

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 26, 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
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 Grieco, Village Attorney

Excused: Ben Vilonen, DPW Crew Chief
Christopher J. Duquin, Trustee

A moment of silence was observed in memory of Nicholas Perino, long-time Village resident and valued member of the Traffic & Safety Committee, and Douglas Washburn, retired long-time Village DPW employee.

Mayor Kulpa announced his acceptance of a request from Christopher J. Duquin for a leave of absence from his official Village duties.

Mayor Kulpa announced the appointment of Trustee Daniel DeLano to the position of Deputy Mayor.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to approve the minutes of the regular meeting held on September 12, 2016.

Motion carried. 4 – 0.

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, July 25, 2016, August 15, 2016, September 12, 2016 and left open until this meeting.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to re-open this public hearing at 7:37 p.m.

Motion carried. 4 – 0.

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No one from the audience addressed the Board.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved at 7:38 p.m. to hold this public hearing open until the October 11, 2016 Village Board meeting.

Motion carried. 4 – 0.

<p style="text-align: center;">Public Hearing Proposed modification to Section 112-10 of the Village Code regarding the enlargement of non-conforming structures.</p>

*This public hearing was first held on July 25, 2016 and continued on August 15, 2016, and September 12, 2016, when it was left open until this meeting.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to re-open this public hearing at 7:38 p.m.

Motion carried. 4 – 0.

No one from the audience addressed the Board.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to close this public hearing at 7:42 p.m.

Motion carried. 4 – 0.

<p style="text-align: center;">Public Hearing Proposed transfer of a portion of the property located at 86 S. Long St. (the DPW side yard and related driveway area) to Natale Development in connection with its proposed redevelopment of various properties located on California Drive.</p>

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to open this public hearing at 7:43 p.m.

Motion carried. 4 - 0.

Mayor Kulpa announced that the Village Planning and Architectural Review Board will be holding a special work session to review sketch plans for this project on

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Thursday, September 29, 2016 at 6:30 p.m. at Village Hall. No new plans have been submitted. The submitted traffic study is being reviewed by GBNRTC and a model created. Traffic & Safety Committee will meet to review the model after the model is completed. The Village Board is only dealing with the sale of the DPW side yard. No questions, comments or offer have been received to date. We will not sell the side yard prior to the Planning and Architectural Review Board coming to agreement on the site plan and architectural design.

Members of the audience who spoke and the topics of their comments [*Village Board comments are in italics*]:

1. Bob Krieter, 26 Monroe Dr. – Which property is this? [*DPW side yard at Lehigh Memory Trail – would be combined with the former Darling property and developed.*] Calling it DPW side yard but only authorized for a short time. It is a park. How can it be sold? It is a side yard and was only on loan to Dave Laubisch (a former DPW Crew Chief) for temporary use. Understanding is that the Railway Society has plans for part of that property. Should contact Railway Society. Has NYS been contacted? Should not sell it.

2. Carolyn Schlifke, 192 Evans St. – She spoke to Larry Brenton (a former mayor). That piece was never part of the park or the purchase of the trail.

3. Harry Conomos, 138 California Dr. – Looking for a satisfactory resolution. Would be nice to have a map at the next meeting, as well as an appraisal. Need village property for access road. Traffic Study made assumption. If don't get DPW & access road, need to challenge assumptions. He is an engineer by trade.

4. Carrie Ansell, 106 Milton St. – Will Natale be blasting? [*Have not heard anything about blasting – not typically discussed until a building permit is obtained. Planning Board could make it a stipulation. Trustee Yates – Asked developer that question and was told there are no basements, so no blasting.*]

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to continue the public hearing at the next Village Board meeting on October 11, 2016.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to open the public participation portion of the meeting. [*The Village Board's comments are in italics.*]

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1. Craig Alexander, 287 Mill St. – Concerned about Village-endorsed drinking events, such as Old Home Days, Oktoberfest and Music on Main. Have had vandalism and other issues. Enough is enough. *[Mayor Kulpa addressed this in work session – Music on Thursdays after Labor Day; noise levels after bands move inside; association with Oktoberfest. Jolly Boys have taken corrective action.]* He disagrees about Old Home Days. Kids go to party in the park and they loiter, etc.

2. Harry Conomos, 138 California Dr. – Future public meeting re park closing time. *[Proposed change from 10:00p.m. to dusk due to problems in the park.]* May need more lights. Dusk is at 5:00 p.m. in winter. Natale project – have any demo permits been issued? *[No.]* Has SEQRA been completed? *[No.]*

3. John Benz, 34 Howard Ave. – Doesn't want parks to close before 10:00p.m.. Issues coming from bar businesses. *[Trustee DeLano – issues are from teenagers.]* Police are never here. *[Vandalism will happen – police cannot be everywhere.]*

4. Thomas Frank, 5403 Main St. – Thanked Mayor Kulpa for inland waterway designation. *[Kulpa – Ellicott Creek was not a designated inland waterway. No State or Federal funding. Now it is designated and we have applied for LWRP (Local Waterfront Revitalization Plan.)]*

5. Caroline Richards, 645 N. Forest Rd. – Grew up in the Village. Now lives at corner of N. Forest Rd. and Sheridan Drive. When in the process does the Village look at what's going on in the Town? Will California Dr. project impact the sewer system? Impact with Westwood project would be enormous. We have sewer issues. *[Village has gone on record opposing Westwood development because it is inconsistent with the Town Master Plan. Natale Development property was downzoned. Our sewer system has capacity. Town has to deal with Westwood. Village does not have green space to develop.]*

6. Joe Strapason, 120 California Dr. – What about the 15 mph sign that went missing? *[Delano – let DPW know about it.]*

7. Joe Spino, 42 California Dr. – Disingenuous to say changed C-3 to R-3 when C-3 wasn't being used. Use was passive – R-3 adds 3 massive buildings. *[Not passing on past land use. Couldn't down zone to R-2, so zoned to something consistent with the Community Plan. Sewage will be greater, but not as high as it could have been under C-3.]*

8. Bob Krieter, 26 Monroe Dr. – Mr. Benz mentioned vandalism. That's true – due to one particular bar. Village Board was supposed to talk to the police chief about having an officer assigned to the Village. *[Solved Island Park vandalism but the vandals moved to other parks.]* Aren't we entitled to 1 officer, 24-hours a day? *[No specific agreement we are aware of Trustee DeLano – dealt with alot at Garrison Park this year. APD is around more than we think.]*

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

Motion carried. 4 – 0.

Report – Mayor Kulpa

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

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

Motion carried. 4 – 0.

KULPA #1 – ADOPTED 4 - 0:

RESOLVED, that payroll and vouchers in the amount of **\$260,839.94** covering the period from 9/7/16 to 9/20/16, are hereby approved as follows:

Payroll covering 9/5/16 – 9/18/16: \$36,790.78

Vouchers covering 9/7/16 – 9/20/16:

General Fund	\$77,848.20
Water Fund	\$447.54
Sewer Fund	\$946.39
Glen Park Fund	\$10,847.15
Trust & Agency Fund	\$15,033.06
Debt Service	\$101,275.00
Community Development	\$0.00
Capital Fund	<u>\$17,651.82</u>
	\$224,049.16

GRAND TOTAL: **\$260,839.94**

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KULPA #2 – ADOPTED 4 – 0:

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

To:	001-3410-4160-3404 (Fire Protection-Rescue 4 Expense)	\$569.00
	001-3410-4160-3401 (Fire Protection-Engine 1 Expense)	\$1,862.00
	001-3410-4160-3406 (Fire Protection-Truck 6 Expense)	\$4,382.00
	001-3410-4160-3402 (Fire Protection-Engine 2 Expense)	\$1,368.00
	001-3410-4160-3405 (Fire Protection-Engine 5 Expense)	\$1,919.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$10,100.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$2,818.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$2,818.00
To:	001-5110-4161-0901 (Street Maint.-Repairs/2012 Chevy Tahoe)	\$596.00
	001-5110-4161-0904 (Street Maint.-Repairs/2005 Freightliner)	\$213.00
	001-5110-4161-0910 (Street Maint.-Repairs/2009 Ford F350)	\$28.00
	001-5110-4161-0912 (Street Maint.-Repairs/2012 CAT Hi-Lift)	\$179.00
	001-5110-4161-0913 (Street Maint.-Repairs/1993 Sewer Jet)	\$50.00
	001-5110-4161-0916 (Street Maint.-Repairs/2012 Chevy 2500 HD)	\$21.00
	001-5110-4161-0919 (Street Maint.-Repairs/2007 Chevy 4x4)	\$8.00
	001-5110-4161-0920 (Street Maint.-Repairs/1992 John Deere Backhoe)	\$131.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$1226.00
To:	001-8020-4450 (Planning-Misc.)	\$10.00
From:	001-8020-4040 (Planning-Education Exp./Travel)	\$10.00
To:	001-8510-4450 (Community Beautification-Misc.)	\$207.00
From:	001-8510-4340 (Community Beautification-Plants)	\$207.00
To:	001-8560-1000 (Shade Trees-Personal Services)	\$206.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$206.00

KULPA #3 – ADOPTED 4 - 0:

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

To:	007-8120-1001 (Sanitary Sewers-Personal Services/OT)	\$105.00
From:	007-8120-1000 (Sanitary Sewers-Personal Services)	\$105.00

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KULPA #4 – ADOPTED. 4 - 0:

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

To:	009-7141-4430 (Glen Park-Sanitary Waste Disposal)	\$113.00
From:	009-7141-4352 (Glen Park-Park Maint.)	\$113.00

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

RESOLVED, that *Melissa Warner of 42 Columbia Dr., Williamsville*, is hereby appointed to the *Beautification Committee* until the end of the *2016-2017* official Village year.

Motion carried. 4 – 0.

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

RESOLVED, that *Margaret Hamilton of 347 Massachusetts Avenue, Buffalo, New York*, is hereby appointed *Director of Community Development* at an annual salary of \$59,000, effective September 27, 2016.

Motion carried. 4 – 0.

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

WHEREAS, Yarussi Construction, Inc. was awarded the contract for the E. Spring Street project; and

WHEREAS, the Village has offered Yarussi Construction, Inc. a time extension of approximately 30 days; and

WHEREAS, Yarussi Construction has requested an increase in the contract amount of \$1,500.00 for the use of high-early concrete;

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NOW, THEREFORE, BE IT RESOLVED, that Change Order #1 is hereby approved to Yarussi Construction, Inc. as described above.

Motion carried. 4 – 0.

Report – Trustee DeLano

Trustee DeLano reported on the following topic(s): Tree planting is last Saturday in October at 9:00 a.m.

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

RESOLVED, that the Administrator is hereby authorized to publish notice of public hearing to be held at 7:30pm on Monday, October 24, 2016, to hear all those interested in commenting on a proposed modification to Chapter 70-16 (Parks and Public Areas, Hours of Public Use) of the Code of the Village of Williamsville, which would change the closing time of all parks within the Village of Williamsville, except Glen Park, from 10:00 pm to dusk.

On the question, there was a discussion regarding “dusk” versus “dark”.

ON MOTION by Trustee Yates, seconded by Trustee Piazza, it was moved to amend the original resolution to change the word “dusk” to “dark”.

Motion carried. 4 – 0.

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

RESOLVED, that the Administrator is hereby authorized to publish notice of public hearing to be held at 7:30pm on Monday, October 24, 2016, to hear all those interested in commenting on a proposed modification to Chapter 70-16 (Parks and Public Areas, Hours of Public Use) of the Code of the Village of Williamsville, which would change the closing time of all parks within the Village of Williamsville, except Glen Park, from 10:00 p.m. to dark.

Motion carried. 4 – 0.

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Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Arts & Culture Committee events at the Meeting House.

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

RESOLVED, that DPW General Crew Chief Benjamin Vilonen is hereby authorized to attend the NYCOM Public Works Training School in Geneva, New York from October 16 to October 19, 2016, at a cost not to exceed \$1,068.00, to be paid by the Village of Williamsville.

Motion carried. 4 – 0.

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

WHEREAS, the Village of Williamsville is replacing the roof on the Williamsville Meeting House; and

WHEREAS, a cost of \$414.00 was proposed for additional ice and water shield to be used, which would eliminate the 30# felt and cover the entire substrate with ice & water shield;

NOW, THEREFORE, BE IT RESOLVED, that Change Order #1 in the amount of \$414.00 is hereby approved to Weaver Metal and Roofing, Inc. for the above described modification to the contract.

Motion carried. 4 – 0.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Seconded Trustee Piazza's comments about upcoming events at the Meeting House.

**Trustee Yates announced that he was tabling his resolution #1 regarding the award of a contract for a driveway apron replacement for the Fire Dept.*

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Staff Report(s): None

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn to Executive Session at 9:00 p.m. for the purpose of discussing the following personnel matters: the hiring of a specific individual and a leave of absence.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee Piazza, it was moved to close the Executive Session at 9:24 p.m.

Motion carried. 4 – 0.

ON MOTION by Mayor Kulpa, seconded by Trustee DeLano, it was moved to adjourn the regular meeting at 9:24 p.m.

Motion carried. 4 – 0.

Lynda L. Juul
Administrator/Clerk-Treasurer