

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, July 23, 2018 at 7:30 p.m.

The meeting was opened at 7:53 p.m. with the Pledge of Allegiance led by DPW Crew Chief Vilonen.

Present: Daniel O. DeLano, Jr., Mayor
Basil J. Piazza, Deputy Mayor
Deborah L. Rogers, Trustee
John "Al" Yates, Jr., Trustee
Matthew J. Etu, Trustee

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

Proclamation - Mayor DeLano read a proclamation for the opening of the Alix Rice Peace Park.

ON MOTION by Mayor DeLano, seconded by Trustee Yates, it was moved to approve the minutes of the regular meeting held on June 25, 2018, as submitted.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved to approve the minutes of the annual Re-organization meeting held on July 2, 2018, as submitted.

Unanimously carried.

Public Hearing

Proposed amendment to Chapter 112 of the Village Code (Zoning), which would specify how lots spanning multiple zoning districts are regulated.

The Administrator read aloud the public hearing notice as it appeared in the July 11, 2018 Amherst Bee.

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ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to open the public hearing at 7:59 p.m.

Unanimously carried.

Member(s) of the audience who addressed the Board and their comment(s):

Jean Stadelman, 56 Garrison Rd. – Thanked the Board for the proposed change.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved at 8:00 p.m. to close the public hearing.

Unanimously carried.

<p style="text-align: center;">Public Hearing</p>
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<p style="text-align: center;"><i>Proposed amendment to Chapter 84 of the Village Code (Signs)</i></p>
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The Administrator read aloud the public hearing notice as it appeared in the July 11, 2018 Amherst Bee.

ON MOTION by Mayor DeLano, seconded by Trustee Yates, it was moved to open the public hearing at 8:03 p.m.

Unanimously carried.

Representatives of the Steinmetz Planning Group gave a presentation on the proposed sign code.

Member(s) of the audience who addressed the Board and their comment(s):

1. Vic Paquet, 43 Howard Ave. – Chairperson of the Sign Code Committee. Thanked the Board for undertaking the sign code revisions. Thanked the committee, elected officials and the Village staff. Asked the Board to strongly consider, amend and adopt the revised code.
2. Mike Divita, Sorrentino's – Concerned with his building being setback. Needs the light on his pole sign. Encouraged the board to make changes. Setbacks cause concern. Has a pole sign, bottom of which is 6 ½' or 7' from the ground. *[Trustee Rogers – Asked if there is an alternative for this situation.]* Molly Gaudio of Steinmetz Planning stated that a pole sign is when the distance from the ground to bottom of sign is greater than 3'. Ground sign – Distance from the ground to bottom

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of sign is less than 3'. Illumination is not prohibited. Current sign code allows a 6' ground sign, proposed code allows only 4'.

3. Wendy Read, 5661 Main St., Read's Laundry and Dry Cleaning – Issue is also safety if sign reduces visibility, can't see a bike.
4. Marty Zwierzchowski, Marty's Formal Wear, 5548 Main St. – Key Bank sign is a hazard – can't see pedestrians. Could see a pedestrian with a pole sign.
5. Larry Brenton, 31 Monroe Dr. – Unaware signs would be discussed tonight. How low can a sign go? [*Ground sign – 0' – 3'.*] Don't want to create a safety hazard. [*Molly Gaudioso – There are safety provisions within the code; ground signs must go to the Planning Board.*]
6. Larry Read, Read's Laundry and Dry Cleaning, 5661 Main St. – Has a pole sign – would he have to replace it? What is the setback from the right-of-way? [*Molly Gaudioso – no closer than 5' from inner edge of sidewalk and 15' from inner edge of street.*] When will the sign code be adopted? Stated he would be willing to lower his pole sign and move it back.
7. Doug Richardson, 221 Hirschfield Dr. – Issue with the "For Sale" signs regarding placement and staying up once the "sold" sign is added.
8. John Steinmetz, Steinmetz Planning Group – Can bring other regulatory options to the table if they fit for the Village of Williamsville.

ON MOTION by Mayor DeLano, seconded by Trustee Yates, it was moved to continue the public hearing on August 27, 2018.

Unanimously carried.

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

Unanimously carried.

Member(s) of the audience who spoke and their topic(s):

1. Larry Brenton, 31 Monroe Dr. – Main and Mill will have a bump out and no right-hand turn lane. [*That is incorrect. Paint on the street surface is for saw cut. Will still*

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have two lanes exiting Mill St.] Stone marker on Main Street bridge is disintegrating due to road salt. If not removed, should put up a plaque. Airbnb issues (garbage, etc.) [Village Attorney Grieco – Not illegal unless principally used for commercial purposes.]

2. Monica Zucco, Yoga teacher – Wants to offer free yoga classes in a Williamsville park. On Wednesdays there is Independent Health’s Fitness in the Park. *[She submitted paperwork to Administrator Juul.]*
3. Carolyn Schlifke, 192 Evans St. – Asked why Taste of Williamsville event has been done away with. *[Trustee Yates – Lack of volunteers and lack of money. Will try to re-invent it.]* What happened to concerts in Island Park? *[Lack of volunteers.]* Stop signs in village not visible due to low hanging branches. Reported there are three or four houses on Evans St. with property maintenance issues such as 2’ weeds and cars parked on the lawns.
4. Dan Rider, 38 Garden Parkway – Zombie house *[Village owns it.]* Submitted drawing of potential modifications to Darling/ S. Long site.
5. Thomas Frank, 5403 Main St. – TAP grant application; GBNRTC; WNY Regional Development Council; CFA; I Love NY; Historic Preservation Commission; LWRP.

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

Unanimously carried.

Report – Mayor DeLano

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

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

RESOLVED, that the following ***budget transfers*** are hereby made in the ***General Fund*** for the **2017-2018** fiscal year:

To:	001-3410-2025 (Fire Protection – Capital Improvements)	\$2,091.00
From:	001-3410-2010 (Fire Protection –Major Equipment)	\$110.00
	001-3410-2070 (Fire Protection – Office Equipment)	\$207.00
	001-3410-4040 (Fire Protection – Education Exp./Travel)	\$479.00
	001-3410-4110 (Fire Protection – Service Contracts)	\$122.00

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001-3410-4180 (Fire Protection – Radio Repairs)	\$108.00
001-3410-4280 (Fire Protection – EMS Supplies)	\$172.00
001-3410-4440 (Fire Protection – Central Alarm)	\$20.00
001-3410-4070 (Fire Protection – Utilities)	\$873.00
To: 001-3620-1000 (Safety Inspection – Personal Services)	\$356.00
From: 001-3410-1000 (Fire Protection – Personal Services)	\$356.00

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *Glen Park Fund* for the 2017-2018 fiscal year:

To: 009-7141-2010-0001 (Glen Park – Capital Improvements/Security Cameras)	\$6,759.00
009-7141-4109 (Glen Park – Insurance)	\$63.00
From: 009-7141-2010 (Glen Park – Capital Improvements)	\$5,909.00
009-7141-4070 (Glen Park – Utilities)	\$154.00
009-7141-4163 (Glen Park – Lighting Fixtures)	\$100.00
009-7141-4351 (Glen Park – Park Supplies)	\$350.00
009-7141-4352 (Glen Park – Park Maintenance)	\$309.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the 2017-2018 fiscal year to account for one-half of funding (Grant) due from Erie County for Co-op:

Increase: 001-0001-2770 (Miscellaneous Revenue)	\$3,500.00
Increase: 001-6410-4925 (Publicity/Marketing)	\$3,500.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the 2017-2018 fiscal year to account for receivable due from NYS on a portion of the DASNY grant for the Fire Dept., for work completed as of 5/31/18:

Increase:	001-0001-3090 (State Aid Grants)	\$69,291.00
Increase:	001-3410-4099 (Fire Protection/Grant Expenditures)	\$69,291.00

Unanimously carried.

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

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the 2017-2018 fiscal year to account for the use of assigned funds to cover the Village's 30% share of the DASNY Grant expended in fiscal year ending 5/31/18:

Increase:	001-0001-0599 (Appropriated Surplus)	\$29,696.00
Increase:	001-3410-4099 (Fire Protection/Grant Expenditures)	\$29,696.00

Unanimously carried.

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

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the 2018-2019 fiscal year:

To:	001-1620-4071 (Buildings – Sewer Charges)	\$2.00
From:	001-1620-4070 (Buildings – Utilities)	\$2.00
To:	001-1640-4071 (Central Garage – Sewer Charges)	\$189.00
	001-1640-4450 (Central Garage – Misc.)	\$45.00
From:	001-1640-4070 (Central Garage – Utilities)	\$189.00
	001-1640-4260 (Central Garage – Maintenance Supplies)	\$45.00
To:	001-3310-4620 (Traffic Control – Uniform)	\$30.00
From:	001-3310-4041 (Traffic Control – Mileage Reimbursement)	\$30.00

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To:	001-3410-4160-3406 (Fire Protection – Truck Exp./Ladder 6)	\$450.00
	001-3410-4160-3407 (Fire Protection – Truck Exp./Rescue 7)	\$688.00
From:	001-3410-4160 (Fire Protection – Truck Expense)	\$1,138.00
To:	001-5110-4000 (Street Maint. – Seasonal Help)	\$1,189.00
From:	001-5110-1000 (Street Maint. – Personal Services)	\$1,189.00
To:	001-5110-4161-0905 (Street Maint. – Repairs/2007 Int’l Dump)	\$2.00
	001-5110-4161-0915 (Street Maint. – Repairs/2013 Ravo Sweeper)	\$130.00
From:	001-5110-4161 (Street Maint. – Repairs/Equip.)	\$132.00
To:	001-7110-4071 (Parks – Sewer Charges)	\$402.00
	001-7110-4162 (Parks – Repairs/Pool)	\$2,191.00
	001-7110-4450 (Parks – Misc.)	\$59.00
	001-7110-4920 (Parks – CPR & First Aid Training)	\$114.00
From:	001-7110-4070 (Parks – Utilities)	\$402.00
	001-7110-2010 (Parks – Capital Improvements)	\$2,191.00
	001-7110-4350 (Parks – Pool Supplies)	\$173.00
To:	001-8510-2000 (Community Beautification – Equipment)	\$29.00
	001-8510-4450 (Community Beautification – Misc.)	\$6.00
From:	001-8510-4340 (Community Beautification – Plants)	\$35.00
To:	001-8560-4160 (Shade Trees – Repairs)	\$147.00
From:	001-8560-4280 (Shade Trees – Equipment Rental)	\$147.00

Unanimously carried.

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

RESOLVED, that payroll and vouchers in the amount of **\$1,343,652.03** covering the period from 6/20/18 to 7/17/18 are hereby approved as follows:

Payroll covering 6/11/18 – 6/24/18:	\$37,364.12
Payroll covering 6/25/18 – 7/8/18:	\$32,500.81
Vouchers covering 6/20/18 – 7/3/18:	
General Fund	\$189,083.78
Water Fund	\$0.00

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Sewer Fund	\$1,845.68
Glen Park Fund	\$1,275.77
Trust & Agency Fund	\$14,594.58
Debt Service	\$4,162.50
Community Development	\$0.00
Capital Fund	<u>\$0.00</u>
	\$210,962.31

Vouchers covering 7/4/18 – 7/17/18:

General Fund	\$207,940.42
Water Fund	\$0.00
Sewer Fund	\$45,584.95
Glen Park Fund	\$200.73
Trust & Agency Fund	\$10,098.69
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$799,000.00</u>
	\$1,062,824.79

GRAND TOTAL: **\$1,343,652.03**

Unanimously carried.

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

RESOLVED, that the proposal dated February 9, 2018, from DiDonato Associates for additional engineering services relating to revisions to the South Long Street Green Infrastructure Design Project, is hereby approved, in an amount not to exceed \$10,500.

Unanimously carried.

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

WHEREAS, sewer extensions in Erie County are regulated by the NYS Department of Environmental Conservation; and

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WHEREAS, Municipalities, sewer districts, and/or project consultants must conduct a Downstream Sewer Capacity Analysis (DSCA) and document whether there is adequate sewer capacity for the peak wastewater flow from a proposed sewer extension; and

WHEREAS, if the DSCA indicates a lack of sewer capacity for the proposed sewer extension, the DEC requires inflow and infiltration (I/I) flow offsets which achieve a minimum reduction of 4 gallons of I/I for every 1 gallon of new peak wastewater flow, and this requirement was developed by the DEC as an alternative to a moratorium on sewer extensions;

NOW, THEREFORE, BE IT RESOLVED, that the following policy is hereby implemented as the Village of Williamsville I/I Reduction Policy:

Payment of \$250 per gallon per minute of peak sanitary sewer flow x 4

BE IT FURTHER RESOLVED, that such payment shall be held in a Village of Williamsville Trust Fund, to be used towards a project that will lead to I/I reduction in the affected area.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, the following resolution was

WHEREAS, the Streamlining the Rapid Evolution and Modernization of Leading-edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act (S. 3157) has been introduced to the US Senate Commerce Committee; and

WHEREAS, achieving broadband ubiquity is an important and necessary goal for all municipalities in New York State and across the country, however, this legislation would severely restrict local governments' authority to regulate wireless facilities, grant wireless service providers unfettered rights of access to the municipal right-of-way (ROW), mandate specific application procedures for wireless facilities installed in the ROW, and eliminate the ability of local governments to obtain a fair return for wireless equipment installed on taxpayer property; and

WHEREAS, during the 2018-2019 state budget negotiations, the wireless industry pursued a similar proposal in New York that attempted to achieve many of the elements present in this bill, and the industry's effort was met with overwhelming opposition from New York's municipalities dedicated to protecting the safety and welfare of New Yorkers and guarding against the misappropriation of taxpayer property; and

WHEREAS, Local governments across New York State support the proliferation of broadband technology, especially in our underserved and rural communities, however, achieving meaningful internet access throughout the state will not be advanced by this legislation; and

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WHEREAS, maintaining the public ROW is an essential function of local governments and their capacity to protect the public's health, safety, and welfare and preserve the character of communities, and the standard provided in this bill would fundamentally impinge on the ability and responsibility of local governments to make well-reasoned decisions in the best interest of their residents; and

WHEREAS, this bill would usurp local government authority to address particularized public safety and aesthetic concerns related to the installment of such facilities by limiting the factors that a municipality may include when reviewing a wireless application, and reducing the amount of time a local government has to consider the application; and

WHEREAS, under this legislation, the failure to issue a determination on an application would result in the application's automatic approval; and

WHEREAS, this legislation also seeks to limit how much a municipality may charge a wireless provider when renting space on municipally owned structures, and compelling local governments to charge below-market rates for the use of public structures will foster the already inequitable deployment of broadband technologies, and limiting the fees that municipalities may charge a wireless applicant to the direct and actual cost of the installation will eliminate the ability of local governments to receive fair compensation for the use and maintenance of public property;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees vigorously opposes this legislation and urges you to reject this proposal; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Senator Charles Schumer, Senator Kirsten Gillibrand, and Congressman Brian Higgins.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved to leave the regular agenda to consider an additional resolution.

Unanimously carried.

Mayor DeLano announced the following:

Pursuant to Municipal Home Rule Law, Section 20(4), as the Mayor of the Village of Williamsville, I hereby issue a message of necessity stating that, due to the absence of a regularly scheduled meeting of the Village Board until August 27, 2018, it is necessary for the Board to act on the proposed Local Law 11 of 2018 regarding the regulation of lots within multiple zoning districts.

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

RESOLVED, that **Local Law No. 11** amending Chapter 112 (Zoning) of the Village Code regarding the regulation of lots within multiple zoning districts is hereby adopted.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to return to the regular agenda.

Unanimously carried.

Report – Deputy Mayor Piazza

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

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

WHEREAS, the Village of Williamsville desires submit a Green Innovation Grant Program (GIGP) application through the Consolidated Funding Application (CFA) for a green infrastructure project on Cadman Drive; and

WHEREAS, the Village of Williamsville will procure professional services for the design and construction (if awarded) for the GIGP application for a green infrastructure project on Cadman Drive, Williamsville, NY; and

WHEREAS, the Village of Williamsville Board of Trustees has endorsed an application requesting grant assistance through the CFA;

NOW, THEREFORE, BE IT RESOLVED:

1. That Mayor Daniel O. DeLano, Jr. or his successor in office, is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance, to submit project documentation, and to otherwise act for the Municipality's governing body in all matters related to the project and to State assistance, through the Consolidated Funding Application (EFC's Green Innovation Grant Program);

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2. That the Municipality agrees that it will fund its portion of the cost of the project and that funds will be available to initiate the project's field work within twelve (12) months of written approval of its application;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Environmental Facilities Corporation;
4. That this Resolution takes effect immediately

Unanimously carried.

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

WHEREAS, the Village of Williamsville Board of Trustees desires to pursue funding opportunities to complete the Williamsville Sidewalk Completion Project; and

WHEREAS, the Village Board desires to provide this type of facility to residents at the lowest possible cost to the Village and Village taxpayers; and

WHEREAS, the Village Board desires to apply for financial assistance from the NYSDOT Transportation Alternatives Program (TAP); and

WHEREAS, the Village Board commits to providing the required local matching funds to insure the timely implementation of the proposed project;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees authorizes the submittal of an application for NYSDOT TAP funds for the Williamsville Sidewalk Completion Project for a total project cost of \$370,813, including a Village match in the amount of \$74,163; and

BE IT FURTHER RESOLVED, that upon approval of the application for financial assistance, the Village will make available \$143,800 (20%) in matching funds to satisfy the requirements of the program; and

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes the Mayor to sign all documents and agreements related to the TAP application; and

BE IT FURTHER RESOLVED, that Daniel O. DeLano, Jr., as Mayor of the Village of Williamsville, is hereby authorized and directed to file an application for funds from the New York State Department of Transportation's Transportation Alternatives Program, and upon approval of said funding, is authorized to enter into and execute a project agreement with the State of New York for such financial assistance to the Village of Williamsville for the proposed Village of Williamsville Sidewalk Completion Project.

Unanimously carried.

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Report – Trustee Yates

Trustee Yates reported on the following topic(s): Thanked Youth & Rec Committee for family movie night last week with the Amherst Rec Dept.; Thanked Deb Habes for all her work on the Village Garden Walk; Thanked the Jolly Boys Organization for their work on Old Home Days.

Trustee Yates had no resolutions on the agenda.

Report – Trustee Etu

Trustee Etu reported on the following topic(s): Echoed the sentiments of Trustee Yates, especially with regard to Deb Habes and all her hours of work on the Village Garden Walk.

Trustee Etu had no resolutions on the agenda.

Report – Trustee Rogers

Trustee Rogers reported on the following topic(s): Echoed previous comments about Deb Habes and Village Garden Walk; Thought the proclamation for Alix Rice Peace Park was very nice.

Trustee Rogers had no resolutions on the agenda.

Staff Report(s)

DPW Crew Chief Vilonen reported on the following topic(s): Glen Park Art Festival is this weekend.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 9:58 p.m. to open the Executive Session portion of the agenda to consider a personnel matter related to the hiring of a specific individual and a personnel matter.

Unanimously carried.

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ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 10:32 to close the Executive Session portion of the agenda.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved to adjourn the meeting at 10:32 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer