

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, August 15, 2016 at 7:30 p.m.

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

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: Deborah A. Habes, Deputy Clerk
Judith A. Kindron, Deputy Treasurer
Charles Grieco, Village Attorney
Ben Vilonen, DPW Crew Chief
Charles Specht, Director of Community Development

Excused: Lynda L. Juul, Administrator/Clerk-Treasurer

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the regular meeting held on July 25, 2016.

Unanimously carried.

Mayor Kulpa announced that Charlie Specht, Director of Community Development, will be leaving his position with the Village and returning to journalism. He congratulated Charlie and thanked him for his past three years of dedicated service to the Village.

Public Hearing

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

*This public hearing was first held on June 13, 2016, and left open. The public hearing was continued on June 27, 2016, and July 25, 2016 and left open until this meeting.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to continue the public hearing at 7:32 p.m.

Unanimously carried.

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Mayor Kulpa reported that the Village Board is considering continuing with issuing Mayor's Permits, accepting proof of fire inspections from other municipalities for mobile food truck operations. The Board will have a new draft of a proposal for the continued public hearing at the next Board meeting.

No one from the audience addressed the Board.

ON MOTION by Mayor Kulpa, seconded Trustee DeLano, it was moved at 7:37 p.m. to hold the public hearing open until the next Village Board meeting on September 12, 2016.

Unanimously carried.

Public Hearing

Proposed modification to Section 112-10 of the Village Code regarding the enlargement of non-conforming structures.

*This public hearing was first held on July 25, 2016 and left open until this meeting.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to open the public hearing at 7:37 p.m.

Unanimously carried.

Trustee Piazza stated that the purpose of this proposed amendment is to allow homeowners who have non-compliant houses to add on to these non-conforming structures as long as the addition does not make the house more non-conforming than it already is. He stated that this is being proposed because it will speed up the permitting process for homeowners of single and two-family residences.

ON MOTION by Mayor Kulpa, seconded Trustee Duquin, it was moved to hold the public hearing open until the September 12, 2016 Village Board meeting.

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.

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Mayor Kulpa gave a brief overview of the proposed residential development of the former Darling Construction property on California Drive. He stated it is in his very own neighborhood and that of Trustee Yates as well. Traffic & Safety Committee reviewed the traffic study submitted by the new owners, but tabled any recommendations to the Planning Board pending receipt of more information. The Planning Board will review site plans and architectural plans at their September 6, 2016 meeting, but have already given the property owner some suggestions informally. Planning Board will be lead agency for SEQRA. There is a public hearing scheduled for the Village Board meeting on September 12th regarding a proposed land swap for this project, and public comment will be entertained regarding the proposed development. Natale Development, the new owner of the property, will be in attendance at that meeting as well. The developer has also indicated to him that they would be willing to meet with residents to discuss the proposed project.

Trustee Piazza noted Environmental Advisory Commission will be meeting on August 24, 2016 to review landscape plans for the proposed Natale project. They will make recommendations to the Planning Board.

Audience member(s) who addressed the Board and their comment(s):

1. John Benz, 34 Howard Ave. – Does not agree with the rezoning to allow high density - Should have been single or two-family homes instead; Thinks this is a done deal and project is going to happen despite complaints. *[Mayor Kulpa – Understands his point of view. If Natale bought parcel as a C-3, it could have allowed multistory buildings such as the Mosely/Wyndham Garden Hotel in the Town of Amherst at the corner of S. Forest and Main St.]* Quoted Webster Dictionary definition of a “village” and does not believe this project fits the definition. Believes the Board should have walked the neighborhood and told the nearby residents that this was happening. *[Trustee Duquin – Thinks that Natale did a good job, but he would have loved to see it zoned R-2, however, property owners have rights.]*

2. Joe Strapason, 120 California Dr. – Asked if there was room for more added green space on the property; Concerned as to who will be owners of the apartments and townhomes. *[Trustee Duquin –Thinks there could be room on the site for more green space. Mayor Kulpa would like to see more green space.]* Wondered what the townhomes will cost. *[Around \$200-250 K. High-end apartment rates as well. Mayor asked him to send him his email address and he will get Natale contact info for him.]* He sees higher traffic counts in the area caused by the proposed development. *[Traffic & Safety Committee just started their review. GBNRTC would be modeling the traffic flow for us.]* Asked if DEC will get involved. *[We will get a copy of the soil testing reports. Village Attorney stated if contamination level is high, owner will most likely want to pursue tax credits for the work. Kulpa – Planning Board has already made some preliminary suggestions, nothing formal yet. This needs to be a good project for the community.]*

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3. Harry Conomos, 138 California Dr. – Thanked everyone for listening to him tonight and thanked the resident who left him a flyer regarding the proposed project. Thanked Traffic & Safety Committee for giving him a chance to speak at their recent meeting. Traffic from Darling Construction consisted of only a few employees driving in and out in the morning and afternoon, with a few trucks. The neighborhood knows what to expect from the current traffic generated by Darling construction. He thinks the traffic will certainly increase with the introduction of hundreds of new residents in the area with the construction of the proposed development in his neighborhood. He questioned the numbers in Natale's traffic study. Traffic in that area is already bad. Cannot make left or right turns from California onto Main Street. Could turn into Section 8 housing. Streets are too narrow already for 2 cars to pass if there are cars on both sides. What is the market for these residences? *[Natale is interested in attracting those that are downsizing, based on market rate. The Planning Board will have total architectural review on the exterior finishes, materials, design...they won't allow a "box" style of development. This will be high-end rates. The Village has received State grants for re-vamping the S. Long St. corridor, which will make the street much more user friendly. Natale will have to integrate their plans into ours if they want to move forward.]*

4. Joe Strapason, 120 California Dr. – What is the time frame for this project? *[Not before October to transfer the parcel and cannot do anything before that. Planning Board members are well credentialed and are also Village residents.]*

5. John Benz, 34 Howard Ave. – Asked if Planning Board can make them reduce the number of units or is it a completed deal like what happened at the Hyatt Hotel. *[We are different from the Town of Amherst in how we handle things.]*

6. Joe Strapason, Sr., 162 California Dr. – When can there be a meeting with Natale and the residents? *[If neighbors say they have not heard from Natale about a meeting, let Mayor Kulpa know and he will aid in setting up a meeting between the two parties. Trustee DeLano stated that Traffic & Safety discussed the parking situation on California and that it will have to change. Taking away parking on the west side all along it would help. Perhaps stop signs at Los Robles and California, speed bumps or speed tables could be helpful. Mayor Kulpa stated that we will contact GBNRTC immediately and have them take a look at the traffic situation.]*

7. Cheryl Meyer, Willowbrook Dr. – Stated she was speaking on behalf of many of her neighbors regarding the increase in noise from all the bands playing; Too many nights of music; Residents cannot be outside in the evening and cannot sleep; Quality of life in the Village is being affected by the increase in noise from these bands and events. *[Turning of the stage on Island Park has something to do with the deflection of music into the Oakgrove area. The Irishman also hosts bands inside, but they put them in the rear of their building, and open the rear patio doors in the summer, so the music travels out onto the Island and neighboring areas. We have to deal with the pitch of the stage; needs to have a solid back and we need to address the situation with the restaurants that host the bands. It is good to have vibrancy on Main*

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Street, but within limits for all.] Not good to have 5 or 6 bands all going on the same nights. The residents are not benefiting. [We are ready to take another look at the Music on Main event. Maybe in October we could have a meeting with residents and the restaurants. We have to be cognizant of our commercial owners as well. We need a dialog. Trustee DeLano – We need to do a better job of permitting these events so they mesh well with each other; Would like to see more diversity in the type of music that is offered as well; Will talk to WBA in October about this issue. He is in favor of suspending permits to those establishments who break the rules.]

8. Joe Strapason, 120 California Dr. – It’s all about the quality of life. *[Village Board agreed.]*; Reported that various 15 mph traffic signs have disappeared on California Dr. recently.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, 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): Thanked DPW for aiding in the success of the recent Block Party; Thanked Trustee Yates for the hot dogs. Thanked the Amherst Police and their staff.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve Mayor Kulpa’s resolutions #1 - #4, as written.

Unanimously carried.

KULPA #1 – ADOPTED UNANIMOUSLY:

RESOLVED, that payroll and vouchers in the amount of **\$365,699.33** covering the period from 7/20/16 to 8/7/16, are hereby approved as follows:

Payroll covering 7/11/16 – 7/24/16: \$42,159.58

Payroll covering 7/25/16 – 8/7/16: \$38,487.37

Vouchers covering 7/20/16 – 8/9/16:

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General Fund	\$55,419.73
Water Fund	\$195,144.10
Sewer Fund	\$1,898.22
Glen Park Fund	\$581.01
Trust & Agency Fund	\$32,009.32
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	\$0.00
	<u>\$285,052.38</u>

GRAND TOTAL: \$365,699.33

KULPA #2 – ADOPTED UNANIMOUSLY:

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

To:	001-1410-4010 (Village Clerk-Office Supplies)	\$73.00
From:	001-1410-4030 (Village Clerk-Printing & Advertising)	\$73.00
To:	001-1620-4230 (Buildings-Building Maint.)	\$452.00
From:	001-1620-4070 (Buildings-Utilities)	\$452.00
To:	001-1640-4160 (Central Garage-Building Repairs & Maint.)	\$217.00
From:	001-1640-4260 (Central Garage-Maint. Supplies)	\$180.00
	001-1640-4070 (Central Garage-Utilities)	\$15.00
	001-1640-2000 (Central Garage-Equip.)	\$22.00
To:	001-1620-4070 (Buildings-Utilities)	\$252.00
	001-3410-4070 (Fire Protection-Utilities)	\$871.00
	001-1640-4070 (Central Garage-Utilities)	\$268.00
From:	001-1620-4260 (Buildings- Garage-Maint. Supplies)	\$252.00
	001-3410-4520 (Fire Protection-Hydrant Fees)	\$871.00
	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$268.00
To:	001-3410-2030 (Fire Protection-Radio Equip.)	\$1.00
	001-3410-2050 (Fire Protection-Turnout Gear)	\$1.00
	001-3410-4280 (Fire Protection-EMS Supplies)	\$1.00
From:	001-3410-4610 (Fire Protection-Health & Welfare)	\$3.00
To:	001-3410-4110 (Fire Protection-Service Contracts)	\$76.00
	001-3410-4070 (Fire Protection-Utilities)	\$615.00
From:	001-3410-4061 (Fire Protection-Cell Phone)	\$50.00
	001-3410-4250 (Fire Protection-Gas & Oil)	\$17.00
	001-3410-4280 (Fire Protection-EMS Supplies)	\$108.00

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	001-3410-4460 (Fire Protection-Fire Prev. Expenses)	\$125.00
	001-3410-4620 (Fire Protection-Lease Copy Machine)	\$391.00
To:	001-3410-4161 (Fire Protection-Sm. Engine & Equip. Repair)	\$115.00
From:	001-3410-2020 (Fire Protection-Expendable Equip.)	\$115.00
To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump)	\$22.00
	001-5110-4161-0907 (Street Maint.-1992 Autocar Dump)	\$469.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$491.00
To:	001-7110-4450 (Parks-Repairs/Misc.)	\$1254.00
From:	001-7110-4165 (Parks-Repairs/Shelter Maint.)	\$1254.00
To:	001-7530-2000 (Village Meeting House-Equip.)	\$66.00
From:	001-7530-4070 (Village Meeting House-Utilities)	\$66.00

KULPA #3 – ADOPTED UNANIMOUSLY:

RESOLVED, that the following *amendment* is hereby made in the *General Fund* for the *2015-2016* fiscal year to account for funds received from National Grid's "10,000 Trees and Growing Program":

Increase:	001-0001-2270 (Misc. Revenue)	\$1550.00
Increase:	001-8560-4360 (Shade Trees-Trees/Replacement/Regular)	\$1550.00

KULPA #4 – ADOPTED UNANIMOUSLY:

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

To:	001-3410-4160-3401 (Fire Protection-Engine 1 Expense)	\$495.00
From:	001-3410-4160 (Fire Protection-Truck Exp.)	\$495.00

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to leave the regular agenda to consider a new resolution.

Unanimously carried.

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

RESOLVED, that Donna J. Kaminska of 8300 Clareherst Dr., E. Amherst, New York, is hereby appointed as Clerk/Part-time, at a rate of \$17.37 per hour, effective August 15, 2016.

Unanimously carried.

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

Unanimously carried.

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

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees on Monday, September 12, 2016 at 7:30 p.m., at Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in commenting on a proposal regarding the transfer of property (DPW side yard) to Natale Development in connection with its proposed redevelopment of the properties located at 86 S. Long St.

Unanimously carried.

Report – Trustee Duquin

Trustee Duquin reported on the following topic(s): Youth & Recreation sponsored movie in Island Park on August 26th; Good conversations tonight regarding the Natale project – We work hard to communicate with residents. So many times no one or very few people show up at our Village Board meetings; Congratulated Charlie Specht and wished him much good fortune in his new position. Always has had great respect for him.

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

WHEREAS, New York State, through the Abandoned Property Neighborhood Relief Act of 2016 (the “Zombie Law”), has enacted legislation to address the adverse effects of vacant and abandoned properties, often referred to as “zombie” properties; and

WHEREAS, \$13 million in grants is being provided through the Local Initiatives Support Corporation (“LISC”), as a result of a February 11, 2016 settlement agreement entered into between Morgan Stanley & Co., LLC and the Office of New York Attorney General Eric T. Schneiderman (the “OAG”) to municipalities to support programs addressing homeowner retention, and housing vacancy and blight prevention, with an emphasis on “zombie” property prevention and enforcement; and

WHEREAS, the Town of Amherst and Village of Williamsville have been invited to apply for a portion of the above referenced funding via a joint application;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees hereby authorizes the Mayor or his appointee(s) to work with the Town of Amherst on an application for this grant funding, and authorizes and directs the Mayor to sign paperwork related to obtaining such funding.

Unanimously carried.

Mayor Kulpa added that this proposed “Zombie Law” was the result of a concerted WNY effort to begin the process of properly dealing with vacant and abandoned properties. It all started with Assemblyman Michael Kearns who visited a zombie property on Farber Lane to draw attention to the problem.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Thanked all who worked on the Taste of Williamsville and Block Party; Thanked Julie Yates; Thanked Charlie Specht for the great improvement in communications over the past three years; Natale Development; Arts and Culture Committee will be presenting more plays at the Meeting House; Meeting House roof repair.

Trustee Yates had no resolutions on the agenda.

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Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Echoed Trustee Duquin's comments on the Natale conversations – we are a small community and he appreciates civil conversations; Tree Board and Parks Committee will have a joint meeting 8/31 at 6:30pm – Arborist will discuss utility company tree cutting procedures; Block Party; Thanked Charlie Specht for a job well done.

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

RESOLVED, that *William Tuyn* of *241 Columbia Dr., Williamsville*, is hereby appointed *Ex-officio Transportation Professional member* of the *Traffic & Safety Committee* through the end of the *2016-2017* official Village year.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): If music on Tuesday nights in Island Park is a problem, please let him know; Congratulated Charlie Specht and thanked him. He has a bright future ahead of him.

Trustee Piazza had no resolutions on the agenda.

Mayor Kulpa reported Iskalo Development, owner of the long-vacant commercial lot at the corner of Main and Garrison, has been cited by the Village for the poor condition of the surface of the vacant lot and property in general and was issued a court appearance ticket. Soon, there should be some improvements seen to the vacant lot, addressing various maintenance issues.

Staff Report(s):

Deputy Treasurer Kindron reported on the following topic(s): Wished Charlie Specht well in his new position.

Deputy Clerk Habes reported on the following topic(s): Praised Charlie Specht for a job well done. It's been a pleasure working with him these past three years.

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Director of Community Development Charlie Specht reported on the following topic(s):
Thanked everyone for their support over the past three years.

No Executive Session was held.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to adjourn the regular meeting at 9:25 p.m.

Unanimously carried.

Judith A. Kindron
Deputy Treasurer