

**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, June 13, 2016 at 7:30 p.m.**

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

Trustee DeLano shared his thoughts about Al Hershberger and asked everyone to observe a moment of silence in his memory. Trustee Piazza then read aloud a Proclamation signed by the Village Board of Trustees in Al Hershberger's honor.

Present: Brian J. Kulpa, Mayor  
Christopher J. Duquin, Deputy Mayor/Trustee  
Basil J. Piazza, Trustee  
Daniel O. DeLano, Trustee  
John "Al" Yates, Jr., Trustee

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer  
Judith A. Kindron, Deputy Treasurer  
Charles Specht, Director of Community Development  
Charles 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 regular meeting held on May 23, 2016.

Unanimously carried.

**Public Hearing**

A proposed amendment to Chapters 28 (Fire Prevention and Building Code Administration) and 73 (Public Order) as they relate to food trucks.

The Administrator read aloud the public hearing notice as published in the May 18, 2016 Amherst Bee.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to open the public hearing at 7:46 p.m.

Unanimously carried.

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

1. Tom Pilat, Shabby Chic Boutique, Music on Main, WBA – WBA and he do not want food trucks banned. Had motioned for the WBA to take a position. Should operate in the Village but not on public streets. Food trucks are incorporated into Music on Main; Does not feel food trucks should be charged a fee to operate on private property.

2. Margaret DiCamilo, 118 N. Long St. – Spoke on behalf of Sts. Peter and Paul and explained they are using this as a fundraising effort; Asked for a carve-out for not-for-profit or charitable organizations.

3. Rebecca Donohugh, parent volunteer for Sts. Peter and Paul – Safety concerns can be addressed; Agrees with carve-outs for fundraising efforts; They will benefit all businesses and increase alcohol sales at restaurants (no alcohol is sold by food trucks).

4. Jim Tricoli, 4 Columbia Dr. – Looked at restaurant lunch prices on Main Street and food truck prices are more cost effective; Does not see them as a threat.

5. Chuck Akers, 170 S. Cayuga Rd. – Concern is for safety on Main St; Has two kids who have been hit on Main St. on their bikes; Trying to make Main St. safer; Eliminate food trucks on Main St.; No limit as to how many can come in on Main St. at one time – unsafe system; Allow food trucks on private property; Agrees should not charge a fee on private property; Must inspect for public health and fire inspection.

6. Paul Trippi, Frank Gourmet Hot Dogs – He has been in business for 4 years; City of Buffalo has progressive legislation; Some aspects of proposed legislation undermine this; Safety is a legitimate concern; Encouraged Board to talk to fire inspectors; Trucks are very safe and clean; Do not pose a direct threat to restaurants; They create new partnerships and opportunities; Eliminate fees per event; Reduce annual inspection fee; Take control out of one person's discretion (Mayor's Permit).

7. Tricia Browne, Eagle House Restaurant – She wants to clear up misconception that restaurants want to ban food trucks; Has established relationships with food trucks and has had various trucks at her restaurant; Food trucks add a benefit for visitors and residents; There is a time and a place for food trucks to be in the Village.

8. John Benz, 34 Howard Ave. – Questioned if this has to do with not wanting food trucks at Music on Main.

9. Ellie Grenauer, Glen Park Tavern and 19 S. Ellicott St. – The issue did not start because of Music on Main – it has been brewing for a couple of years; She is Director of WBA's CHOW (Culinary Happenings of Williamsville) Committee and all do not agree but majority support food trucks.

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10. Peter Cimino, Lloyd Taco Trucks, 570 Parkside Ave., Taco Factory – Thanked Paul Trippi for his comments; Serving in the Williamsville and Amherst area for 4 years without issue; Has been at Tony Walker, Williamsville South, Baked Cupcakery; Don't need to re-invent the wheel; Borrow from what's already working; Wants to continue the dialogue and answer any questions; Food trucks may end up investing in the community via a brick and mortar or other.

11. Mitch Stenger, Attorney for Food Truck Association – Appreciates concerns here; Got legislation on eve of this public hearing without notice; Cannot ban food trucks on a public street – will end in a lawsuit; Need to come up with reasonable restrictions. *[Trustee Piazza suggested that he put it his comments in writing.]*

12. David Brody, Office at 5888 Main Street – Paul Trippi talked about permits being required by municipalities. Should be taken care of at the County level. *[Mayor Kulpa – Issues are fire inspection and site layout and County hasn't been able to facilitate that.]*

13. Maria MacPeck, General Manager of Irishman Pub, 5601 Main St. – Village brick and mortar businesses are required to obtain a permit for events they hold (sound, fire inspection, tents, etc.) It's not only for food trucks.

14. Joel Shreck, Owner of Share Kitchen & Bar Restaurant, 5590 Main St. – There should be some regulations but he is supportive of food trucks.

**ON MOTION** by Mayor Kulpa, seconded Trustee Piazza, it was moved at 8:16 p.m. to keep the public hearing open.

Unanimously carried.

**Public Hearing**

Proposed discontinuance of a portion of the public right of way on E. Spring Street.

The Administrator read aloud the public hearing notice as published in the May 18, 2016 Amherst Bee.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, it was moved to open the public hearing at 8:17 p.m.

Unanimously carried.

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No one from the audience addressed the Board.

**ON MOTION** by Mayor Kulpa, seconded Trustee Duquin, it was moved to close this public hearing at 8:18 p.m.

Unanimously carried.

**Public Hearing**

A proposed amendment to Chapter 81 (Sewer Use) Section 81-6 (Prohibited Discharge Standards) which would require the inspection of sump pump and footing drains upon transfer of property.

The Administrator read aloud the public hearing notice as published in the June 8, 2016 Amherst Bee.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Duquin, it was moved to open the public hearing at 8:19 p.m.

Unanimously carried.

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

1. Thomas Frank, 5403 Main St. – Great issue for public input; Mayor should include with DRI presentation; Riverkeepers.
2. Howard Cadmus, Sweet Jenny's – Great idea as long as info is disseminated to closing attorneys.

**ON MOTION** by Mayor Kulpa, seconded Trustee Piazza, it was moved to close this public hearing at 8:24 p.m.

Unanimously carried.

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

Unanimously carried.

Members of the audience who addressed the Board and their topic(s):

1. Tom Pecararo, 245 California Dr. – Inquired about development on California Drive. *[Drawing is at front desk; In conversations with developer regarding Section House; Watch website for updated information; Probably a 2-year project.]*
2. Bob Krieter, 26 Monroe Dr. – Asked who owns the former Pendelton Shop at 5436 Main St.; Grass has not been cut; Asked about the status of the HAWK signal. *[Spring 2017];* When is closing on Mill property? *[Very soon.]* Asked about the status of fire suppression system at the Mill. *[Did not receive grant money for this. Would be post-transfer if required.];* Mill sluiceway.
3. Carolyn Schlifke, 192 Evans St. – House on corner of Evans and Eagle has high grass – property needs attention - any organization that can help?
4. Jim Tricoli, 4 Columbia Dr. – Both houses at corner of Evans and Eagle are empty; Corner of Main and Garrison – asked if construction is going on. *[Property owner was cited -2-year time table for construction.]*
5. Thomas Frank, 5403 Main St. – Regional Council meeting; Traffic on Main Street; Comprehensive Plan; Zoning; Riverkeepers.

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

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adopt all of tonight's resolutions as written except for Mayor Kulpa's resolution #7.

Unanimously carried.

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**RESOLVED**, that payroll and vouchers in the amount of **\$670,685.65** covering the period from 5/18/16 to 6/7/16, are hereby approved as follows:

**Payroll covering 5/16/16 – 5/29/16:** \$60,628.44

**Vouchers covering 5/18/16 – 6/7/16:**

General Fund	\$118,033.68
Water Fund	\$0.00
Sewer Fund	\$331,045.34
Glen Park Fund	\$125.00
Trust & Agency Fund	\$21,378.87
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$139,474.32</u>
	\$610,057.21

**GRAND TOTAL:** **\$670,685.65**

Unanimously carried.

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

To:	001-3310-1000 (Traffic Control-Personal Services)	\$527.00
	001-5110-1000 (Street Maint.-Personal Services)	\$2988.00
	001-7110-1000 (Parks-Personal Services)	\$509.00
	001-8560-1000 (Shade Trees-Personal Services)	\$5961.00
From:	001-1640-1000 (Central Garage-Personal Services)	\$2500.00
	001-5142-1000 (Snow Removal-Personal Services)	\$3740.00
	001-8163-1000 (Trash Pickup-Personal Services)	\$3745.00
To:	001-1110-4110 (Village Justices-Service Contracts)	\$16.00
	001-1110-4450 (Village Justices-Misc.)	\$2.00
From:	001-1110-4010 (Village Justices-Office Supplies)	\$18.00
To:	001-1410-4020 (Village Clerk-Postage)	\$440.00
	001-1411-4020 (Records Management-Records Disposal)	\$141.00
	001-1411-4810 (Records Management-Electronic Records Storage)	\$38.00
	001-1450-4080 (Elections-Election Fees)	\$124.00
From:	001-1410-4040 (Village Clerk-Education Exp./Travel)	\$619.00
	001-1410-4620 (Village Clerk-Lease Copy Machine)	\$124.00

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To:	001-1620-4260 (Buildings-Maint. Supplies)	\$129.00
From:	001-1620-4230 (Buildings-Building Maint.)	\$129.00
To:	001-1640-2000 (Central Garage-Equipment)	\$139.00
	001-1640-4160 (Central Garage-Building Repairs/Maint.)	\$110.00
	001-1640-4161 (Central Garage-Sm. Equip. Repairs)	\$23.00
	001-1640-4260 (Central Garage-Maint. Supplies)	\$453.00
	001-1640-4440 (Central Garage-Parts)	\$1342.00
	001-1640-4450 (Central Garage-Misc.)	\$601.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip)	\$2668.00
To:	001-1920-4000 (Municipal Assoc. Dues-Association Dues)	\$354.00
From:	001-1910-4000 (Unallocated Insurance)	\$354.00
To:	001-3310-4450 (Traffic Control-Misc.)	\$35.00
From:	001-3310-4231 (Traffic Control-Street Painting/Crosswalks)	\$35.00
To:	001-3410-4160 (Fire Protection-Truck Exp.)	\$1191.00
	001-3410-4160-3402 (Fire Protection-Engine 2)	\$385.00
	001-3410-4160-3406 (Fire Protection-Truck 6)	\$806.00
From:	001-3410-4161 (Fire Protection-Sm. Engine Repair)	\$1191.00
	001-3410-4160 (Fire Protection-Truck Exp.)	\$1191.00
To:	001-3410-2010 (Fire Protection-Equip.)	\$1792.00
From:	001-3410-4610 (Fire Protection-Health & Welfare)	\$1792.00
To:	001-3620-2000 (Safety Inspection-Equip.)	\$458.00
	001-3620-4010 (Safety Inspection-Office Supplies)	\$432.00
	001-3620-4020 (Safety Inspection-Postage)	\$331.00
	001-3620-4040 (Safety Inspection-Education Exp./Travel)	\$524.00
	001-3620-4041 (Safety Inspection-Mileage Reimbursement)	\$648.00
	001-3620-4100 (Safety Inspection-Professional Fees)	\$824.00
	001-3620-4450 (Safety Inspection-Misc.)	\$600.00
	001-3620-4490 (Safety Inspection-General Code Updates)	\$937.00
From:	001-3620-4060 (Safety Inspection-Telephone Service)	\$116.00
	001-3620-4110 (Safety Inspection-Service Contracts)	\$5.00
	001-3620-4480 (Safety Inspection-NYS Code Updates)	\$90.00
	001-1990-4000 (Contingency)	\$4543.00
To:	001-5010-4010 (Street Administration-Office Supplies)	\$363.00
	001-5010-4111 (Street Administration-Internet Access)	\$403.00
	001-5010-4450 (Street Administration-Misc.)	\$150.00
From:	001-5010-4040 (Street Administration-Education-Exp./Travel )	\$33.00
	001-5010-4050 (Street Administration-Drug/Alcohol Testing)	\$178.00
	001-5110-4061 (Street Administration-Cellular Phone)	\$149.00
	001-5110-4161 (Street Maintenance-Repairs/Equip.)	\$556.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$2804.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$2804.00

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To:	001-5110-4161-902 (Street Maint.-Repairs-2002 Int'l Dump Truck)	\$665.00
	001-5110-4161-905 (Street Maint.-Repairs-2007 Int'l Sander/Plow/Dump)	\$329.00
	001-5110-4161-908 (Street Maint.-2011 Chevy Silverado 3500 HD)	\$70.00
	001-5110-4161-918 (Street Maint.-Repairs-2010 Ford F350 XL Pickup)	\$68.00
	001-5110-4161-925 (Street Maint.-Repairs/2013 mini Excavator)	\$64.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$1196.00
To:	001-6989-4040 (Other Econ. Oppty. & Devel.-Education Exp./Travel)	\$12.00
From:	001-6410-4111 (Publicity-Website)	\$12.00
To:	001-8010-4030 (Zoning-Printing & Advertising)	\$41.00
From:	001-1410-4030 (Village Clerk-Printing & Advertising)	\$41.00
To:	001-8510-4160 (Community Beautification-Repairs)	\$100.00
From:	001-8510-4340 (Community Beautification-Plants)	\$100.00

Unanimously carried.

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the *2015-2016* fiscal year to account for funds assigned for trees being used to increase the shade tree budget:

Increase:	001-0001-0599 (Appropriated Surplus)	\$17,235.00
Increase:	001-8560-2000 (Shade Trees-Equipment)	\$620.00
	001-8560-4160 (Shade Trees-Repairs)	\$11.00
	001-8560-4340 (Shade Trees-Trees/Removal)	\$2175.00
	001-8560-4350 (Shade Trees-Trees/Maint.)	\$7069.00
	001-8560-4360 (Shade Trees-Trees/Replacement Reg.)	\$7266.00
	001-8560-4450 (Shade Trees-Misc.)	\$94.00

Unanimously carried.

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the *2015-2016* fiscal year to account for additional revenue collected due to the extension of the lease on the Mill property being used to cover additional expenses:

Increase:	001-0001-2411 (Lease on Mill Properties)	\$113.00
Increase:	001-7540-4110 (Williamsville Water Mill-Service Contracts)	\$98.00
	001-7540-4230 (Williamsville Water Mill-Building Maint.)	\$15.00

Unanimously carried.

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**RESOLVED**, that the following *budget transfers* are hereby made in the *General Fund* for the *2016-2017* fiscal year:

To:	001-3410-4160-3402 (Fire Protection-Truck Exp./Engine 2)	\$1051.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$1051.00

Unanimously carried.

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the *2016-2017* fiscal year to account for a donation from Forest Stream Garden Club for the Meeting House Garden:

Increase:	001-0001-2705 (Gifts & Donations)	\$100.00
Increase:	001-8510-4340 (Community Beautification-Plants)	\$100.00

Unanimously carried.

Mayor Kulpa's resolution appointing a Tree Board member was tabled until the next Village Board meeting.

**RESOLVED**, that Administrator Lynda L. Juul, and Deputy Treasurer Judith Kindron are hereby authorized to travel to Batavia, New York, to attend the Annual Government Finance Officers' Association Summer Seminar, on July 12, 2016, at a cost not to exceed \$195.00, to be paid by the Village of Williamsville.

Unanimously carried.

**WHEREAS**, the Village owns the right-of-way along E. Spring Street; and

**WHEREAS**, a portion of the Village's E. Spring Street right-of-way has extended, and currently extends, far beyond the traditional roadway and into what was traditionally used by the former owners of the Mill property and their customers as parking for the Williamsville Water Mill property; and

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**WHEREAS**, the Village has completed certain improvements to E. Spring Street that included the narrowing of the travel lane where it abuts that portion of the right-of-way that has been traditionally associated with the Williamsville Water Mill property; and

**WHEREAS**, the Village wishes to discontinue that portion of the E. Spring Street right-of-way, as shown in red on the attached drawing labeled CP101 Roadway Plan by DiDonato Engineering & Architectural Professionals, that is no longer needed for use as a right-of-way associated with E. Spring Street; and

**WHEREAS**, the Village completed a Short Environmental Assessment Form in connection with the proposed discontinuance and has determined that such discontinuance will not result in any significant adverse environmental impacts, for the reasons set forth in Part 3 of the EAF, which is incorporated by reference herein; and

**WHEREAS**, a duly noticed public hearing on the proposed discontinuance was held this evening;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of Trustees hereby determines that the portion of the right-of-way indicated above is hereby discontinued.

Unanimously carried.

**RESOLVED**, that Christopher Petrie, Michael Measer, Jim Christopher and Harry Haffa, all members of the Williamsville Fire Dept., are hereby authorized to travel to Verona, New York, to attend the NYS Chiefs Convention Training and Trade Show, on June 18, 2016, at a cost not to exceed \$185.00, to be paid by the Village of Williamsville.

Unanimously carried.

**RESOLVED**, that the dates and hours of operation of the wading pools at Garrison Park and Island Park for the 2016 season are hereby set as follows:

Friday, June 17 – Sunday, August 21, 2016 – 11:00 a.m. – 7:00 p.m. daily; and

**BE IT FURTHER RESOLVED**, that post-season hours will be announced based on pool attendant availability.

Unanimously carried.

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**RESOLVED**, that the following are hereby appointed *Seasonal Recreation Attendants* for the **2016** summer season:

<b>Name</b>	<b>Address</b>	<b>Rate/Hour</b>
Cahill, Heather	82 Cadman Dr., Williamsville	\$9.25
Colosimo, Karen	4335 Shimmerville Rd., Clarence	\$10.00
Hall, Rachel	5498 Pine Lock La., Williamsville	\$9.25
Izydorzak, Louisa	131 Burbank Dr., Amherst	\$9.25
Kalota, Alyse	210 N. Linden St., Williamsville	\$9.25
Molak, Briar	35 Chateau Terr., Amherst	\$9.25
Orlowski, Kellie	20 Chateau Terr., Amherst	\$9.50
Pulera, McKenzie	31 Avalon Dr., Amherst	\$9.25
Putzig, Megan	5448 Village Station Circle, Williamsville	\$9.50
Staebell, Gregory	126 Village Green, Williamsville	\$9.75
Stelley, Colleen	41 California Dr., Williamsville	\$9.50
Therrien, Melissa	634 Mill St., Williamsville	\$9.50

Unanimously carried.

**Report – Mayor Kulpa**

*Mayor Kulpa reported on the following topic(s):* No report.

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topic(s):* No report

**Report – Trustee Duquin**

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

**Report – Trustee Yates**

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

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**ON MOTION** by Trustee Yates, seconded by Trustee Piazza, it was moved to leave the regular agenda to consider two new resolutions.

Unanimously carried.

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

**WHEREAS**, no significant adverse environmental impacts were identified in connection with the proposed discontinuance of the right-of-way; and

**WHEREAS**, the discontinuance will not result in any physical change to the area to be discontinued, but the property will merely be re-classified to reflect its current and anticipated continued use as an elevated plaza incorporating green infrastructure elements and for the provision of parking spaces; and

**WHEREAS**, as such, the discontinuance will not have any adverse environmental impacts;

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of Trustees determines that the property license of the parking spaces pursuant to the license agreement will not have any significant adverse environmental impacts and therefore adopts a Negative Declaration with respect to the proposed license agreement.

Unanimously carried.

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

**RESOLVED**, that the Mayor is hereby authorized to sign the parking license agreement on behalf of the Village Board of Trustees.

Unanimously carried.

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

Unanimously carried.

**Report – Trustee DeLano**

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

**Staff Report(s):** None.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open the Executive Session at 8:58 p.m. to discuss a personnel matter specific to an individual and threatened litigation.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to close the Executive Session and return to the regular agenda at 9:13 p.m.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adjourn the regular meeting at 9:14 p.m.

Unanimously carried.

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Lynda L. Juul  
Administrator/Clerk-Treasurer