

**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, May 22, 2017 at 7:30 p.m.**

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

In observance of Memorial Day, Mayor Kulpa asked for a moment of silence for those who have given their lives to our country.

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

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

**PROCLAMATION** – Mayor Kulpa read a proclamation that was given to the Eagle House Restaurant in honor of receiving the Small Business of the Year award from the Amherst Chamber of Commerce.

**ON MOTION** by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to approve the minutes of the regular meeting held on April 24, 2017 as submitted.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Trustee Piazza, 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. Dave Bauer, 102 Oakgrove Dr. – Thanked Dan DeLano for his involvement and accessibility. Concerned about parking related to Castle estate sale in April. Oakgrove is a glorified parking lot. Requesting one-sided parking on Oakgrove.

**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, May 22, 2017 at 7:30 p.m.**

2. Lauren Rybicki, 55 Oakgrove Dr. – Loves Music on Main but there should not be parking on both sides of their street.

3. Greg Vanderhorst, 95 Oakgrove Dr. – Street is too narrow in the winter. Wants parking restricted. Could be a good revenue source.

4. Maureen Gioia, 88 Oakgrove Dr. – Has an issue with parking in front of fire hydrant during Castle estate sale, Old Home Days, etc.

5. Cheryl Meyer, 90 Willowbrook – Agrees with Oakgrove residents. What is the Village doing regarding suing the people running the estate sale? Will tree planting on Willowbrook be done in the fall? *[Deputy Mayor DeLano – Yes, by fall. Mayor Kulpa – Asked department heads about restorative costs related to estate sale – working on it – if damages are in right-of-way, let Ben know. Working on a letter.]*

6. Fred Gioia, 88 Oakgrove Dr. – In favor of one-sided parking on Oakgrove. In the winter there have been issues where the school bus could not get down the street.

7. Robert Dixon, 128 Oakgrove Dr. – Was assaulted on his property during Castle estate sale. Wife was very appreciative of concern of the Village.

8. Chuck Akers, 170 S. Cayuga Rd. – In favor of one-sided parking. Hoping it is not implemented on S. Cayuga.

9. Lauren Rybicki, 55 Oakgrove Dr. – Asked for a show of hands of those from Oakgrove to show who is in favor or opposed to removing parking on one side of the street.

*[None were opposed to one-sided parking. Mayor Kulpa explained the process: Village refers the matter to Traffic & Safety Committee for review, they respond, if Village Board moves forward, need to call for a public hearing which is held approximately one month later. Could do something temporarily since it takes time to change a local law. Has some concern. Can increase traffic volume and speed. Will call for a public hearing at next Village Board meeting. Traffic & Safety Committee will discuss it on first Thursday of the month.]*

10. Nick Roth, 135 Oakgrove Dr. – Can parking be restricted to one-side for Old Home Days? *[Kulpa – Yes.]*

11. Cheryl Meyer, 90 Willowbrook – People attending Castle estate sale were ridiculous. Who should have hired security? *[Kulpa-Village should not have to hire security. We would have liked to have known about this in advance in order to coordinate and be better prepared. He is asking for a way to be informed of these types of events ahead of time.]* Would like to see a copy of the letter that is sent.

**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, May 22, 2017 at 7:30 p.m.**

12. Vic Paquet, 43 Howard Ave. – Has issue with 5K races spray painting the ground. Should not accept this. Wants to ensure the race organizers get rid of the spray paint. Should have volunteers who direct people. No need for any paint on the ground – Should eliminate.

13. Amy Carrato, 162 N. Long St. – Their road looks horrible from all the black lines. *[Deputy Mayor DeLano - It is crack seal and prolongs the life of the roadway.]*

14. John Benz, 34 Howard Ave. – Was Sts. Peter & Paul notified not to use spray paint?

15. Larry Zasowski, 70 Los Robles – What is the next step for California Dr. development? *[Kulpa – Developer will not wait forever. Has asked for a Planning Board process for a phased project. Village resident at California and Milton that manages a company that helps organizations form questions has offered to work with the Village. They will be working with a group of residents – probably Planning and Zoning members. July – will have a directive of where they are heading.]*

16. John Benz, 34 Howard Ave. – Who will be answering the question? What can be done with no land swap and no sale of DPW side yard? *[Kulpa – had over 100 people at a public hearing, 23 said want a land swap, 12 said they don't want a land swap. It's a fairly narrow margin.]* If more residents want a land swap, then have a swap.

17. Lauren Rybicki, 55 Oakgrove Dr. – Will there be a poll? *[Kulpa – Yes, he would like that, but can't speak for the entire board. There has been no huge influx of opinions at this point.]* Laws can be changed about parking. A land swap can change everything forever. Would like to see a questionnaire and publicity that there will be a questionnaire and what the outcomes could be.

18. Unknown man – Can't Village just send out a questionnaire?

19. Carol Bartlo, 55 California Dr. – Things went quiet because waiting for alternatives – stated at public meeting that need alternatives. *[Kulpa – Natale is not interested in chasing alternatives. Village has no planner on staff and would need to hire someone. Path is to figure out what people want and don't want.]* Also said would get a baseline – still don't know what the baseline is or what can be built under the code on the existing property that Natale owns. Why would Natale start construction on a phased plan? *[Need demolition, have not had opposition to the townhomes on the east side of California Drive.]* Who would be on the committee? Should not be Planning or Zoning members. Still against any land swap or apartments on S. Long St.

20. Unknown woman – Does not want apartments on S. Long Street.

21. Amy Carrato, 162 N. Long St. – No land swap. Developer should develop on land they own. No parkland alienation. On questionnaire, should show what losing and what gaining specifically.

**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, May 22, 2017 at 7:30 p.m.**

22. Carrie Ansell, 106 Milton St. – In favor of the land swap. Fine with townhouses. Resident who has offered to help with questionnaire has already been vocal about where he stands. If move forward with questionnaire should go with an independent 3<sup>rd</sup> party.

*[Trustee Rogers – Asked who wants the Village Board to make a decision and who wants a questionnaire. Approximately 10 were in favor of making a decision. Approximately 6 people were in favor of forming a committee to create a questionnaire.]*

23. Frank McCarthy, 94 Pasadena Pl. – People don't understand the process or come to regular Village Board meetings that aren't advertised as being for the project. Need to get a bigger crowd.

24. Chuck Akers, 170 S. Cayuga Rd. – Has an issue with ball diamond. What about long balls? If walking down trail shouldn't have to worry about getting hit by a ball.

25. John Benz, 34 Howard Ave. – Had plan since 2015. Spent 9 months waiting for California to show up. Should vote tonight. Running ourselves into a lawsuit.

*[Trustee Piazza – Did say he would like another alternative. Expensive and impractical. Process should not cost the Village a lot of money. Trying to benefit as many as possible.]*

26. Tom Pecararo, 245 California Dr. – John Benz stopped and notified him a year and a half ago about this project. It's time to vote. Do it as fast as possible.

27. Carol McCarthy, 94 Pasadena Pl. – Don't know how you explain the intricacies in a mailing. A poll may not be understood. Encouraged the Village Board to vote.

28. Carolyn Schlifke, 192 Evans St. – Will never satisfy everyone. Vote for what is best for the Village overall. May get answers on a survey from people who don't have all the facts. Have listened for months – need to make a decision.

29. John Benz, 34 Howard Ave. – Village Board is doing a great job. Won't win one way or another.

*[Village Attorney Grieco – Village Board cannot vote on anything tonight. The process is: Complete SEQRA; Adopt home rule message; Send to State Legislature; State Legislature approves; Village Board approves; Time frame could be anytime from 30 days to an unknown amount of time.]*

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

Unanimously carried.

**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, May 22, 2017 at 7:30 p.m.**

**Report – Mayor Kulpa**

*Mayor Kulpa reported on the following topic(s): Grant applications.*

**ON MOTION** by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adopt Mayor Kulpa's resolutions #1 through #3, as written.

Unanimously carried.

**RESOLVED**, that payroll and vouchers in the amount of **\$446,060.82** covering the period from 4/19/17 to 5/16/17, are hereby approved as follows:

**Payroll covering 4/17/17 – 4/30/17:** \$34,251.71

**Payroll covering 5/1/17 – 5/14/17:** \$38,469.60

**Vouchers covering 4/19/17 – 5/2/17:**

General Fund	\$74,709.13
Water Fund	\$0.00
Sewer Fund	\$1,660.80
Glen Park Fund	\$2,114.09
Trust & Agency Fund	\$13,706.26
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$107,183.22</u>
	\$199,373.50

**Vouchers covering 5/3/17 – 5/16/17:**

General Fund	\$99,001.81
Water Fund	\$0.00
Sewer Fund	\$3,157.73
Glen Park Fund	\$770.83
Trust & Agency Fund	\$15,508.51
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$55,527.13</u>
	\$173,966.01

**GRAND TOTAL:** **\$446,060.82**

Unanimously carried.

**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, May 22, 2017 at 7:30 p.m.**

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

To:	001-3410-4160-3471 (Fire Protection/ATV 7-1 Expense)	\$807.00
From:	001-3410-4161 (Fire Protection/Sm. Engine Maint.)	\$807.00
To:	001-3410-4160-3409 (Fire Protection/Car 9 Expense)	\$283.00
From:	001-3410-4161 (Fire Protection/Sm. Engine Maint.)	\$283.00

Unanimously carried.

**RESOLVED**, that the following *budget amendment* is hereby made in the *General Fund* for the *2016-2017* fiscal year to account for the use of the DPW Truck Equipment Capital Reserve Funds to make payment #2 (of 5) on the 2015 plow truck:

Increase:	001-0001-0599 (Appropriated Surplus)	\$27,000.00
Increase:	001-9950-9000 (Transfer to Capital (#801))	\$27,000.00

Unanimously carried.

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

**WHEREAS**, the Code Enforcement Officer of the Village of Williamsville has inspected the building at 96 S. Long St. (“Subject Building”); and

**WHEREAS**, such inspection has identified structural issues including rotted floors, a failing roof, bowing exterior walls, and black mold, resulting in dangerous and unsafe conditions; and

**WHEREAS**, the Subject Building has remained unoccupied for a period of over 5 years, and because of damage and destruction to doors, windows, and other portals, as well as other physical deterioration, this building constitutes a hazard to health and safety; and

**WHEREAS**, in accordance with Section 15 of the Village Code, the Code Enforcement Officer has recommended demolition of the Subject Building in a letter to the Village Board of Trustees, dated May 18, 2017;

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 15-5 of the Village Code, the Village Board of Trustees hereby orders demolition of 96 S. Long St., which is to be commenced within 15 days of receipt of the demolition order by the record owner of the Subject Building and which demolition shall be completed within 60 days of receipt to said order; and

**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, May 22, 2017 at 7:30 p.m.**

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall constitute the demolition order specified in Section 15-5 of the Village Code and the Village Administrator is hereby directed to serve said demolition order upon the record owner of the Subject Building by certified mail, return receipt requested, or by personal service, as soon as practicable.

Roll call:                   Trustee Rogers – Yes  
                                  Trustee Yates – Yes  
                                  Trustee Piazza – Yes  
                                  Deputy Mayor DeLano – Abstained (Relationship to property owner)  
                                  Mayor Kulpa - Yes

Motion carried. 4 – 0.

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

**RESOLVED**, that Change Order #5, for additional work on the Fire Dept. Driveway Apron Replacement Project by Oddo Construction, is hereby approved as follows:

*Change Order #5 – Additional stone and excavation on front ramp - \$4,360.00*

Unanimously carried.

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

**RESOLVED**, that Change Order #6, for additional work on the Fire Dept. Driveway Apron Replacement Project by Oddo Construction, is hereby approved as follows:

*Change Order #6 – Replacement of aluminum railings - \$6,830.00*

Unanimously carried.

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

**RESOLVED**, that Change Order #7, for additional work on the Fire Dept. Driveway Apron Replacement Project by Oddo Construction, is hereby approved as follows:

*Change Order #7 – Replacement of sidewalk area at back of Village Hall - \$9,030.00*

**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, May 22, 2017 at 7:30 p.m.**

Unanimously carried.

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

**RESOLVED**, that Fire Chief Michael Measer of the Williamsville Fire Department is hereby authorized to travel to Harrisburg, PA, to attend the Fire Expo, from May 19 to May 21, 2017, in an amount not to exceed \$210.00, to be paid by the Village of Williamsville.

Unanimously carried.

**Report – Trustee Yates**

*Trustee Yates reported on the following topic(s):* Farmers Market - Thanked the market managers, Ellie Grenauer and DPW; Earth Day Celebrations – Thanked Environmental Committee.

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

**RESOLVED**, that the proposal from Flynn Battaglia Architects for an Intensive Level Survey of 39 properties on S. Cayuga Rd., is hereby approved in the amount of \$17,240.00.

Unanimously carried.

**Report – Trustee Rogers**

*Trustee Rogers reported on the following topic(s):* Farmers Market - Thanked the market managers, Ellie Grenauer and DPW; Earth Day Celebrations – Thanked Environmental Committee.

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

**RESOLVED**, that the Mayor is hereby authorized to sign the license agreement with the Williamsville Farmers Market for the 2017 season.

Roll call: Trustee Rogers – Yes  
Trustee Yates – Abstained (Treasurer of Village Preservation Foundation)  
Trustee Piazza – Yes

**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, May 22, 2017 at 7:30 p.m.**

Deputy Mayor DeLano – Yes  
Mayor Kulpa - Yes

Motion carried. 4 – 0.

**Report – Trustee Piazza**

*Trustee Piazza reported on the following topic(s):* Zoning Board of Appeals; Memorial Day Ceremony is at 11:00 a.m. at the Williamsville Cemetery. Parade is at 2:00 p.m.

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

**A BOND RESOLUTION, DATED MAY 22, 2017, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$550,000 AND AUTHORIZING (A) THE APPLICATION OF UP TO APPROXIMATELY \$300,000 IN GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION AND (B) THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$250,000 SUCH AMOUNT TO BE FURTHER OFFSET BY ANY ADDITIONAL FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, 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, in the County of Erie, New York (the “Village”) desires to undertake a roads reconstruction and resurfacing capital improvements project in the Village;

NOW THEREFORE,

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

SECTION 1. The Village is hereby authorized to undertake the reconstruction of and construction of improvements to various roads in the Village, including all preliminary work and necessary equipment, materials and related site work and any preliminary costs and costs

**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, May 22, 2017 at 7:30 p.m.**

incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$550,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by (a) the application of approximately \$300,000 of grant funds from the NYSDOT Consolidated Local Street and Highway Improvements Program and (b) the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of such serial bonds, in an aggregate principal amount not to exceed \$250,000 such amount to be further offset by any additional federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 20(b) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is ten 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.

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, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 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 said bonds, and the renewals of said 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.

**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, May 22, 2017 at 7:30 p.m.**

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 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 were 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

**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, May 22, 2017 at 7:30 p.m.**

2. such obligations were 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 said 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.

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

**RESOLVED**, that the proposal from William Schutt & Associates for engineering services related to the 2017 Asphalt Replacement Project, is hereby approved in the amount of \$11,530.00.

Unanimously carried.

**Report – Deputy Mayor DeLano**

*Deputy Mayor DeLano reported on the following topic(s):* Thanked those involved with Earth Day and Arbor Day and DPW for their assistance; Tree planting.

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

**RESOLVED**, that the proposal from DiDonato Associates for a feasibility study related to the Cadman Drive Green Infrastructure Project CFA grant application, is hereby approved at a cost not to exceed \$11,400.00

Unanimously carried.

**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, May 22, 2017 at 7:30 p.m.**

**Staff Reports - None**

**ON MOTION** by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to open the Executive Session at 9:26 p.m. for the purpose of discussing the potential purchase of property and a personnel issue.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to close the Executive Session at 10:18 p.m.

Unanimously carried.

**ON MOTION** by Mayor Kulpa, seconded by Deputy Mayor DeLano, it was moved to adjourn the regular meeting at 10:18 p.m.

Unanimously carried.

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Lynda L. Juul  
Administrator/Clerk-Treasurer