

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held Williamsville Village Hall, 5565 Main Street, Williamsville, New York, Monday, July 22, 2013 at 7:30 p.m.**

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

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

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the regular meeting held on June 24, 2013.

Motion carried. 4 - 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to approve the minutes of the 2013-2014 Re-organization meeting held on July 1, 2013.

Motion carried. 4 - 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open the first public hearing at 7:33 p.m.

Motion carried. 4 - 0.

### **Public Hearing**

A public hearing was held to hear all persons interested in commenting on a proposed amendment to Chapter 103 (Traffic & Vehicles) of the Village Code as it pertains to No Standing and Time Limit Parking on the east side of Reist Street, between Main Street and Glen Avenue.

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The Administrator read aloud the legal notice as published in the Amherst Bee on July 10, 2013.

No one from the audience addressed the Board.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to close the first public hearing at 7:35 p.m.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

### **Public Hearing**

A public hearing was held to hear all persons interested in commenting on a proposed amendment to delete Chapter 100A (Texting) from the Village Code.

The Administrator read aloud the legal notice as published in the Amherst Bee on July 10, 2013.

No one from the audience addressed the Board.

**ON MOTION** by Trustee Duquin, seconded by Trustee Piazza, it was moved to close the second public hearing at 7:38 p.m.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.



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**Vouchers covering 7/04/13 – 7/17/13:**

General Fund	\$45,562.53
Water Fund	\$0.00
Sewer Fund	\$26,604.07
Glen Park Fund	\$3,464.74
Trust & Agency Fund	\$14,415.13
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$5,122.00
	<b>\$95,168.47</b>

**GRAND TOTAL** **\$378,328.91**

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, 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:	001-1640-2000 (Central Garage-Equip.)	\$5752.00
	001-1640-4160 (Central Garage-Building Repairs & Maint.)	\$777.00
	001-1640-4161 (Central Garage-Small Equipment Repairs)	\$2619.00
	001-1640-4260 (Central Garage-Maint. Supplies)	\$2039.00
	001-1640-4440 (Central Garage-Parts)	\$296.00
	001-1640-4450 (Central Garage-Misc.)	\$32.00
From:	001-1640-4070 (Central Garage-Utilities)	\$2580.00
	001-5142-2000 (Central Garage-Equip.)	\$3298.00
	001-5142-4290 (Central Garage-Salt)	\$5637.00

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 *General Fund* for the *2013-2014* fiscal year:

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To:	001-1640-2000 (Central Garage-Equip.)	\$1480.00
From:	001-1640-2010 (Central Garage-Capital Improvements)	\$1480.00

Motion carried. 4 – 0.

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

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the **2013-2014** fiscal year, to account for reimbursement from Selective Insurance on damages to 2012 Polaris ATV:

Increase:	001-0001-2680 (Insurance Recoveries)	\$20,563.00
Increase:	001-3410-2000 (Fire Protection-Equip.)	\$20,563.00

Motion carried. 4 – 0.

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

**RESOLVED**, that the proposal dated May 22, 2013 from DiDonato Engineering & Design Professionals, for additional work on East Spring Street Reconstruction, at a cost of \$8,441.00, is hereby approved.

Motion carried. 4 – 0.

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

**RESOLVED**, that Brian Kulpa, as Mayor of the Village of Williamsville, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation, in an amount no less than 20% of the approved funding and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the Village of Williamsville for the proposed Williamsville Picture Main Street Project.

Motion carried. 4 – 0.

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

**RESOLVED**, that Brian Kulpa, as Mayor of the Village of Williamsville, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000, and enter into and execute a project agreement with the State for such financial assistance to the Village of Williamsville for the Williamsville Meeting House Restoration Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, the following paragraph of the original resolution was adopted:

**RESOLVED**, that Adam Rehard of 50 Indian Trail Rd., Williamsville, New York, and Nicholas Chericho of 45 S. Cayuga Rd., Williamsville, New York, are appointed to the Williamsville Fire Dept., effective retroactively to July 1, 2013.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, it was moved to amend the remainder of the original resolution.

