspectors:

1. Laura Beckinghausen, 74 Lafayette Blvd.
2. Carol Mayo, 106 Churchcroft Ln.

BE IT FURTHER RESOLVED, that *Eileen Wall* of 27 Howard Ave. is hereby appointed *Chairperson of the Election Inspectors*.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Village Board is going paperless; Garrison Park improvements; Glen Park Agreement.

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

RESOLVED, that *Local Law #2 of 2013, Rental Property Registration*, which was the subject of a public hearing on April 8, 2013, is hereby adopted.

Unanimously carried.

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

RESOLVED, that *Richard Sweeney* of 325 Mill St., Williamsville, New York, is hereby appointed to the *Glen Park Joint Board* until April 30, 2015.

Unanimously carried.

ON MOTION by Trustee Duquin, seconded by Trustee Yates, it was moved to adopt the following resolution:

RESOLVED, that *Chris Bonaventura* of 230 Oakgrove Dr., Williamsville, New York, is hereby appointed to the *Glen Park Joint Board* until April 30, 2016.

Unanimously carried.

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

RESOLVED, that *George Gates* of 197 Cadman Dr., Williamsville, New York, is hereby appointed to the *Glen Park Joint Board* until April 30, 2016.

Unanimously carried.

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ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to adjourn the meeting at 8:24 p.m.

Unanimously carried

Lynda L. Juul
Administrator/Clerk-Treasurer