

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Meeting House, 5658 Main Street, Williamsville, New York, on Monday, March 13, 2017 at 7:30 p.m.

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

Present: Brian J. Kulpa, Mayor
Daniel O. DeLano, Deputy Mayor
Basil J. Piazza, Trustee
John “Al” Yates, Jr., Trustee
Deb Rogers, Trustee

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer
Judith A. Kindron, Deputy Treasurer
Charles Grieco, Village Attorney
Maggie Hamilton, Director of Community Development

Excused: Ben Vilonen, DPW Crew Chief

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to approve the minutes of the regular meeting held on February 27, 2017 as submitted.

Unanimously carried.

Mayor Kulpa presented a proclamation to Capt. Patrick McKenna of the Amherst Police Dept.

Mayor Kulpa gave a PowerPoint presentation regarding the State of the Village.

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

Unanimously carried.

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

1. Cheryl Meyer, 90 Willowbrook Drive – Village growth; Historic Preservation issues; Items that need to be followed up on by the Village.

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2. Thomas Frank, 5403 Main St. – Great presentation by the Mayor; Imagine Amherst project; Power generation.
3. Jeff Voelkl, 118 N. Long St. – Governor Cuomo’s visit; Cost savings related to consolidation.
4. Dan Rider, 38 Garden Parkway – Budget slide of presentation: 40% employee, 40% sewer. Does 40% for sewer have labor salaries included?
5. Al Taylor, 165 N. Ellicott St. – Complimented Village on E. Spring Street Project; Status of construction for lower part of Rock St; Main Street letting date.
6. Bea Slick, 130 Hirschfield Dr. – Publicly congratulated Deb Rogers on her appointment as Trustee.
7. Chief John Askey, Amherst Police Dept. – Thanked the Mayor and Trustees for recognizing Capt. McKenna with the proclamation this evening.

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

No report.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adopt Mayor Kulpa’s resolutions #1 through #9, as written.

Unanimously carried.

KULPA #1 – ADOPTED. 5 - 0.

RESOLVED, that payroll and vouchers in the amount of **\$233,478.68** covering the period from 2/22/17 to 3/7/17, are hereby approved as follows:

Payroll covering 2/20/17 – 3/5/17:	\$34,112.59
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Vouchers covering 2/22/17 – 3/7/17:

General Fund	\$175,342.19
Water Fund	\$0.00
Sewer Fund	\$3,505.65
Glen Park Fund	\$307.23
Trust & Agency Fund	\$13,363.37
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$6,847.65</u>
	\$199,366.09

GRAND TOTAL: \$233,478.68

KULPA #2 – ADOPTED. 5 – 0.

To:	001-3410-4160-3405 (Fire Protection-Rescue 5 Expense)	\$1563.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$1563.00

KULPA #3 – ADOPTED. 5 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2016-2017* fiscal year to account for the use of funds assigned for the E. Spring Street project for change orders, which will fund change order #1 approved on 2/27/17:

Increase:	001-0001-0599 (Appropriated Surplus)	\$7425.00
Increase:	001-9950-9000 (Transfer to Capital)	\$7425.00

KULPA #4 – ADOPTED. 5 – 0.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the

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2016-2017 fiscal year to account for the use of funds assigned to Trees to cover over budget expenses:

Increase:	001-0001-0599 (Appropriated Surplus)	\$4289.00
Increase:	001-8560-4160 (Shade Trees-Repairs)	\$309.00
	001-8560-4280 (Shade Trees-Equipment Rental)	\$2095.00
	001-8560-4340 (Shade Trees-Trees/Removal)	\$1726.00
	001-8560-4360 (Shade Trees-Trees/Replacement/Regular)	\$159.00

KULPA #5 – ADOPTED. 5 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2016-2017** fiscal year to account for use of funds assigned to cover law/opinions:

Increase:	001-0001-0599 (Appropriated Surplus)	\$5193.00
Increase:	001-1420-4620 (Law/Attorney-Opinions)	\$5193.00

KULPA #6 – ADOPTED. 5 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2016-2017** fiscal year to account for the use of funds assigned from the 2016 JCAP Grant for the purchase of interior signage at Village Hall:

Increase:	001-0001-0599 (Appropriated Surplus)	\$1500.00
Increase:	001-1110-4099 (Village Justices-Grant Expenditures)	\$1500.00

KULPA #7 – ADOPTED. 5 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2016-2017** fiscal year to account for CDBG funds received on 2/3/17 for Meeting House roof expenses:

Increase:	001-0001-5031 (Inter-fund Transfers)	\$2856.00
Increase:	001-7530-2010 (Village Meeting House-Capital Improvements)	\$2856.00

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KULPA #8 – ADOPTED. 5 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2016-2017* fiscal year to account for CDBG funds received on 2/24/17 for Meeting House roof expenses:

Increase:	001-0001-5031 (Inter-fund Transfers)	\$500.00
Increase:	001-7530-2010 (Village Meeting House-Capital Improvements)	\$500.00

KULPA #9 – ADOPTED. 5 – 0.

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the *2016-2017* fiscal year to account for additional revenue and expenses related to Fire Protection Service:

Increase:	001-0001-2262 (Fire Protection Service-Other Gov't)	\$10,552.00
Increase:	001-3410-4220 (Fire Protection-Share/Fire District)	\$10,552.00

Mayor Kulpa announced he was tabling his resolution #10 (to lift the winter parking ban).

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

A BOND RESOLUTION, DATED MARCH 13, 2017, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK (THE "VILLAGE") AUTHORIZING (A) THE ACQUISITION OF FIRE-FIGHTING VEHICLES AND APPARATUS FOR USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$1,350,000, (B) THE EXPENDITURE OF \$175,000 FROM THE VILLAGE'S CAPITAL FIRE TRUCK RESERVE FUND, AND (C) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,175,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY TRADE-IN AMOUNTS AND ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED,

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AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village Board of Trustees of the Village of Williamsville, Erie County, New York (the "Village") has determined to acquire fire-fighting vehicles and apparatus; and

WHEREAS, the Village has previously established a reserve fund known as the Capital Fire Truck Reserve Fund established on January 23, 1984 (the "Reserve Fund"); and

WHEREAS, the Village anticipates it will receive approximately \$200,000 from the trade-in of other fire-fighting vehicles; and

WHEREAS, the Village has concluded that it is best to readopt the bond resolution considered at the February 27, 2017 Board meeting to correct a technical requirement related to publication;

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake the acquisition of fire-fighting vehicles and apparatus for use by the Village, including any preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the "Purpose"). The estimated maximum cost of said purpose is \$1,350,000.

SECTION 2. The Village Board of Trustees plans to finance a portion of the estimated maximum cost of the Purpose by the expenditure of \$175,000 from the Reserve Fund. The balance of such Purpose is to be funded by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,175,000 of the Village, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any trade-in amounts (estimated to be \$200,000) and any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such acquisition is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of such bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such purpose is a class of objects or purposes described in subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 20 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

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SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of

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Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 12. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of such Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

Unanimously carried.

Report – Trustee Piazza

Trustee Piazza reported on the following topic(s): Welcomed Deb Rogers to the Village Board; Finnegan’s Farewell show last weekend – thanked Lancaster Players and The Irishman.

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

RESOLVED, that the Village Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees at 7:30 P.M. on Monday, March 27, 2017, in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in expressing an opinion on the proposed **2017-2018** Village budget, which includes the following:

- General Fund
- Water Fund
- Sewer Fund
- Glen Park Activities Fund
- Debt Service Fund

Unanimously carried.

Report – Deputy Mayor DeLano

Deputy Mayor DeLano reported on the following topic(s): Welcomed Deb Rogers to the Board; Semi-annual tree planting will be 5/6/17; Arbor Day/Earth Day is 5/20/17; Comments regarding board members not responding is untrue and uncalled for.

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

RESOLVED, that the proposed modification to Chapter 70 (Parks and Public Areas) of the Village Code which restricts unaccompanied minors from being in the parks after dusk, is hereby adopted as **Local Law 4 of 2017**.

Unanimously carried.

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

RESOLVED, that the proposed modification to Chapter 103 (Vehicles and Traffic) of the Village Code which would remove No Parking in the Public Right-of-Way from certain areas of the Village, is hereby adopted as **Local Law 5 of 2017**.

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Unanimously carried.

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

RESOLVED, that the proposed modification to Chapter 103 (Vehicles and Traffic) of the Village Code which would correctly identify the intersection of the connecting street (between Evans Street and Main Street) as a stop intersection and not a yield intersection, is hereby adopted as **Local Law 6 of 2017**.

Unanimously carried.

ON MOTION by Deputy Mayor DeLano, seconded by Trustee Rogers, it was moved to adopt the following resolution:

RESOLVED, that the proposed modification to Chapter 103 (Vehicles and Traffic) of the Village Code which would add Section 103-23 (Prohibited Turns at Intersections) to prohibit left turns from California Drive onto Main Street, Monday through Friday, 7:00 a.m. to 7:00 p.m., is hereby adopted as **Local Law 7 of 2017**; and

BE IT FURTHER RESOLVED, that the New York State Dept. of Transportation is hereby requested to install the appropriate signage related to this turn restriction.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Thanked the Mayor for his presentation. Really nice to have Deb Rogers on the Village Board.

Trustee Yates had no resolutions on the agenda.

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Report – Trustee Rogers

Trustee Rogers reported on the following topic(s): Great presentation by the mayor; Honored to be on the Village Board. Thanked all at Village Hall for their help; Tom Frank is a wealth of knowledge.

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

RESOLVED, that *Julie Yates* of *120 Milton St., Williamsville, New York*, is hereby appointed *Chairperson* of the *Meeting House Committee* until the end of the *2016-2017* official Village year.

Unanimously carried.

Staff Reports

Administrator Juul reported on the following topic(s): Welcomed Deb Rogers to the Village Board. Is looking forward to working with her.

Deputy Treasurer Kindron reported on the following topic(s): Great presentation by the Mayor. Happy to be at the Meeting House.

ON MOTION by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adjourn the regular meeting at 8:53 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer