

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, December 10, 2018 at 7:30 p.m.

The meeting was opened with the Pledge of Allegiance led by Trustee Yates.

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

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

Trustee Yates asked for a moment of silence in honor of the memory of former President George H. W. Bush.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved to approve the minutes of the regular meeting held on November 26, 2018, as submitted.

Unanimously carried.

Public Hearing

Proposed amendment to Chapter 84 of the Village Code (Signs)

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:36 p.m. to continue this public hearing which was previously left open by the Village Board at the November 26, 2018 meeting.

Unanimously carried.

No one from the audience addressed the Board.

ON MOTION by Mayor DeLano, seconded by Trustee Etu it was moved at 7:36 p.m. to continue this public hearing at the January 14, 2019 Village Board meeting.

Unanimously carried.

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Public Hearing

Proposed designation of 34 & 42 W. Spring St. as local landmarks

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 7:37 p.m. to open this public hearing.

Unanimously carried.

The Administrator read aloud the legal notice of the public hearing as it appeared in the November 21, 2018 Amherst Bee.

Those in attendance who addressed the Board and their comment(s):

1. *Mary Lowther, 120 N. Ellicott St.* – Village Historian, President of the Williamsville Historical Society, and a member of the Village Historic Preservation Commission (HPC). In favor of these properties being designated. In the 1840s it was known as Brewery Hill. There were many breweries in the area into the early 1900s. It is important to recognize the caverns that were used to store the beer. This is the key point. Property was purchased by Oeschner (owner of the Castle), then used for ice storage. Owners don't typically want properties designated due to the requirement to go to HPC.
2. *Deputy Mayor Piazza* – Doesn't know that this creates more of a problem for the owner to go to HPC instead of Planning Board. HPC is very professional.
3. *Trustee Rogers* – HPC only oversees the exterior of the buildings designated, but caverns are on the interior.
4. *Mary Lowther, 120 N. Ellicott St.* – Can't tell an owner what to do on the inside, but in this case change inside will affect the outside. Can't separate caverns from the other structure.
5. *Trustee Etu* – Interior is not the oversight of the HPC. Chambers are an incredibly unique asset. HPC would not have purview if caverns were filled in.
6. *David Chiazza, Executive Vice-President, Iskalo Development* – Is a member of ownership group of this building. They have the same affection for the building as HPC. They are also owners of a brewery. Building was previously used for storage. Jurisdiction is for exterior of the building. One of the vaults has already been sealed. Could alter vaults without touching the exterior of the building. This is not the intention. Biggest issue with opening vaults up to the public is with the fire code and fire access. Intent is to return to hospitality use.

ON MOTION by Mayor DeLano, seconded by Deputy Mayor Piazza, it was moved at 7:54 p.m. to close the public hearing.

Unanimously carried.

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Public Hearing

Proposed amendment to Chapter 8 (Animals) regarding the feeding of stray animals

Mayor DeLano stated there was no intent to “jam” this through. Have had plenty of conversations with residents about the issue with the number of feral cats on Columbia. Feral Cat Focus contacted those feeding, and have trapped most cats. Our law falls short. Police and SPCA do not trap or take these cats. Have to be able to do something if someone decides not to participate in TNVR. Need to tighten this up.

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

Unanimously carried.

The Administrator read aloud the legal notice of public hearing as it appeared in the November 21, 2018 issue of the Amherst Bee.

Those in attendance who addressed the Board and their comment(s):

1. *Edie Offhaus, Feral Cat Focus* – Great TNVR law in place. Feeding ban would not allow feeding of feral cats. Feeding bans do not work. After TNVR the animal needs to be fed or will get into garbage and get closer and closer to people. Those who care for the cats will continue to feed them. Will require more enforcement. If people are doing TNVR, let them feed properly. Erie County Health Dept. has approved what she is promoting. Only one street has an issue. FCF will help educate on proper feeding. No ground feeding; only feed for 1 hour per day. Issue on Columbia was with an elderly woman who didn’t know what to do. Allow them to tweak laws to allow proper feeding. Agriculture and Markets law, Article 26 states you can’t withhold food from an animal. Give them less than a year and will get the issue under control. *[Trustee Rogers – What is ground feeding?]* Putting food on ground and leaving it there. *[Deputy Mayor Piazza – Any data on how long attrition takes]* Cats live up to 12 years but doesn’t have exact info. *[Trustee Rogers – Beneficial for rodent control?]* Yes. *[Trustee Etu – What about an individual who doesn’t participate in TNVR and continues to feed the cats?]* Put them on notice that they need to do TNVR to continue to feed. Allow FCF to put info on website. *[Mayor DeLano – This is why we need to amend this law – we need teeth so we can enforce it. Purpose is to come up with the most humane solution.]* *[Attorney Grieco – Local law states “except for TNVR”. Are they suggesting that TNVR should include continued feeding?]* Yes. *[Deputy Mayor Piazza – Are the cats domesticated or wild?]* Yes. They can be both. Want to make sure it is very clear that they can continue to feed the cats once they are returned. If we put a feeding ban in place, it is not healthy for the community. *[Trustee Etu – How much of what’s in their ICMA handout is in the Village’s local law?]*

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2. *Kim Connelly, UB Law Clinic* – This was first law the UB Law Clinic wrote. Need to adapt and update to make it more workable. Happy to work with the Board on this.
3. *Peter Reese, 49 Starin Ave.* – Law is not that bad. Intent needs component that Code Enforcement Officer should take opportunity to educate on TNVR prior to citing people for it. Could use some tweaking and updating.
4. *Edie Offhaus, Feral Cat Focus* - In both cases on Columbia, residents paid out of pocket. One person has paid \$700. [*Mayor DeLano – Welcomes community cats in his neighborhood.*]
5. *Peter Reese, 49 Starin Ave.* – Publication came out after the Village passed the TNVR law. ICMA is an organization that promotes best practices. Be careful with limiting. People who are feeding did not bring the animals there.
6. *Kim Connelly, UB Law Clinic* – Would like to look at other local laws approved since the ICMA publication.

ON MOTION by Mayor DeLano, seconded by Trustee Yates, it was moved at 8:37 p.m. to close the public hearing.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Trustee Yates, 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):

Thomas Frank, 5403 Main St. – 2019 village priorities; Climate Smart Communities; GBNRTC; Ellicott Creek; International Joint Commission; Niagara watershed.

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

Unanimously carried.

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Report – Mayor DeLano

Mayor DeLano reported on the following topic(s): Wished Happy Holidays to all.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, 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:	001-1910-4000 (Unallocated Insurance)	\$9,689.00
	001-1410-4120 (Village Clerk – Bond & Note Expense)	\$4,491.00
	001-1950-4000 (Taxes on Village Property)	\$3,728.00
	001-5182-4270 (Street Lighting – Repair Lights)	\$4,550.00
	001-8161-4990 (Recycling – Recycling Contract)	\$1,446.00
From:	001-1990-4000 (Contingency)	\$23,904.00
To:	001-3410-4160-3401 (Fire Protection – Engine 1 Expense)	\$5,719.00
	001-3410-4160-3402 (Fire Protection – Engine 2 Expense)	\$5,552.00
	001-3410-4160-3471 (Fire Protection – ATV 7-1 Expense)	\$7.00
	001-3410-2060 (Fire Protection – Computer Equipment)	\$194.00
From:	001-3410-2010 (Fire Protection – Major Equipment)	\$194.00
	001-3410-4160 (Fire Protection – Truck Expense)	\$11,278.00
To:	001-3410-2060 (Fire Protection – Computer Equipment)	\$27.00
From:	001-3410-2010 (Fire Protection – Major Equipment)	\$27.00
To:	001-3410-4160-3404 (Fire Protection – Truck Expense/Rescue 4)	\$62.00
	001-3410-4160-3409 (Fire Protection – Truck Expense/Chief)	\$961.00
To:	001-3410-4160 (Fire Protection – Truck Expense)	\$1,023.00
To:	001-3620-4450 (Safety Inspection – Misc.)	\$239.00
From:	001-3620-1000 (Safety Inspection – Personal Services)	\$239.00
To:	001-7110-4162 (Parks – Repairs/Pools)	\$70.00
From:	001-7110-4169 (Parks – Repairs/Other)	\$70.00
To:	001-7530-2010 (Village Meeting House – Capital Improvements)	\$1,633.00
From:	001-7530-2040 (Village Meeting House – Capital Reserve)	\$1,633.00
To:	001-8010-4030 (Zoning – Printing & Advertising)	\$32.00
From:	001-8010-4040 (Zoning – Education Exp./Travel)	\$32.00

Unanimously carried.

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

RESOLVED, that the following ***budget transfer*** is hereby made in the ***Glen Park Fund*** for the **2018-2019** fiscal year:

To:	009-7141-4102 (Glen Park – Landscaping)	\$689.00
From:	009-7141-1000 (Glen Park – Personal Services)	\$689.00

Unanimously carried.

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

RESOLVED, that payroll and vouchers in the amount of **\$418,981.08** covering the period from ***11/20/18*** to ***12/4/18*** are hereby approved as follows:

Payroll covering 11/12/18 – 11/25/18: \$39,290.16

Vouchers covering 11/20/18 – 12/04/18:

General Fund	\$70,062.96
Water Fund	\$42.03
Sewer Fund	\$7,263.70
Glen Park Fund	\$1,624.50
Trust & Agency Fund	\$16,752.63
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$283,945.10</u>
	\$379,690.92

GRAND TOTAL: **\$418,981.08**

Unanimously carried.

**Mayor DeLano announced that he was tabling his resolution # 4 regarding the proposed amendment to Chapter 8 (Animals) regarding the feeding of non-domesticated animals.*

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

RESOLVED, that the Change Order for 4 Guys Fire Trucks in the amount of \$7,164.00 and dated 11/15/18, as related to the new rescue vehicle, is hereby approved.

Unanimously carried.

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

RESOLVED, that the Change Order for 4 Guys Fire Trucks in the amount of \$3,065.00 and dated 11/13/18, as related to the two (2) new fire engines, is hereby approved.

Unanimously carried.

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

RESOLVED, that the following Fire Dept. equipment is hereby declared surplus and were sold to the South Lockport Fire Company as part of the sale of two fire engines:

Asset #	Description	Date Acquired	Original Cost	Book Value
348	Snap Tite Hose	5/31/2001	\$596.00	\$0.00
414	100' Angus 4" Hose	7/12/2004	\$599.00	\$0.00

Unanimously carried.

Report – Deputy Mayor Piazza

Deputy Mayor Piazza reported on the following topic(s): Wished all a Merry Christmas and Happy Holidays.

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

RESOLVED, that the following repayment schedule is hereby approved for the water fund:

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**VILLAGE OF WILLIAMSVILLE
WATER FUND REPAYMENT SCHEDULE
\$225,000 DUE TO GENERAL FUND**

<u>DATE</u>	<u>AMOUNT</u>
December 2018	\$25,000
December 2019	\$25,000
December 2020	\$25,000
December 2021	\$25,000
December 2022	\$25,000
December 2023	\$50,000
December 2024	\$50,000

An analysis will be completed annually to determine if a larger payment can be made.

Unanimously carried.

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

RESOLVED, that the Mayor is hereby authorized and directed to sign the Municipal Cooperation Agreement with the Town of Amherst, related to the NYS Volunteer Firefighter Enhanced Cancer Disability Benefits Act.

Unanimously carried.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Thanked those who helped with the Holiday Market. Wished all Happy Hanukkah and Merry Christmas.

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

RESOLVED, that the Village of Williamsville hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day	Name	Current Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Record of Activities Result
Elected					
Trustee	6	Matthew J. Etu	7/2/18 – 7/1/19	N	3.50
Appointed					
Associate Justice	6	Walter Pacer	7/2/18 – 7/1/19	N	0.57
Deputy Village Attorney, P/T	6	Thomas E. Webb, Jr.	7/2/18 – 7/1/19	N	1.2

Unanimously carried.

Report – Trustee Etu

Trustee Etu reported on the following topic(s): Happy Holidays and Happy New Year.

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

RESOLVED, that the Engineer of Record is hereby appointed as the official Stormwater Manager for the Village of Williamsville.

Unanimously carried.

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ON MOTION by Trustee Etu, seconded by Deputy Mayor Piazza, the following resolution was brought forward:

**VILLAGE OF WILLIAMSVILLE
BOARD OF TRUSTEES RESOLUTION**

**Designation of historical landmark
34 & 42 W. Spring St. ("Brewery Hill"), Williamsville, NY**

Dated December 10, 2018

WHEREAS, the Historic Preservation Commission (the "HPC") has identified several properties that would be considered eligible for designation as a historical landmark pursuant to Section 47-4(a) of the Village of Williamsville Code including the "Brewery Hill" property located at 34 & 42 W. Spring Street ("Subject Property"); and

WHEREAS, the HPC may nominate an individual property as a landmark if it meets any the following criteria:

1. Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
2. Embodies the distinctive characteristics of a type, a period or a method of construction.
3. Represents the work of a master architect or designer or possesses high artistic values.
4. Represents a significant or distinguished entity whose components may lack individual or special distinction.
5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood; and

WHEREAS, based upon the HPC's review of information related to the Subject Property, the HPC recommended the Subject Property for designation as a local historic landmark on May 23, 2017; and

WHEREAS, the HPC held a public hearing on June 27, 2017 at which the Subject Property owner and any interested parties had the opportunity to present testimony or documentary evidence at the hearing regarding the historic, architectural or cultural importance of the proposed landmark; and

WHEREAS, upon a review of the aforesaid materials, and after due deliberation concerning each of the statutory criteria set forth above, the HPC nominated the Subject Property for local landmark status; and

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WHEREAS, the Village Board of Trustees held public hearings on Monday, September 11, 2017, and Monday, September 25, 2017 in which the Subject Property owner and any interested parties had the opportunity to present testimony or documentary evidence at the hearing regarding the historic, architectural or cultural importance of the proposed landmark; and

WHEREAS, upon a review of the aforesaid materials, and after due deliberation concerning each of the statutory criteria set forth above the Village Board of Trustees proposes to designate the Subject Property as a local landmark;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville hereby designates the Subject Property as a local landmark based on its finding that it satisfies the following criteria set forth in Section 47-4(a) of the Village of Williamsville Code:

- Is associated with the lives of individuals or of people or of events significant in the national, state or local history.
- Embodies the distinctive characteristics of a type, a period or a method of construction.
- Represents the work of a master architect or designer or possesses high artistic values.
- Represents a significant or distinguished entity whose components may lack individual or special distinction.
- Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

Roll Call:

- Trustee Etu – Understands developer perspective of regulation and that there is a limit to HPC oversight. Is a significant and unique property. Yes.
- Deputy Mayor Piazza – For all the same reasons. Yes.
- Trustee Yates – Struggles with this and sees the merit. If can't control the interior anyway, would like to see the Planning Board review it. No.
- Trustee Rogers – The hangup is that HPC oversees preservation of exterior of building. Confident Iskalo will do a good job with the redevelopment. No.
- Mayor DeLano – Echoes comments of Trustee Etu and Deputy Mayor Piazza. Isn't an extra layer, it is a different layer. Has complete faith in Iskalo. Yes.

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Motion carried. 3 – 2.

ON MOTION by Trustee Etu, seconded by Trustee Yates, the following resolution was brought forward:

RESOLVED, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held on Monday, January 14, 2019 at 7:30 p.m., at Williamsville Village Hall, 5565 Main St., Williamsville, New York, for the purpose of hearing all persons interested in commenting on the proposed designation of 5429 Main Street as a local landmark.

Roll Call:

- Trustee Etu – Yes.
- Deputy Mayor Piazza – No. Should not call for a public hearing until after HPC completes its process.
- Trustee Yates – Yes. Trying to keep process moving for business owners.
- Trustee Rogers – Yes. Understands Deputy Mayor’s concerns but believes it should be expedited.
- Mayor DeLano – Yes. Echoes Trustee Roger’s comments.

Motion carried. 4 – 1.

Report – Trustee Rogers

Trustee Rogers reported on the following topic(s): Board has accomplished quite a lot this year. Can agree to disagree without being disagreeable. Dan taking over as Mayor has been very beneficial. Looks forward to working with the Board in 2019. Wished all Happy Holidays and Happy New Year.

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

RESOLVED, that David Klein is hereby approved for transitional duty for a period of 30 days, effective upon receipt of the appropriate medical documentation by the Village Administrator.

Unanimously carried.

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Staff Report(s) - None

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 9:04 p.m. to leave the regular agenda to open the Executive Session for the purpose of discussing the hiring of a specific individual.

Unanimously carried.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved at 10:39 p.m. to close the Executive Session and return to the regular agenda.

Unanimously carried.

ON MOTION by Trustee Etu, seconded by Trustee Yates, it was moved to adjourn the meeting at 10:39 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer