

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, May 11, 2015 at 7:30 p.m.

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

Present: Christopher J. Duquin, Deputy Mayor
Daniel O. DeLano, Trustee
John "Al" Yates, Trustee

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer
Judy A. Kindron, Deputy Treasurer
Charles Specht, Director of Community Development
Charles D. Grieco, Village Attorney
Ben Vilonen, DPW Crew Chief

Excused: Brian J. Kulpa, Mayor
Basil J. Piazza, Trustee

Deputy Mayor Duquin acted in place of Mayor Kulpa in his absence.

ON MOTION by Deputy Mayor Duquin, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on April 20, 2015, as submitted.

Motion carried. 3 – 0.

**Public Hearing
Proposal to amend the Community Plan
(Continued from 4/20/15)**

**Public Hearing
Proposed modifications to the Zoning Code
(Continued from 4/20/15)**

**Public Hearing
Proposed Rezoning of Various Parcels
(Continued from 4/20/15)**

ON MOTION by Deputy Mayor Duquin, seconded by Trustee DeLano, it was moved at 7:35 p.m. to continue the three public hearings.

Motion carried. 3 – 0.

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The member(s) of the audience who addressed the Board and their topic(s) [*Village Board comments in italics*]:

1. David Anderson, 3 N. Lehn Springs Dr. – Zoning change at Wehrle & Garrison – asked if commercial will be allowed. [*No rezoning at that location – proposing to change R-3M district and implementing design standards. Commercial will not be allowed.*]
2. Mary Lowther, 120 N. Ellicott St. – She misunderstood what was happening at Wehrle & Garrison, based on a conversation she had with Mayor Kulpa. [*Community Plan did propose that area be rezoned to NMU, but this is not happening.*] Feels people do not want any commercial development in any residential areas.
3. John Benz, 34 Howard Ave. – Has a problem extending any business into a residential district. Believes zoning changes need to go to the public. [*It's illegal to have a referendum for this purpose.*]
4. Dennis Hoban, 216 California Dr. – This is his home. Asked if you can move a company that has been there and rezone them out of business. [*No, they would be protected by legal non-conforming status.*] What about changing ownership from father to son? Asked if the same people looking at Long and California are performing inspections at Main St. businesses, and questioned allowable number of parking spaces.
5. Cheryl Meyer, 90 Willowbrook Dr. – Asked if the purpose of rezoning is to prevent a business from continuing when the property is sold. [*Change in ownership does not trigger loss of non-conforming status.*]
6. Brendan McIntyre, N. Lehn Springs – Wehrle /Garrison area would be impacted negatively by businesses.
7. Thomas Frank, 5403 Main St. – S. Long St. Project; Southwest corner of Village; Calling for removal of Thruway toll barrier. [*Thruway Authority is looking at a project to remove wait time.*]
8. Tom Pilat, Shabby Chic Boutique, 5544 Main St. – Asked if there was any progress with the HAWK signal. [*In design phase – would like it to happen this year but unlikely until late 2016.*]
9. Dennis Hoban, 216 California Dr. – Has lived on California since 1986; Owns 3 houses; Darling has a dozen employees. Street is quiet after they leave – he likes it; Commercialization will bring a lot more traffic. Does not have a big impact now. Will

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there be 150 – 250 residences? When Darling is gone and something new is in place could have up to 300 cars. Trying to make it better, but making it worse.

10. John Benz, 34 Howard Ave. – If Blocher Home left, could a complex go in there?

11. Sarah Mischler, 186 Evans St. – Lives on Evans St. near Essjay; People coming out of Ciminelli complex; She can't get out of her driveway.

12. Elaine Andrews, Lehn Springs resident – What will the impact be for new students and schools? [*Population in the Village has decreased.*]

ON MOTION by Deputy Mayor Duquin, seconded by Trustee DeLano, it was moved at 8:23 p.m. to leave the three public hearings open until May 26, 2015.

Motion carried. 3 – 0.

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

Motion carried. 3 – 0.

The members of the audience who addressed the Board and their topic(s) [*Village Board comments in italics*]:

1. Jenny Spring, 78 S. Ellicott St. – Quality of life problem with events on Island Park; Loud announcement for Easter Egg Hunt on a Sunday morning; Should not have to hear every concert – not very considerate; Need to get noise to a respectable level.

2. Dr. Greg Phillies, 101 Oakgrove Dr. – Family has lived here for over 60 years; Noise level (on Island Park) has reached an intolerable level over the last 10 years; Has to wear ear plugs to sleep due to events on the Island; Village needs to set a 10:00 p.m. time limit.

3. Dave Bauer, 102 Oakgrove Dr. – Referred to All-Island Park rental application – There is a \$1,000 security deposit but doesn't say how that can be lost; Referenced Village noise ordinance; No checks and balances.

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4. Nick Roth, 135 Oakgrove Dr. – Village needs to rewrite the contract; Take security deposit if events go past the time limit; Regulate decibels; Add charge to cover cost of Amherst Police Dept. officer or Code Enforcement to be present at events.

5. Michelle Bartels, 73 Oakgrove Dr. – Music Festival last summer had a lot of inappropriate language.

6. Jim Celeste, 89 Oakgrove Dr. – Has been a rock musician for 30 years; Back of his house is across from the kiddie pool; Noise from beer tent at Old Home Days is deafening; 4 nights of music.

7. Mary Lowther, 120 N. Ellicott St. – Much louder than it used to be; Suggested installing curtains and re-orienting the stage.

8. Kathleen Delaney, 15 Swan Alley – Has similar issue to Oakgrove on Thursday nights; Music does not end at 10 or 11 – goes until midnight.

9. Nick Roth, 135 Oakgrove Dr. – Suggested the forfeit of applicant's deposit if they violate the time limit; Need enforcement at every event (off duty police officer); Review Amherst code and consider adopting something similar; Consider frequency of events on Island Park.

10. Ed Zabel, 24 Pasadena Pl. – Asked why bands need to be amplified.

11. Nick Roth, 135 Oakgrove Dr. – Referred to an article about geese in Orchard Park; Thanked Board and Trustees for tree planting last weekend.

12. Barbara Whitney, 54 Oakgrove Dr. – Opposed to park next to the library; Removed parking spots and believes it did nothing to improve the library.

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

Motion carried. 3 – 0.

Report – Deputy Mayor Duquin

Deputy Mayor Duquin reported on the following topic(s): Loves when people come in for discussion of issues.

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

RESOLVED, that payroll and vouchers in the amount of **\$500,486.07** covering the period from 4/9/15 to 5/6/15 are hereby approved as follows:

Payroll covering 4/6/15 – 4/19/15: \$34,176.31

Payroll covering 4/20/15 – 5/3/15: \$29,682.20

Vouchers covering 4/9/15 – 4/22/15:

General Fund	\$51,957.61
Water Fund	\$0.00
Sewer Fund	\$316.04
Glen Park Fund	\$423.39
Trust & Agency Fund	\$13,356.05
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$182,378.13</u>
	\$248,431.22

Vouchers covering 4/23/15 – 5/6/15:

General Fund	\$41,066.09
Water Fund	\$0.00
Sewer Fund	\$1,365.06
Glen Park Fund	\$121.67
Trust & Agency Fund	\$11,812.73
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$133,830.79</u>
	\$188,196.34

GRAND TOTAL: **\$500,486.07**

Motion carried. 3 – 0.

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

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the *2014-2015* fiscal year:

To:	001-1110-4060 (Village Justices-Telephone)	\$48.00
From:	001-1110-4110 (Village Justices-Service Contracts)	\$48.00
To:	001-1620-4260 (Buildings-Maint. Supplies)	\$98.00
From:	001-1620-4230 (Buildings-Building Maint.)	\$98.00
To:	001-1640-2000 (Central Garage-Equip.)	\$31.00
	001-1640-4260 (Central Garage-Maint. Supplies)	\$275.00
	001-1640-4440 (Central Garage-Parts)	\$244.00
From:	001-1640-4160 (Central Garage-Building Repair/Maint.)	\$550.00
To:	001-3410-4280 (Fire Protection-EMS Supplies)	\$1,000.00
From:	001-3410-4460 (Fire Protection-Fire Prevention)	\$1,000.00
To:	001-3410-4160-3401 (Fire Protection-Truck Exp./Engine 1)	\$2,419.00
	001-3410-4160-3405 (Fire Protection-Truck Exp./Rescue 5)	\$896.00
From:	001-3410-4471 (Fire Protection-Building Repairs)	\$1,500.00
	001-3410-4490 (Fire Protection-Uniforms)	\$1,000.00
	001-3410-4610 (Fire Protection-Health & Welfare)	\$455.00
	001-3410-4161 (Fire Protection-Sm. Engine Equipment Repair)	\$360.00
To:	001-3620-1000 (Safety Inspection-Personal Services)	\$1,977.00
From:	001-1990-4000 (Contingency)	\$1,977.00
To:	001-3620-4020 (Safety Inspection-Postage)	\$87.00
From:	001-3620-4010 (Safety Inspection-Office Supplies)	\$87.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1,643.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1,643.00
To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump)	\$113.00
	001-5110-4161-0903 (Street Maint.-Repairs/2015 Dump Truck)	\$113.00
	001-5110-4161-0904 (Street Maint.-Repairs/2005 Freightliner)	\$281.00
	001-5110-4161-0905 (Street Maint.-Repairs/2007 Int'l Dump)	\$113.00
	001-5110-4161-0906 (Street Maint.-Repairs/2007 Int'l Dump)	\$282.00
	001-5110-4161-0908 (Street Maint.-Repairs/2011 Chevy Silverado)	\$21.00
	001-5110-4161-0910 (Street Maint.-Repairs/2009 Ford F350)	\$30.00
	001-5110-4161-0912 (Street Maint.-Repairs/2012 CAT Hi-Lift)	\$19.00
	001-5110-4161-0913 (Street Maint.-Repairs/1993 GMC Sewer Jet)	\$251.00
	001-5110-4161-0915 (Street Maint.-Repairs/2013 RAVO Sweeper)	\$127.00

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	001-5110-4161-0916 (Street Maint.-Repairs/2012 Chevy 2500 HD)	\$3.00
	001-5110-4161-0918 (Street Maint.-Repairs/2010 Ford F350XL)	\$31.00
	001-5110-4161-0921 (Street Maint.-Repairs/2008 Ford F250)	\$249.00
	001-5110-4161-0925 (Street Maint.-Repairs/2013 Mini Excavator)	\$232.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$1,865.00
To:	001-6989-4010 (Other Economic Oppty. & Devel.-Office Supplies)	\$33.00
From:	001-6989-4040 (Other Economic Oppty. & Devel.-Education Exp./Travel)	\$33.00
To:	001-7110-2010 (Parks-Capital Improvements)	\$1,394.00
From:	001-7110-2040 (Parks-Capital Reserve/Parks)	\$1,394.00
To:	001-7540-4110 (Williamsville Water Mill-Service Contracts)	\$98.00
From:	001-7540-4070 (Williamsville Water Mill-Utilities)	\$98.00
To:	001-8010-4030 (Zoning-Printing & Advertising)	\$81.00
From:	001-8010-4040 (Zoning-Education Exp./Travel)	\$38.00
	001-8020-4040 (Planning-Education Exp./Travel)	\$43.00
To:	001-8560-4280 (Shade Trees-Equip. Rental)	\$358.00
From:	001-8560-4360 (Shade Trees-Trees-Replacement/Regular)	\$358.00
To:	001-5110-1000 (Street Maint.-Personal Services)	\$1,643.00
	001-7110-1000 (Parks-Personal Services)	\$10,012.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$11,655.00

Motion carried. 3 – 0.

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

RESOLVED, that the following *budget transfers* are hereby made in the *Glen Park Fund* for the *2014-2015* fiscal year:

To:	009-7141-1000 (Glen Park-Personal Services)	\$676.00
	009-9030-8000 (Glen Park-Social Security)	\$34.00
From:	009-7141-4120 (Glen Park-Landscaping)	\$710.00
To:	009-7141-1000 (Glen Park-Personal Services)	\$171.00
	009-9030-8000 (Glen Park-Social Security)	\$12.00
From:	009-7141-4120 (Glen Park-Landscaping)	\$183.00

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Motion carried. 3 – 0.

****Deputy Mayor Duquin TABLED the resolution to designate 5727 Main Street as a historic landmark.***

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

WHEREAS, the Village of Williamsville has received an Environmental Protection Fund (EPF) grant from the NYS Office of Parks, Recreation, and Historic Preservation for the Williamsville Mill Stabilization Project – Phase 2; and

WHEREAS, the Village wishes to maximize the use of funds available under this grant, and additional work has been identified for the project, including a framing substitution on the sluiceway, roof replacement on the concrete penstock tower, two new grille assemblies at the sub-basement level of the Mill, and masonry repointing work on the stone wall between the Mill and the Mill house;

NOW, THEREFORE, BE IT RESOLVED, that Change Order #2 is hereby authorized to Telco Construction Co. in the amount of \$12,057.00.

Motion carried. 3 – 0.

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

RESOLVED, that ***Ian Mackowski of 449 Walton Way, Cheektowaga***, is hereby appointed as a member of the ***Williamsville Fire Dept.***, effective immediately.

Motion carried. 3 – 0.

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

WHEREAS, travel was authorized on April 13, 2015 to the FDIC Conference in Indianapolis, Indiana for the following firefighters: Michael Measer, Christina Haffa, Adam Oehmler, James Christopher, Michael Vogel and James Olivieri; and

WHEREAS, there was an error in the calculation of the conference fees, however, all costs were budgeted for in the 2014-2015 Fire Department Budget;

NOW, THEREFORE, BE IT RESOLVED, that the cost of travel is hereby approved at \$5,923.00, as revised from the previous amount of \$3,016.21.

Motion carried. 3 – 0.

ON MOTION by Deputy Mayor Duquin, seconded by Trustee DeLano, the following resolution was adopted.

RESOLVED, that Deputy Treasurer Judith A. Kindron is hereby authorized to travel to Bolton Landing, NY, to attend the PERMA Conference on Workers Compensation, from May 21 – May 22, 2015, at a cost not to exceed \$314.00, to be paid by the Village of Williamsville.

Motion carried. 3 – 0.

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

RESOLVED, that the Board of Trustees of the Village of Williamsville hereby certifies that the records of the Williamsville Court were examined and audited by Drescher and Malecki, LLP, in conjunction with the audit of the records of the Village of Williamsville for the fiscal year ending May 31, 2014, and as required by Section 2019-a of the Uniform Justice Court Act.

Motion carried. 3 – 0.

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Report – Trustee Yates

Trustee Yates reported on the following topic(s): Farmers Market starts this week; Thanked the Tree Board for the tree planting.

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

WHEREAS, the Planning & Architectural Review Board, Zoning Board of Appeals and Historic Preservation Commission are each required to complete four (4) hours of training annually; and

WHEREAS, a 2-hour training session was given on the Village Zoning Code by the Mayor and Village Attorney on Tuesday, April 21, 2015;

NOW, THEREFORE, BE IT RESOLVED, that the training session given on April 21st is eligible to be used toward the annual training requirements of the above groups.

Motion carried. 3 – 0.

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

WHEREAS, the Village of Williamsville Environmental Advisory Commission's mission is to advise and support matters that impact the beauty, biological integrity and environmental quality of the community; and

WHEREAS, we recognize that in order to provide a high quality of life in Williamsville, each one of us must be good stewards of our air, water, land, flora and fauna; and

WHEREAS, we recognize that actions to protect and preserve the environment through education, partnership and positive action should be encouraged; and

WHEREAS, the Village of Williamsville wishes to recognize the 45th anniversary of *Earth Day*;

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NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees hereby proclaims *Earth Day* to be celebrated in the Village of Williamsville on Saturday, May 16, 2015, with a variety of educational, earth-focused activities for the community.

Motion carried. 3 – 0.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Successful tree planting last weekend; Working on School Speed Zone with flashing signs in front of Williamsville South H.S.

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

WHEREAS, the Village of Williamsville Tree Board's mission is to advise and support matters that impact the beauty, biological integrity and environmental quality of the community through its stewardship of the Village urban forest; and

WHEREAS, *Arbor Day* is celebrated during this time; and

WHEREAS, we recognize that in order to provide a high quality of life in Williamsville, each one of us must be good stewards of our air, water, land, flora and fauna; and

WHEREAS, we recognize that actions to protect and preserve trees through education, partnership and positive action should be encouraged.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees hereby proclaims that *Arbor Day* shall be celebrated in the Village of Williamsville on Saturday, May 16, 2015, including celebration activities and recognition.

Motion carried. 3 – 0.

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

WHEREAS, the Village of Williamsville advertised for Contract #32 - E. Spring Street Sanitary Sewer Extension Project, and sealed bids were opened publicly and read aloud at 2:00pm on Thursday, April 23, 2015; and

WHEREAS, three bids were received for this project;

NOW, THEREFORE, BE IT RESOLVED, that the construction of the E. Spring Street Sanitary Sewer Extension Project is hereby awarded to Yarussi Construction, Inc. for their low bid of \$68,000.00.

Motion carried. 3 – 0.

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

WHEREAS, The Village of Williamsville utilizes the Amherst Wastewater Treatment Plant for treatment of sanitary sewage and shares in the costs of operation and maintenance of that plant; and

WHEREAS, a Merger Feasibility Study – Phase 2 – The Towns of Amherst and Clarence, the Village of Williamsville, and Erie County Sewer District No. 5 to investigate the consolidation of the sanitary sewer systems was completed in December 2010; and

WHEREAS, after the study was concluded an agreement on a consolidation plan could not be reached and therefore consolidation efforts did not move forward at that time; and

WHEREAS, an agreement between the Village of Williamsville and Town of Amherst is still in the best interest of both parties;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees wishes to negotiate the consolidation of the Village of Williamsville sanitary sewer system with the Town of Amherst sanitary sewer system; and

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BE IT FURTHER RESOLVED, that a committee with three (3) members from the Town of Amherst and three (3) members of the Village of Williamsville be formed to negotiate such consolidation; and

BE IT FURTHER RESOLVED, that the Village of Williamsville appoints Mayor Brian Kulpa, Deputy Mayor Christopher Duquin and Village Administrator/Clerk-Treasurer Lynda Juul to the said committee.

Motion carried. 3 – 0.

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

RESOLVED, that *Timothy Malysza of 102 Mill St., Williamsville*, is hereby appointed to the *Glen Park Joint Board*, through *June 30, 2016*, to fill the unexpired term of George Gates.

Motion carried. 3 – 0.

Staff Report(s)

DPW Crew Chief Vilonen reported on the following topic(s) – ECWA construction will start May 18th; Safe Routes to School project is starting on Wednesday.

**There was no Executive Session held.*

ON MOTION by Deputy Mayor Duquin, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 9:19 p.m.

Motion carried. 3 – 0.

Lynda L. Juul
Administrator/Clerk-Treasurer