Motion carried. 4 – 0.

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

**RESOLVED**, that Adam Rehard of 50 Indian Trail Rd., Williamsville, New York, and Nicholas Chericho of 45 S. Cayuga Rd., Williamsville, New York, are appointed to the Williamsville Fire Dept., effective retroactively to July 1, 2013; and

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**BE IT FURTHER RESOLVED**, that Sean C. Stone of 21 Arty Dr., Williamsville, New York, is hereby appointed as a member of the Williamsville Fire Dept., effective August 1, 2013.

Motion carried. 4 – 0.

**Report – Trustee Yates**

*Trustee Yates reported on the following topic(s):* Thanked Deb Habes and Mischler's for a great Garden Walk; Taste of Williamsville takes place on Sunday, August 4<sup>th</sup> – The Taste's 25<sup>th</sup> Anniversary dinner dance is scheduled for Saturday, August 3<sup>rd</sup>.

Trustee Yates had no resolutions.

**Report – Trustee Duquin**

*Trustee Duquin reported on the following topic(s):* Parks Committee; Pocket Park; Park rental.

Trustee Duquin had no resolutions.

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topic(s):* Old Homes Days was very successful; The Jolly Boys is a local philanthropic group with funds going back to youth organizations in the Town of Amherst; AUC meeting.

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

**A BOND RESOLUTION, DATED JULY 22, 2013, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE WATER SYSTEM, AT AN ESTIMATED MAXIMUM COST OF \$1,000,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000, 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.**

WHEREAS, the Village Board of Trustees of the Village of Williamsville, in the County of Erie, New York (the "Village") desires to undertake an improvements project for the reconstruction of and construction of improvements to the Village water system, as more specifically described in, but not limited by, a memorandum of understanding (the "MOU") between the Village and the Erie County Water Authority ("ECWA") executed on March 26, 2013; and

WHEREAS, the MOU sets forth, in detail, certain background information and certain objectives and plans of the Village concerning proposed improvements to the Village water facilities; and

WHEREAS, such improvements require the issuance of bonds or other obligations by the Village to finance a portion of the cost thereof;

NOW THEREFORE, BE IT RESOLVED, by the Board (by the favorable vote of not less than two-thirds of all the members of the Board of Trustees) as follows:

The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the reconstruction of and construction of improvements to the Village water system including, but not limited to, the replacement of water meters, the installation of meter pits and other such improvements to be determined by the Village consistent with the MOU, and including all preliminary work and necessary

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equipment, materials and site work and all preliminary costs and costs incidental thereto. The estimated maximum cost of such Purpose is \$1,000,000.

The Village Board of Trustees plans to finance the estimated maximum cost of such Purpose by the issuance of serial bonds of the Village in an aggregate amount not to exceed \$1,000,000, hereby authorized to be issued therefor 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 improvements 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.

It is hereby determined that such Purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 20 years.

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 such bonds.

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

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.

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 as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale 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

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specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

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.

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 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.

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.

The Village has determined that the Purpose is a Type II action that 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.

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.

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 were 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 notice were not substantially complied with

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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 were authorized in violation of the provisions of the Constitution of New York.

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 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 days after the date of adoption of this resolution.

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

Motion carried. 4 – 0.

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

**RESOLVED**, that the Administrator is hereby authorized to advertise for sealed bids for ***Contract 28, Water Meter Replacement Program***; and

**BE IT FURTHER RESOLVED**, that bids will be opened in the office of the Village Clerk, at 12:00 p.m., on August 20, 2013, at Village Hall, 5565 Main St., Williamsville, New York.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to leave the regular agenda at 8:08 to open Executive Session to discuss the potential hire of a specific individual.

Motion carried. 4 – 0.

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**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to close the Executive Session at 9:16 p.m. and return to the regular agenda.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, it was moved to leave the agenda to discuss Planning Board appointments.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 10:18 p.m.

Unanimously carried

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Lynda L. Juul  
Administrator/Clerk-Treasurer