

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held in Williamsville Village Hall, 5655 Main Street, Williamsville, New York, Monday, September 9, 2013 at 7:30 p.m.

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

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

Invocation – Trustee Yates

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on August 26, 2013.

Unanimously carried.

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

No one addressed the Board.

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

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): – Revitalization Award from Amherst Chamber of Commerce for Picture Main Street Project; Safe Routes to School Project; Committees and projects; Airport sound abatement project; Williamsville toll barrier.

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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 an insurance recovery from the cleaner for a burn hole in the Building Dept. carpet:

Increase Revenue: 001-0001-2680 (Insurance Recoveries)	\$1857.00
Increase Expense: 001-1620-4240 (Buildings/Paint/Carpet/Etc.)	\$1857.00

Unanimously carried.

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 purchases of memorial pavers for Glen Park:

Increase Revenue: 009-0009-2773 (Memorials-Pavers/Trees/Benches)	\$478.00
Increase Expense: 009-7141-4490 (Memorials-Pavers/Trees/Benches)	\$478.00

Unanimously carried.

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

WHEREAS, we must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and

WHEREAS, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

WHEREAS, each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and

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cyber-bullying; many more students attend school in a chronic state of anxiety; and

WHEREAS, it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

WHEREAS, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

WHEREAS, it is time to “**Stand UP for Character - DOWN to Bullying!**”;

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Brian J. Kulpa, do hereby designate the month of October 2013 as Anti-Bullying Awareness Month in the Village of Williamsville as a symbol of our commitment to the year-round struggle against bullying.

Unanimously carried.

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

RESOLVED, that *Walter Pacer of 87 Monroe Dr., Williamsville, New York*, is hereby appointed *Acting Justice* for the Village of Williamsville, for the 2013-2014 official Village year, effective immediately.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to go off agenda to consider a resolution previously placed under Trustee DeLano.

Unanimously carried.

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

WHEREAS, there is an accumulation of debris behind the garage at the property at 354 N. Ellicott St. and furthermore, there is evidence that the debris may be harboring rodents; and

WHEREAS, this is in violation of Chapter 39-6B (Garbage, Rubbish and Refuse -Accumulation) of the Village Code; and

WHEREAS, the owner of the property at 354 N. Ellicott St. was issued a violation notice dated August 21, 2013 by the Code Enforcement Officer to remove said debris no later than August 28, 2013; and

WHEREAS, as of today's date, September 9, 2013, the violation has not been corrected;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Department of Public Works is hereby ordered to enter onto said property at 354 N. Ellicott St. to remove said accumulation of debris, and charges shall be added to the Village tax bill.

Unanimously carried.

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

Unanimously carried.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Picture Main Street Award; Curb cut elimination on Main Street; Fall tree planting will be held on Saturday, November 2nd; Traffic & Safety meeting – Issues on Garrison near Main; 200th Anniversary of the Burning of Buffalo is December 30th.

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

RESOLVED, that the following DPW equipment is hereby declared surplus, and will be sold to Erie County for \$25,000.00:

Asset #429 Johnston VT650 Street Sweeper (#915) VIN 1FVAB6BV45DN91772

Unanimously carried.

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

WHEREAS, the grass at the property at 39 Hillside has been allowed to grow to a height greater than 8 inches, which exceeds the height allowed by Chapter 11-2 A (Unlawful growth of weeds, grass or poisonous plants) of the Village Code; and

WHEREAS, the owner of the property at 39 Hillside was issued a violation notice dated August 7, 2013 by the Code Enforcement Officer to cut the grass no later than August 14, 2013; and

WHEREAS, the grass was not cut by said date, and a Final Notice of violation was sent to the owner of said property giving a deadline of September 6, 2013; and

WHEREAS, as of today's date, September 9, 2013, the grass has not been cut;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Department of Public Works is hereby ordered to enter onto said property at 39 Hillside Drive to cut the grass, and charges shall be added to the Village tax bill.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Property tax cap and consolidation issue; Appreciation Picnic.

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

WHEREAS, New York State has implored local governments to consolidate services and save taxpayers money; and

WHEREAS, New York State has approved property tax cap legislation, which holds local governments to 2% (or less if the rate of inflation is less) increases in the tax levy each year; and

WHEREAS, New York State property tax cap law allows the recalculation of the property tax cap after the merger or dissolution of municipal entities, but does not allow the same reset after the consolidation of services, which eliminates a fund; and

WHEREAS, The Village of Williamsville has entered into a Memorandum of Understanding with the Erie County Water Authority to turn over our water system early next year; and

WHEREAS, The total savings to Village of Williamsville residents will be substantial over time, but will require dissolving the Water Fund and shifting some expenses to the General Fund; and

WHEREAS, The Village of Williamsville already eliminated the one Water Department position and took other necessary cost cutting initiatives in anticipation of dissolving the Water Fund; and

WHEREAS, The cost associated with eliminating our Water Fund will force us to override the 2% property tax cap next year; and

WHEREAS, it appears that New York State missed this discrepancy, since it is unimaginable that the State wishes to punish municipalities for consolidating services and saving taxpayers money;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville implores the Governor and Legislature to fix this discrepancy by allowing municipalities to reset the tax levy after a consolidation, which causes the elimination of a separate fund, which drives expenses back to the General Fund; and

BE IT FURTHER RESOLVED, that the Village of Williamsville requests that members of the Western New York Senate and Assembly delegation introduce legislation that will address the conflict; and

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BE IT FURTHER RESOLVED, that the Village of Williamsville asks the Governor to support legislation to eliminate this discrepancy; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Governor Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, the Western New York Delegation, the President of the Erie County Village Official's Association and the New York State Conference of Mayors.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Intensive Level Survey of Historic Properties; Planning Board meeting; AUC meeting next week; Zoning Board of Appeals meeting next week.

ON MOTION by Trustee Piazza, seconded by Trustee Duquin, a resolution was to award the water meter replacement project was brought forth;

ON THE QUESTION: Village Attorney Grieco suggested the wording “second lowest responsible bid” in the third “WHEREAS” clause be modified to read “lowest responsible bid”.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adopt the following resolution, with the amendment as suggested by the Village Attorney:

WHEREAS, bids for the Village of Williamsville Water Meter Replacement Project were received and opened on August 20, 2013; and

WHEREAS, the lowest bidder has requested to withdraw from the project due to the time constraints required; and

WHEREAS, Yarussi Construction submitted the lowest responsible bid for the project;

NOW, THEREFORE, BE IT RESOLVED, that the contract for the Village of Williamsville Water Meter Replacement Project is hereby awarded to Yarussi Construction of Niagara Falls, New York, for their bid of \$246,470.00; and

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BE IT FURTHER RESOLVED, that work on this project may proceed on September 18, 2013, provided that the bond estoppel notice period has expired without challenge.

Unanimously carried.

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

RESOLVED, that Code Enforcement Officer David Johnston is hereby authorized to attend the Western Southern Tier Building Officials Educational Conference in Mayville, NY, September 9 -11, 2013, at a cost not to exceed \$200.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

WHEREAS, a Project, to provide Safe Routes to School in the Village of Williamsville, known as the Williamsville Safe Routes to School Project, PIN 5760.70, (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

WHEREAS, the Village of Williamsville desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs (if any) of the Educational (Non-Infrastructure) phase of the project, PIN 5760.70;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville hereby approves the above subject project; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Williamsville hereby authorizes the Village of Williamsville to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Educational (Non-Infrastructure) phase of the Project or portions thereof; and

BE IT FURTHER RESOLVED, that the sum of \$1,865.00 is hereby appropriated from the General Fund and made available to cover the cost of participation in the above phase of the Project; and

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BE IT FURTHER RESOLVED, that in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the project's educational (Non-Infrastructure) phase exceeds the amount appropriated, the Village of Williamsville shall convene its Board of Trustees as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

BE IT FURTHER RESOLVED, that the Mayor of the Village of Williamsville be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Evening in the Village.

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

RESOLVED, that the consulting agreement between Fluent Energy and the Amherst Utility Cooperative, as sent by Roger F. Cominsky of Hiscock and Barclay, to Thomas Ketchum of the Town of Amherst on July 25, 2013, is hereby approved.

Unanimously carried.

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Report – Village Attorney Grieco

Village Attorney Grieco reported on the following topic(s): Buffalo Riverkeepers is holding a fall cleanup on 9/21 from 9am - 12pm. Volunteers can sign up at the Riverkeeper website.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to leave the regular agenda at 8:35 to open an Executive Session to discuss the hiring of a specific individual.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to close the Executive Session at 9:45 p.m. and return to the regular agenda.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 9:45 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer