

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, September 14, 2015 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
Christopher J. Duquin, Deputy Mayor
Daniel O. DeLano, Trustee
John "Al" Yates, Jr., Trustee
Basil J. Piazza, Trustee

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

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the meeting held on August 17, 2015, as submitted.

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

4 Yes - 1 Abstention. Motion carried.

PROCLAMATION - A proclamation was awarded to Village resident Nick Roth, for his ten years of service as Chair/Co-chair of the Village Tree Board.

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

Unanimously carried.

Mayor Kulpa discussed the issue of sidewalk installation on Stanton St. under the Safe Routes to School grant through NYSDOT.

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

1. *Matt Johnson, 170 Glen Ave.* – His father used to live at 70 Stanton St. It is 15’ from the front of the house to the sidewalk and 30’ to the center of the street. Asked that the sidewalk be moved closer to the street and designed around the trees.

2. *Jerome Schnell, 342 N. Ellicott St.* – He lives at the corner of N. Ellicott and Stanton. He is opposed to where the lines for sidewalk installation on Stanton were originally drawn. Thinks we should come up with different plans.

3. *Thomas Frank, 5403 Main St.* – Niagara Riverkeepers’ 13th Annual Cleanup of Ellicott Creek; Glen Park Joint Board; Park Rangers; Vandalism in the parks; Greenway parks and trails system; Town of Amherst Comprehensive Plan; Traffic mitigation; Elimination of toll barrier.

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

Unanimously carried.

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Conversation with Village Prosecutor in work session regarding property maintenance issues and strengthening the Village Code; Code Enforcement Officer search; WBA Evening in the Village; Sound issues on Saturday night were not from the WBA event – ran past 10pm permit end time.

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

RESOLVED, that payroll and vouchers in the amount of **\$657,247.99** covering the period from 8/5/15 to 9/8/15, are hereby approved as follows:

Payroll covering 8/10/15 – 8/23/15:	\$38,703.14
Payroll covering 8/24/15 – 9/6/15:	\$32,210.67

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Vouchers covering 8/5/15 – 8/18/15:

General Fund	\$61,881.22
Water Fund	\$0.00
Sewer Fund	\$2,862.21
Glen Park Fund	\$3,696.00
Trust & Agency Fund	\$0.00
Debt Service	\$38,675.00
Community Development	\$0.00
Capital Fund	<u>\$35,564.44</u>
	\$142,679.61

Vouchers covering 8/19/15 – 9/8/15:

General Fund	\$139,627.38
Water Fund	\$0.00
Sewer Fund	\$231,584.13
Glen Park Fund	\$4,598.52
Trust & Agency Fund	\$28,150.76
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$39,693.78</u>
	\$443,654.57

GRAND TOTAL: \$657,247.99

Unanimously carried.

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

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

To:	001-3410-4160-3492 (Fire Protection-Repairs/Vehicle Chief 9-2)	\$216.00
	001-3410-4160-3409 (Fire Protection-Repairs/Vehicle Chief)	\$32.00
From:	001-3410-4160-3404 (Fire Protection-Repairs/Vehicle R-4)	\$248.00
To:	001-5182-4270 (Street Lighting-Repair Lights)	\$66.00
From:	001-5182-4110 (Street Lighting-Contract for Lighting)	\$66.00

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To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump	\$37.00
	001-5110-4161-0903 (Street Maint.-Repairs/2015 Dump Truck)	\$20.00
	001-5110-4161-0905 (Street Maint.-Repairs/2007 Int'l Dump)	\$40.00
	001-5110-4161-0906 (Street Maint.-Repairs/2007 Int'l 4300 Dump)	\$25.00
	001-5110-4161-0915 (Street Maint.-Repairs/2013 RAVO Sweeper)	\$8.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$130.00

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the 2015-2016 fiscal year:

To:	001-1410-1001 (Village Clerk-Personal Services/OT)	\$6.00
From:	001-1410-1000 (Village Clerk-Personal Services)	\$6.00
To:	001-1620-4071 (Buildings-Sewer Charges)	\$139.00
From:	001-1620-4070 (Buildings-Utilities)	\$139.00
To:	001-1640-4450 (Central Garage-Misc.)	\$4.00
From:	001-1640-4440 (Central Garage-Parts)	\$4.00
To:	001-3310-4620 (Traffic Control-Uniform)	\$8.00
From:	001-3310-4041 (Traffic Control-Mileage Reimbursement)	\$8.00
To:	001-3410-4160-3401 (Fire Protection-Truck Exp./Engine 1)	\$980.00
	001-3410-4160-3402 (Fire Protection-Truck Exp./Engine 2)	\$1005.00
	001-3410-4160-3405 (Fire Protection-Truck Exp./Rescue 5)	\$1087.00
	001-3410-4160-3406 (Fire Protection-Truck Exp./Truck 6)	\$2799.00
	001-3410-4160-3451 (Fire Protection-Truck Exp./Utility 5-1)	\$66.00
	001-3410-4160-3407 (Fire Protection-Truck Exp./Rescue 7)	\$645.00
	001-3410-4160-3471 (Fire Protection-Truck Exp./ATV 7-1)	\$23.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$6605.00
To:	001-3620-4100 (Safety Inspection-Professional Fees)	\$16,590.00
From:	001-3620-1000 (Safety Inspection-Personal Services)	\$16,590.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$2486.00
From:	001-8140-1000 (Street Maint.-Personal Services)	\$2486.00
To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump w/Plow)	\$37.00
	001-5110-4161-0903 (Street Maint.-Repairs/2015 Dump Truck)	\$20.00
	001-5110-4161-0905 (Street Maint.-Repairs/2007 Int'l Sander/Plow/Dump)	\$39.00

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	001-5110-4161-0906 (Street Maint.-Repairs/2007 Int'l 4300 Dump)	\$25.00
	001-5110-4161-0907 (Street Maint.-Repairs/1992 Autocar Dump w/Plow)	\$296.00
	001-5110-4161-0915 (Street Maint.-Repairs/2013 RAVO Sweeper)	\$8.00
	001-5110-4161-0918 (Street Maint.-Repairs/2010 Ford F350XL Pickup)	\$810.00
	001-5110-4161-0925 (Street Maint.-Repairs/2013 Mini Excavator)	\$75.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$1310.00
To:	001-7110-4071 (Parks-Sewer Charges)	\$108.00
From:	001-7110-4070 (Parks-Utilities)	\$108.00
To:	001-7550-1001 (Celebrations-Personal Services/OT)	\$12.00
From:	001-8163-1001 (Trash Pickup-Personal Services/OT)	\$12.00

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *Sewer Fund* for the **2015-2016** fiscal year:

To:	007-8120-4164 (Sanitary Sewers-Repairs/SPDES Permit)	\$50.00
From:	007-8120-4260 (Sanitary Sewers-Maint. Supplies)	\$50.00
To:	007-8120-1001 (Sanitary Sewers-Personal Services/OT)	\$144.00
From:	007-8120-1000 (Sanitary Sewers-Personal Services)	\$144.00

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *Glen Park Fund* for the **2015-2016** fiscal year:

To:	009-7141-4163 (Glen Park-Lighting Fixtures)	\$957.00
	009-7141-4352 (Glen Park-Maint.)	\$1849.00
From:	009-7141-2010 (Glen Park-Capital Improvements)	\$2806.00

Unanimously carried.

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

**VILLAGE OF WILLIAMSVILLE
BOARD OF TRUSTEES RESOLUTION**

**Designation of historical landmark
5727 Main Street, Williamsville, NY**

WHEREAS, the Historic Preservation Commission (The "HPC") identified several properties that would be considered eligible for designation as a historical landmark pursuant to Section 47-4(a) of the Village of Williamsville Code including the property located at **5727 Main Street** ("Subject Property"); and

WHEREAS, the HPC may nominate an individual property as a landmark if it meets any the following criteria:

1. Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
2. Embodies the distinctive characteristics of a type, a period or a method of construction.
3. Represents the work of a master architect or designer or possesses high artistic values.
4. Represents a significant or distinguished entity whose components may lack individual or special distinction.
5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood; and

WHEREAS, based upon the HPC's review of information related to the Subject Property, the HPC recommended the Subject Property for designation as a local historic landmark on February 24, 2014; and

WHEREAS, the HPC held a public hearing on April 8, 2014 in which the Subject Property owner and any interested parties had the opportunity to present testimony or documentary evidence at the hearing regarding the historic, architectural or cultural importance of the proposed landmark.

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WHEREAS, upon a review of the aforesaid materials, and after due deliberation concerning each of the statutory criteria set forth above the Village Board of Trustees proposes to designate the Subject Property as a local landmark; and

WHEREAS, the Village Board of Trustees held a public hearing on **Monday, August 25, 2014** in which the Subject Property owner and any interested parties had the opportunity to present testimony or documentary evidence at the hearing regarding the historic, architectural or cultural importance of the proposed landmark; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville hereby designates the Subject Property as a local landmark based on its finding that it satisfies the following criteria set forth in Section 47-4(a) of the Village of Williamsville Code:

- Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
- Embodies the distinctive characteristics of a type, a period or a method of construction.
- Represents the work of a master architect or designer or possesses high artistic values.
- Represents a significant or distinguished entity whose components may lack individual or special distinction.
- Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

Roll Call:	Piazza	No
	DeLano	Yes
	Yates	No
	Duquin	No
	Kulpa	No

4 Yes – 1 No. Motion failed.

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

RESOLVED, that *Joanne Cascio of 337 Euclid Ave., Kenmore, New York*, is hereby appointed to the *Beautification Committee* until the end of the **2015-2016** official Village year.

Unanimously carried.

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

RESOLVED, that *Wendel Companies* is hereby appointed as *Planner of Record* for the Village of Williamsville for the remainder of the official 2015-2016 Village year, on a time and material basis, as per their proposal dated August 14, 2015.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Oktoberfest events run Sept. 24th – 27th.

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

RESOLVED, that the proposal for design and construction inspection services for the South Long Street Green Infrastructure Project, submitted by DiDonato Associates, P.E., P.C., dated August 25, 2015, is hereby accepted, at a cost not to exceed \$341,160.00.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): No report.

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

RESOLVED, that the Village Administrator is hereby authorized to publish notice of a public hearing to be held on Tuesday, October 13, 2015 at 7:30 pm at Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 112 (Zoning) of the Village Code, which would eliminate drive-in service facilities (drive-thrus) as a permitted use in the Village.

Unanimously carried.

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

RESOLVED, that the Village Administrator is hereby authorized to publish notice of a public hearing to be held on Tuesday, October 13, 2015 at 7:30 pm at Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 112 (Zoning) of the Village Code, which would clarify that intentional demolition does not preserve non-conforming use protection, would shorten the period of time that a non-conforming use may be disused before it is deemed abandoned, and would provide for specific provisions related to the abandonment of the use of drive thru facilities.

Unanimously carried.

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

RESOLVED, that *Johnathan Sherman* of *69 Columbia Drive, Williamsville, New York*, is hereby appointed as an active member of the *Williamsville Fire Dept.*, effective October 1, 2015.

Unanimously carried.

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Report – Trustee Yates

Trustee Yates reported on the following topic(s): Thanked Village Staff and volunteer Beatrice Slick for putting together the Annual Appreciation Picnic; 2nd Annual Knit-a-thon yesterday at VFW post.

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

RESOLVED, that the Village Administrator is hereby authorized to publish notice of a public hearing to be held on Tuesday, October 13, 2015 at 7:30 pm at Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all those interested in commenting on a proposed amendment to Chapter 28 (Fire Prevention and Building Code Administration) which would conform the code to the newly enacted New York State regulation 19 NYCRR §1203.5 regarding compliance with an order to remedy a violation of the NYS Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code.

Unanimously carried.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Emerald Ash Borer inoculation is complete, including Glen Park; Fall tree planting is scheduled for Saturday, October 24th at 9am; Right-of-way restorations; Tree survey completed by Buffalo State students; Will do a tree planting on Wehrle in the spring.

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

WHEREAS, the proposal to modify Chapter 103-17 of the Village Code (Vehicles and Traffic, Time-Limit Parking) which would add 2-hour parking on the west side of Highland Drive from Main Street to Scott Drive, which was the subject of a public hearing held by the Village Board of Trustees on August 17, 2015; and

WHEREAS, the proposal was revised by the Village Board of Trustees on September 14, 2015 to add the less restrictive “From Main St. to a point 550’ south of Main St.”;

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NOW, THEREFORE, BE IT RESOLVED, that the modification to Chapter 103-17, as revised, is hereby adopted as **Local Law 9 of 2015**.

Unanimously carried.

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

RESOLVED, that the proposal to modify Chapter 103-8 of the Village Code (Vehicles and Traffic, One-way Streets) to add the north-south portion of E. Spring Street, as a one-way in the northerly direction, which was the subject of a public hearing held by the Village Board of Trustees on August 17, 2015, is hereby adopted as **Local Law 10 of 2015**.

Unanimously carried.

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

WHEREAS, the proposal to modify Chapter 103-16 of the Village Code (Vehicles and Traffic, No Standing) which would add No Standing on the south side of Glen Avenue from Reist Street to Grove Street, was the subject of a public hearing held by the Village Board of Trustees on August 17, 2015; and

WHEREAS, the proposal was revised by the Village Board of Trustees on September 14, 2015 to add the less restrictive “from a point 190’ east of Reist St. to Grove Street”;

NOW, THEREFORE, BE IT RESOLVED, that the modification to Chapter 103-16, as revised, is hereby adopted as **Local Law 11 of 2015**.

Unanimously carried.

Report - Staff

Community Development Director Specht reported on the following topic(s): Daemen Days event occurs this Saturday; Oktoberfest is Sept. 24-27; Both events are on the Village website.

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ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved at 8:45 p.m. to leave the regular agenda to open to the Executive Session for the purpose of discussing specific individuals for the Code Enforcement Officer position.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved at 9:09 p.m. to adjourn the Executive Session and return to the regular agenda.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adjourn the regular meeting at 9:09 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer