

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, October 26, 2015 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
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 Yates, it was moved to approve the minutes of the regular meeting held on October 13, 2015, as submitted.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to approve the minutes of the special meeting held on October 23, 2015, as submitted.

Unanimously carried

Public Hearing

Proposal to modify Chapter 103 (Vehicles & Traffic) of the Village Code to add Section 23, prohibiting turns from Evans onto Belmont

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

Unanimously carried.

The Administrator read aloud the public hearing notice as published in the October 7, 2015 Amherst Bee.

Mayor Kulpa discussed the repaving of Evans and issues on Evans near Eagle, including the modeling done by the GBNRTC.

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Trustee DeLano also commented on the issues with cut-through traffic in the Belmont/Eagle/N. Ellicott area and the original petition received by the Village Board to make Belmont a one-way street. There are other things that may need to be incorporated in the future.

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

1. Bill Tuyn, 241 Columbia Dr. – Would be really concerned about this. The purpose of a street network is to have people use the network. If this is started, we will have to do the same in other areas of the Village. The answer to the problem has more to do with traffic control from Main Street to Eagle. Many things can be explored.

2. Carolyn Schlifke, 192 Evans St. – This has been an interesting summer with various work that was done in the Village and restricted traffic. Agrees with the comments made by Mr. Tuyn. Roads in the Village are public, not private. Restricting Belmont would put more traffic on other streets. Board represents all residents of the Village. Can they pass a law to help some at a detriment to others? Is the Village Board will to set a precedent?

3. Joe Ryan, 128 N. Ellicott St. – Thinks this is fantastic. Has small children. Would make the Village more family oriented and walkable.

4. Frank Mischler, 186 Evans St. – Opposed to turn restrictions. Uses side streets to get from Evans to Wegmans.

5. Mary Lowther, 120 N. Ellicott St. – Thinks this is a good thing. Want to feel safe with kids in the front yard. Want walkability. Belmont between Evans and N. Ellicott looks like a war zone due to excessive use. Taxpayers pay for the streets. Any such use is from non-residents. People will find other ways. 3 hours in the morning and afternoon is too long. It should be made only 2 hours. Cars belong on arterials, not side streets. No-turn is worth a try. Can be reversed if it causes other issues. Better than removing stop signs at Evans and Eagle.

6. Eileen Torre, 109 N. Ellicott St. – Great start to a huge problem. GBNRTC study showed how much traffic there is. Is afraid for young children and kids who walk to school.

7. Debbie Cambria, 87 N. Ellicott St. – Originally in agreement with this. After hearing others, why is their street special? Not sure how she feels about this now.

8. Mike Measer, Fire Chief, Williamsville Fire Dept. – Another solution was elimination of stop signs at Evans and Eagle. No stop signs like this in other places. Fire Dept. has major problem getting through. This would increase that traffic. He is all for removing the stop signs at Evans and Eagle. If going to “try” something, try removing stop signs.

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He also lives in the neighborhood so he is aware of the traffic. Mirror image on south side of Main Street.

9. John Benz, 34 Howard Ave. – Agrees with Bill and Carolyn. Having no police presence does not help. Restricting here will push the issue somewhere else.

10. Mary Lowther, 120 Ellicott St. – This is not precedence setting. Do it on School Street.

[Trustee Duquin – For those who saw the model, removing stop signs at Eagle and Evans was the best alternative, but residents did not want that. This board is open to trying things. If something doesn't work, we will fix it.]

[Trustee DeLano – Have gone back to GBNRTC to take another look. They are modeling the idea of a signal at Eagle and Evans. We are waiting for a reply. This may be the ultimate solution. Will keep everyone posted. No one is pushing for this. The Village Board is trying to resolve a problem.]

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to close the public hearing at 8:02 p.m.

Unanimously carried.

Public Hearing

Proposal to modify Chapter 89 (Streets and Sidewalks) of the Village Code to add a new section related to snow and ice removal.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to open the public hearing at 8:03 p.m.

Unanimously carried.

The Administrator read aloud the public hearing notice as published in the October 7, 2015 Amherst Bee.

Mayor Kulpa stated that nothing is changing on the Village end. We will still be plowing sidewalks as we always have. This is just clarifying that it is ultimately the property owner's responsibility.

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

1. Bob Krieter, 26 Monroe Dr. – Would like to see that private snow plow contractors be licensed. [*They are licensed but it still doesn't rectify the problem.*]

2. Matt Bierl, 146 Los Robles – His neighbor piles snow in front of his property. Village should obtain a list of properties being plowed by contractors. [*We are already requiring that this year.*]

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to close the public hearing at 8:10 p.m.

Unanimously carried.

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

Unanimously carried.

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

1. Matt Bierl, 146 Los Robles – There are 2 telephone poles in front of his house plus a hole and a pile of rocks. Wants to put this on record. Also, has an issue with National Grid damaging his trees. [*Looking for solutions to this, including withholding of permits.*]

2. Dave Bauer, 102 Oakgrove Dr. – Island Park noise amplification – thanked Village Board for their efforts. Would like to continue and then move on to another area.

3. Thomas Frank, 5403 Main St. – Parks and Trails Project; EC Dept. of Environmental Planning; Fracking and natural gas well in the Village; Arts & Culture; Ellicott Creek.

4. Matt Bierl, 146 Los Robles – Any chance of getting FiOs in the Village? [*No. Verizon is no longer expanding.*]

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

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Unanimously carried.

Report – Mayor Kulpa

Mayor Kulpa reported on the following topic(s): Inflow and infiltration flow reduction report completed – Will lead to conversations about sewer consolidation.

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 **\$294,145.59** covering the period from 10/7/15/15 to 10/20/15, are hereby approved as follows:

Payroll covering 10/5/15 – 10/18/15: \$36,305.11

Vouchers covering 10/7/15 – 10/20/15:

General Fund	\$61,846.98
Water Fund	\$0.00
Sewer Fund	\$837.55
Glen Park Fund	\$607.91
Trust & Agency Fund	\$13,776.78
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$180,771.26</u>
	\$257,840.48

GRAND TOTAL: **\$294,145.59**

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:	001-1640-4450 (Central Garage-Misc.)	\$26.00
From:	001-1640-4260 (Central Garage-Maint. Supplies)	\$26.00
To:	001-3310-4450 (Traffic Control-Misc.)	\$65.00
From:	001-3310-4041 (Traffic Control-Mileage Reimbursement)	\$65.00

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To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1411.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1411.00
To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump)	\$196.00
	001-5110-4161-0906 (Street Maint.-Repairs/2007 Int'l Dump)	\$57.00
	001-5110-4161-0907 (Street Maint.-Repairs/1992 Autocar Dump)	\$1150.00
	001-5110-4161-0910 (Street Maint.-Repairs/2009 Ford F350)	\$231.00
	001-5110-4161-0912 (Street Maint.-Repairs/2012 CAT Hi-Lift)	\$453.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$2087.00
To:	001-5110-1000 (Street Maint.-Personal Services)	\$1951.00
From:	001-1640-1000 (Central Garage-Personal Services)	\$1951.00
To:	001-7540-4071 (Williamsville Water Mill-Sewer Charges)	\$634.00
	001-7540-4110 (Williamsville Water Mill-Service Contracts)	\$606.00
From:	001-7540-4070 (Williamsville Water Mill -Utilities)	\$356.00
	001-7540-4230 (Williamsville Water Mill-Building Maint.)	\$884.00
To:	001-8560-4350 (Shade Trees-Tree Maint.)	\$1000.00
	001-8560-4450 (Shade Trees-Misc.)	\$2947.00
From:	001-8560-4360 (Shade Trees-Trees/Replacement Regular)	\$3947.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2015-2016** fiscal year to account for grant revenue received for a 2014-2015 Records Management Grant:

Increase:	001-0001-3090 (State Aid-Grants)	\$20,362.00
Increase:	001-1411-4099 (Records Management-Grant Expenditures)	\$20,362.00

Unanimously carried.

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

WHEREAS, the Village of Williamsville board of Trustees has proposed to amend its Zoning Code to eliminate drive-in service facilities (a/k/a drive-thrus) as a permitted use within the Village; and

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WHEREAS, a duly noticed public hearing was held on the proposed law on October 13, 2015 at Village Hall, at which all interested persons were invited to comment on the proposed amendment; and

WHEREAS, the Village Board, as sponsor and the sole involved agency, prepared and completed a Full Environmental Assessment Form (“EAF”) and otherwise considered the potential of the proposed amendment to result in any significant adverse environmental impact pursuant to the criteria identified in 6 NYCRR Section 617.7(c); and

WHEREAS, no such significant potential adverse impacts were identified; and

WHEREAS, the proposed local law was duly referred to the Erie County Department of Environment and Planning pursuant to General Municipal Law Section 239-m, which agency determined that the proposed local law is of local concern only and thus made no recommendation;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville hereby determines that proposed Local Law No. 12 of 2015 will result in no potentially significant adverse environmental impacts and therefor adopts the Negative Declaration as provided in Part 3 of the EAF dated October 26, 2015 (incorporated by reference herein); and

BE IT FURTHER RESOLVED, that the proposal to modify Chapter 112 (Zoning) regarding the elimination of drive-thru service facilities as permitted uses, which was the subject of a public hearing held by the Village Board of Trustees on October 13, 2015, is hereby adopted as **Local Law No. 12 of 2015**.

Unanimously carried.

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

RESOLVED, that the proposal to modify Chapter 112 (Zoning) regarding regulation of non-conforming uses and structures, which was the subject of a public hearing held by the Village Board of Trustees on October 13, 2015, is hereby adopted as **Local Law No. 13 of 2015**.

Unanimously carried.

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

RESOLVED, that the proposal to modify Chapter 28 (Fire Prevention and Building Code Administration) regarding compliance time periods, which was the subject of a public hearing held by the Village Board of Trustees on October 13, 2015, is hereby adopted as **Local Law No. 14 of 2015**.

Unanimously carried.

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

RESOLVED, that Change Order #5 to EJ Militello for additional work under the Safe Routes to School Project, is hereby approved in an amount not to exceed \$21,500.00.

Unanimously carried.

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

RESOLVED, that Lynda L. Juul is hereby appointed to the position of Village Administrator/ Clerk-Treasurer effective 11/1/2015 through 10/31/2017.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Thanked Youth & Rec Committee, Fire Dept., Amherst Police Dept., Dunkin Donuts and Sweet Jenny's for a successful Halloween Parade and Party; Many upcoming Youth & Rec events.

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

RESOLVED, that Morgan Dressler of 107 Presidents Walk, Williamsville, is hereby appointed as an active member of the Williamsville Fire Department, effective November 1, 2015.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Meeting House improvements, including sound remediation; Upcoming holiday events at the Meeting House.

Trustee Yates had no resolutions.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Success of tree planting last Saturday; Thanked the Village Board for their assistance – 49 trees were planted; Thanked the media who were respectful of the drive-thru issue.

Trustee DeLano had no resolutions.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Kudos to Trustee DeLano for all he has done over the last decade; AUC meets tomorrow – Village, Town and 3 school districts are involved.

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

WHEREAS, The Village of Williamsville has been a member of the Western New York Stormwater Coalition since 2006; and

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WHEREAS, the Western New York Stormwater Coalition has been invaluable in assisting the Village of Williamsville to meet the requirements of the US EPA Phase II Stormwater regulations; and

WHEREAS, the Coalition members recognize the benefits of cooperation to achieve improved water quality and flood control;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to sign the Memorandum of Agreement with other Western New York Stormwater Coalition members for the term December 31, 2015 through December 31, 2020; and

BE IT FURTHER RESOLVED, that the General Crew Chief of the Department of Public Works is hereby assigned as the permanent representative for the Village of Williamsville.

Unanimously carried.

Reports – Staff

Deputy Treasurer Kindron reported on the following topic(s): Thanked Village Board for re-appointing Lynda Juul as Administrator/Clerk-Treasurer.

Director of Community Development Charles Specht reported on the following topic(s): Also thanked Village Board for re-appointing Lynda Juul as Administrator/Clerk-Treasurer.

There was no Executive Session.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved at 8:58 p.m. to adjourn the meeting.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer