

**Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Tuesday, October 11, 2016 at 7:30 p.m.**

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

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  
Deborah A. Habes, Deputy Clerk  
Charles Grieco, Village Attorney  
Ben Vilonen, DPW Crew Chief

Excused: Judith A. Kindron, Deputy Treasurer  
Maggie Hamilton, Director of Community Development  
Christopher J. Duquin, Trustee

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve the minutes of the regular meeting held on September 26, 2016 as submitted.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, it was moved to approve the minutes of the special meeting held on September 28, 2016, as submitted.

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, September 26, 2016, and left open until this meeting.

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

Motion carried. 4 – 0.

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Mayor Kulpa reported the Village Board has been working with the Food Truck Association for months on this issue. The Village Board has determined fees and conditions; annual rate or per-time use; allows inspections from other municipalities; Can do spot inspections.

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

1. Mitchell Stanger, attorney for Lloyds Products, Inc. – Thanked the Village Board for the opportunity for dialogue on this issue.
2. Jillian Suttell, General Manager of Lloyd Products, Inc. - Thanked the Board for working with them. Their concerns were adequately addressed. They welcome spot inspections. They consider this a progressive piece of legislation.

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

Motion carried. 4 – 0.

**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.**

\*This public hearing was first held on September 12, 2016 and left open. The public hearing was continued on September 26, 2016, at which time it was left open until this meeting.

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

Motion carried. 4 - 0.

Mayor Kulpa announced that no purchase offer has been submitted. The Village Board will keep this public hearing open. The Planning Board held a special work session on September 29, 2016 to discuss the proposal by Natale Development. Traffic & Safety Committee is waiting for a traffic study by GBNRTC to be submitted for their review and recommendations to the Planning Board. This is a Planning Board issue. Any transfer of property is a Village Board issue. The Village Board will not discuss transfer of property until the Planning Board gives their approval of the project.

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

1. Harry Conomos, 138 California Dr. – Believes his concerns are not being addressed; was never notified of “re-zoning” and he is within 150 ft. of the subject property; residential property zoning was raised; no DPW land at Lehigh Memory Trail; they are basically squatting; zoned 682 – recreational; only 40 S. Long has land for DPW.

*[Mayor Kulpa-Village Board is not a developer; not proposing development or land transfer.]* Village Board is trying to tweak this away from the Village residents.

*[Mayor Kulpa – Village Board has been clear all along. They are not soliciting proposals to sell property. C-3 parcel needed to be re-zoned and was done very publicly; couldn't shrink to R-2. ]* Objects to making the Planning Board lead agency in this matter.

2. Larry Zasowski, 70 Milton St. – Will put signs on his property stating that this is not a good deal. How can the residents have input in this to make any adjustments? Does not understand recommendations of dwellings per acre. 28 dwellings per acre is double the recommendation in the Community Plan. Neighbors were not notified. A lot of traffic, cars, people. *[Mayor Kulpa – Planning Board has not approved anything yet. Would get sued if changed zoning now. Planning Board has capacity to negotiate with property owner.]* How can residents influence the developer's proposal? *[Talk to Planning Board, attend Planning Board meetings. All public hearing comments go the Planning Board.]*

3. Dennis Hoban, 216 California Dr. – At meeting about a year ago, Deputy Mayor Duquin said “we are going to rezone S. Long; gun shop will be non-compliant and we'll put him out of business”; Village Board meetings are not being recorded properly due to buzzing sounds on tapes. *[We now have a better recording system.]* DPW side yard – if part of a park, cannot be easily sold. Natale bought property for 2.5 million. 5 acres. If that's the case then 1 acre DPW side yard site is worth \$500,000. *[Appraised at \$405,000 – assembled/\$360,000 - stand alone.]* If a park, DPW should not be using.

4. Henry Conomos, 138 California Dr. – Don't allow roadway. Don't need it.

5. Thomas Frank, 5403 Main St. – Consider option of trading Natale's property then relocating the DPW there. Put the higher density housing where DPW garage is now.

6. Rebecca Rohan, 99 Milton St. – Questioned comment that millennials are rejecting home ownership. Where did that come from?

7. Dennis Hoban, 216 California Dr. – Houses for sale in the Village get snapped up immediately. People in community prefer houses in that area. Anything else in village with apartment buildings with over 42 units? *[Georgetown Apartments and townhomes on Evans St., Carriage House Apartments at 6 E. Spring St.]*

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8. Joe Strapason, 128 California Dr. – Must reduce density of project; what was the property appraised at? [*Administrator Juul - \$405,000 assembled/\$360,000 - stand alone.*] Would Natale's purchase increase appraisal? [*Information given to appraisal company.*] Exiting onto Milton makes sense. How do we lower the density? Need to take a little control over this. Does not understand about size of building. [*R-3M requires a footprint of building can only be 10,000 sf unless the Planning Board gives a waiver to 15,000 sf. Village Attorney Grieco – only the planning Board can rule on this. Trustee Piazza – Recommended individuals send a letter to the Planning Board. Trustee DeLano urged concerned residents to show up at Planning Board meetings.*]

9. Dennis Hoban, 216 California Dr. – Who makes the final decision on sale of property? [*Village Board.*]

10. Tom Pecorraro, 245 California Dr. – Was at Planning Board meeting and they did an excellent job with Natale. Will continue to go to the Planning Board meetings; side yard might not be able to be sold. It may be park land. What is offset and what is process? Fire Dept. said they need 2 entrances/exits so they have room to turn around. What if they don't? [*Would have a large U-shaped driveway, possibly a second entrance on California or Milton.*]

11. Dennis Hoban, 216 California – Are residential and commercial properties in the Village taxed at the same rate? [*Yes.*]

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved at 8:54 p.m. to keep this public hearing open until the next Village Board meeting on October 24, 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.*]

Mayor Kulpa thanked the WNY Railway Society for a plaque in recognition of his support of the organization. Mayor Kulpa gave credit to the entire Village Board. He introduced Tom Stackhouse of the WNY Railway Society.

Tom Stackhouse, WNY Railway Society - Thanked the mayor for fostering good relations between the Village Board and the Railway Society. Mr. Stackhouse also thanked International Chimney for their help in saving the train depot many years ago.

Mayor Kulpa reported Mike Divita, owner of Sorrentino's, was at work session tonight to discuss live music events with the Board and when and where it is appropriate. It

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reaches a maximum at Labor Day and people are burned out. Needs to end by Labor Day from now on. Stopping time of 9:00 p.m. needs to be enforced. Oktoberfest was too early this year, and added to the “loud music overload” that impacted nearby Village residents. Looking for structural changes to Oktoberfest and some other events. Sorrentino’s wants to be a good partner. Some businesses push it.

Trustee DeLano stated he feels there has been much progress and Mr. Divita has been responsive to the complaints. In the future, he has agreed to relocate his bands from his patio’s Mill/Main corner to up against the brick wall on the east side of the patio.

1. Cheryl Meyer, 90 Willowbrook Dr. – Stated Sorrentino’s is the problem; noise issue has not improved. Suggested steps that should be taken such as enforcing the law; allowing music once per week; putting a maximum volume on what they allow; no music after Labor Day. She stated she loves the Village but so many bands playing at the same time on Thursdays is too much. Does not like seeing a bunch of drunken people. *[Trustee DeLano - he is in favor of revoking permits from those businesses that do not comply with the regulations imposed on them. Mayor Kulpa - he and Trustee DeLano will be working on this issue this winter.]*

2. Thomas Frank, 5403 Main Street – Main Street; Town of Amherst; NY Greenway; Inland Waterway project; Youngs Rd. Interchange; TAP; CMAS; NYSDOT; FHA

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

Motion carried. 4 – 0.

**Report – Mayor Kulpa**

No report.

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to approve all of Mayor Kulpa’s resolutions #1 - #5, as written.

Motion carried. 4 – 0.

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**KULPA #1 – ADOPTED 4 - 0:**

**RESOLVED**, that payroll and vouchers in the amount of **\$302,862.88** covering the period from 9/21/16 to 10/4/16, are hereby approved as follows:

**Payroll covering 9/19/16 – 10/2/16:** \$33,435.48

**Vouchers covering 9/21/16 – 10/4/16:**

General Fund	\$51,496.32
Water Fund	\$0.00
Sewer Fund	\$1,927.84
Glen Park Fund	\$465.98
Trust & Agency Fund	\$14,772.11
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$200,765.15</u>
	\$269,427.40

**GRAND TOTAL:** **\$302,862.88**

**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:	001-1110-4110 (Village Justices-Service Contracts)	\$11.00
From:	001-1110-4010 (Village Justices-Office Supplies)	\$11.00
To:	001-1640-4262 (Central Garage-Building Maint.)	\$232.00
From:	001-1640-4160 (Central Garage-Building Repairs/Maint.)	\$232.00
To:	001-3310-2000 (Traffic Control-Equip.)	\$221.00
From:	001-3310-4240 (Traffic Control-Street Painting & Crosswalks)	\$221.00
To:	001-3410-4160-3401 (Fire Protection-Truck Expense/Engine 1)	\$175.00
	001-3410-4160-3402 (Fire Protection-Truck Expense/Engine 2)	\$175.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$350.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1884.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1884.00

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To:	001-5110-4161-0901 (Street Maint.-Repairs/2012 Chevy Tahoe)	\$21.00
	001-5110-4161-0903 (Street Maint.-Repairs/2015 Dump Truck)	\$336.00
	001-5110-4161-0904 (Street Maint.-Repairs/2005 Freightliner)	\$50.00
	001-5110-4161-0909 (Street Maint.-Repairs/2013 Ford F-150 Pickup)	\$2450.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$2857.00
To:	001-7530-4450 (Village Meeting House-Misc.)	\$14.00
From:	001-7530-4230 (Village Meeting House-Maint.)	\$14.00
To:	001-8510-4450 (Community Beautification-Misc.)	\$59.00
From:	001-8510-4340 (Community Beautification-Plants)	\$59.00
To:	001-8560-1000 (Shade Trees-Personal Services)	\$4800.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$4800.00
To:	001-8560-4280 (Shade Trees-Equip. Rental)	\$1696.00
From:	001-8560-4350 (Shade Trees-Trees/Maint.)	\$1696.00

**KULPA #3 – ADOPTED 4 - 0:**

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

Increase:	001-0001-2411 (Lease on Mill Properties)	\$2000.00
Increase:	001-7540-4070 (Williamsville Water Mill-Utilities)	\$36.00
	001-7540-4071 (Williamsville Water Mill-Sewer Charges)	\$508.00
	001-7540-4110 (Williamsville Water Mill-Service Contracts)	\$432.00
	001-7540-4160 (Williamsville Water Mill-Building Repairs)	\$103.00
	001-7540-4230 (Williamsville Water Mill-Building Maint.)	\$16.00
	001-7540-4450 (Williamsville Water Mill-Misc.)	\$905.00

**KULPA #4 – ADOPTED. 4 - 0:**

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

Increase:	009-0009-2773 (Memorials-Pavers/Benches/Trees)	\$58.00
Increase:	009-7141-4490 (Glen Park Appropriations-Memorials/Pavers/Benches/Trees)	\$58.00

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**KULPA #5 – ADOPTED. 4 - 0:**

**RESOLVED**, that Williamsville Fire Chief Michael Measer, is hereby authorized to travel to Nashville, Tennessee to attend the Firehouse Expo from 10/18/16 to 10/21/16, at a cost not to exceed \$1,575.00, to be paid by the Village of Williamsville.

**Report – Trustee Yates**

No report.

**ON MOTION** by Trustee Yates, seconded by Trustee DeLano, it was moved to approve Trustee Yates' resolutions #1 and #2, as written.

Motion carried. 4 – 0.

**YATES #1 – ADOPTED. 4 - 0:**

**RESOLVED**, that *2016 Trick or Treat Night* in the Village of Williamsville is hereby officially designated as Monday, October 31<sup>st</sup>.

**YATES #2 – ADOPTED. 4 - 0:**

**RESOLVED**, that the proposed modification to Section 112-10 of the Village Code regarding enlargement of non-conforming structures, which was the subject of public hearings on July 25, August 15, September 12 and September 26, 2016, is hereby adopted as **Local Law 6 of 2016**.

**Report – Trustee DeLano**

*Trustee DeLano reported on the following topic(s):* Tree Planting Day will be the last Saturday in October at 9:00 a.m.

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

**RESOLVED**, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, November 14, 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 to modify Chapter 103 (Vehicles and Traffic) of the Village Code to prohibit left-hand turns from California Drive onto Main Street.

Motion carried. 4 – 0.

**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:

**WHEREAS**, the Village of Williamsville and the Town of Amherst have worked cooperatively on various items throughout the years, including the bidding of refuse collection and recycling; and

**WHEREAS**, the Town of Amherst received proposals for the collection, hauling and disposal of municipal solid waste, yard waste, and recyclables, and included the Village of Williamsville in their bidding process; and

**WHEREAS**, the proposals were opened by the Town of Amherst Purchasing Department on August 29, 2016; and

**WHEREAS**, the RFP process resulted in responses from three vendors; and

**WHEREAS**, the lowest proposal was received from Modern Disposal Services, Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of Trustees authorizes the Mayor to sign the final contract with Modern Disposal Services, Inc.

Motion carried. 4 – 0.

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*\*Trustee Piazza announced that he was tabling his resolution #2 regarding the TAP application.*

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

Motion carried. 4 – 0.

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

**WHEREAS**, Weaver Metal and Roofing, Inc. was awarded the bid for the replacement of the roof on the Williamsville Meeting House; and

**WHEREAS**, additional issues were found with the decking of the roof once the shingles were removed, and it was determined that additional decking needs to be installed on the entire roof surface;

**NOW, THEREFORE, BE IT RESOLVED**, that Change Order #2 to Weaver Metal and Roofing, Inc. is hereby authorized in the amount of \$15,370.87.

Motion carried. 4 – 0.

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

**WHEREAS**, the requirements of the State Environmental Quality Review Act (SEQRA) must be satisfied prior to the granting of approval for the Asher Crossing development on California Drive; and

**WHEREAS**, the project has been determined by the Williamsville Planning & Architectural Review Board as a Type I action for which a coordinated review will be completed, and as per section 617.6 of the regulations, an agency responsible for determining the effect of this project on the environment must be designated from among the involved agencies; and

**WHEREAS**, it is the intent of the Williamsville Planning Board to assume Lead Agency status for this project, and the Planning Board completed a Long Environmental Assessment Form;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board has no objection to designating the Planning Board as lead agency with respect to the project; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign the Lead Agency solicitation letter on behalf of the Village Board.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

**Staff Report(s):** None

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to open the Executive Session portion of the agenda at 9:30 p.m. to discuss a pending legal issue and to discuss personnel matters related to specific individuals.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee DeLano, it was moved to close the Executive Session portion of the agenda at 10:19 p.m.

Motion carried. 4 – 0.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 10:19 p.m.

Motion carried. 4 – 0.

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Lynda L. Juul  
Administrator/Clerk-Treasurer