

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, March 11, 2019 at 7:30 p.m.

The meeting was opened at 7:35 p.m. with the Pledge of Allegiance led by Trustee Yates.

Present: Daniel O. DeLano, Jr., Mayor
Matthew J. Etu, Trustee
Deborah L. Rogers, Trustee
John “Al” Yates, Jr., Trustee

Also present: Judith A. Kindron, Administrator/Clerk-Treasurer
Hazel J. Pasco, Deputy Treasurer
Riane Lafferty, Acting Village Attorney
Keaton DePriest, Director of Community Development
Ben Vilonen, DPW Crew Chief

Excused: Basil J. Piazza, Deputy Mayor

Proclamation - Mayor DeLano presented a proclamation to the daughter of deceased Williamsville Fire Dept. member James L. Schiferle, Sr., in honor of her father’s service to the community. Mayor DeLano then asked for a moment of silence to be observed in his memory. His daughter Holly thanked the Village Board for recognizing her father with the proclamation.

ON MOTION by Mayor DeLano, seconded by Trustee Yates, it was moved to approve the minutes of the regular meeting held on February 25, 2019, as submitted.

Motion carried. 4 – 0.

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| <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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ON MOTION by Trustee Yates, seconded by Trustee Rogers, it was moved at 7:40 p.m. to continue this public hearing which was previously left open by the Village Board at the February 25, 2019 meeting.

Motion carried. 4 – 0.

Trustee Rogers gave an update on the final draft of the revised Sign Code.

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

Mary Lowther, 120 N. Ellicott St. – Asked if it is on the website. *[It will go up.]* Does not want to see changeable LED type of signage (digital). Asked about existing functional signs, such as the neon one at the Williamsville Liquor Store. *[Trustee Etu stated there is nothing*

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specific mandated except for the care and maintenance of signs. Trustee Rogers suggested Ms. Lowther send a letter to the liquor store on behalf of the Historic Preservation Commission.]

1. *Jordan Abrahms, 130 Milton St. – Non-functioning signs being pulled down to be in compliance. [Trustee Rogers stated they still have to do a final review of the draft.]*

ON MOTION by Trustee Rogers, seconded by Trustee Yates, it was moved at 7:50 p.m. to continue this public hearing at the March 25, 2019 Village Board meeting.

Motion carried. 4 – 0.

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| <p style="text-align: center;">Public Hearing</p> |
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| <p style="text-align: center;"><i>Proposed designation of 5429 Main St. (Alex and Ani Building) as a local landmark</i></p> |
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ON MOTION by Trustee Rogers, seconded by Trustee Yates, it was moved at 7:50 p.m. to open this public hearing.

Motion carried. 4 – 0.

This public hearing is continued from the January 14, 2019 Village Board meeting.

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

1. *Jordan Abrahms, 130 Milton St. – Opening door on side of building. [Trustee Etu stated that is not part of this decision.]*

ON MOTION by Trustee Rogers, seconded by Trustee Yates, it was moved at 7:53 to continue this public hearing at the March 25, 2019 Village Board meeting.

Motion carried. 4 – 0.

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

Motion carried. 4 – 0.

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Member(s) of the audience who spoke and their topic(s) [*Village Board comments in italics.*]:

1. Tom Stackhouse, WNY Railway Historical Society – Thanked the Village for the opportunity to display Lehigh Train memorabilia inside the antique display case in the main hallway at Village Hall.
2. Jordan Abrahams, 130 Milton St. – Recycling; shoveling of snow; poor drainage at S. Long Park - pooling of water near the gazebo and ball diamond. [*Ultimately to be part of Parks Master Plan*]; Right turn on red at Los Robles onto Main St.; Parks Master Plan – hold Natale accountable; A tree from Natale property fell on 6 sections of a fence at 136 Milton St. The fence was on the property line. When it was installed the cost was split. Natale should secure the site; 2019 slide presentation (Prospectus for S. Long) – completed? [*Not yet. 1.5 million dollars. Utility and weather related.*] The 2019 Plan states S. Long and Glen Park. [*Typo, should say Garrison Park*]; 1.87 surcharge on ECWA billing.
3. Noel Bartlo, 55 California Dr. - New speed limit on California by the park at 25 mph prior to getting to Milton St. [*DPW Crew Chief to check installation location.*]
4. Mary Lowther, 120 N. Ellicott St. – The Village Historian has always been the Village Historical Society and as president, she is Village Historian. Asked that Board let her know if she is being replaced. Traffic & Safety and Environmental Committees are advisory (recommending committees) and suggested the Village Board appoint someone from the Fire Dept. to Planning Board. [*Trustee Rogers – Not being business friendly. Regarding the position of Village Historian, the Deputy Mayor brought forth a resume from a resident who wanted to volunteer as the official Historian. Trustee Etu – He is a motivated individual willing to help.*] Ms. Lowther suggested having him volunteer for HPC or Historical Society. Ms. Lowther would like to see the Island Park wading pool turned into a splash pad; Garrison Park wading pool is very crowded and there is no parking lot.
5. Thomas Frank, 5403 Main St. – Letters of interest for Enterprise Project; Airport; Thruway; Amtrak; Erie Canal; Picture Main Street; Walkable village; LWRP; Economic Mortality. [*Mayor DeLano – Village is doing everything we can to be a good model.*]
6. Jeremy Bates, 25 N. Ellicott St. – Would like to see open conversation regarding the Island Park wading pool and a splash pad take its place. His family enjoyed the wading pool. [*Mayor DeLano explained about the deterioration of the Island Park wading pool and the Parks Survey of 2009. Costs for this wading pool are \$10,607.61 annually. This year it would cost \$4,000 to \$5,000 to strip and epoxy the surface and would be a semi-rehab to make it functional. Costs for a splash pad would be around \$100,000. Private/Public partnership; by April 1 is the drop dead date. Do \$5,000 improvement. Trustee Rogers – Garrison Park wading pool is only two blocks away from Island Park. Grant money is not a given. She is being fiscally conservative and responsible about spending the taxpayers' money. Trustee Etu – Campaign to raise funds. Public/Private*

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partnership. Can't blame budget. Existing infrastructure has been neglected. Village of Williamsville is best village anywhere. Cast a bigger vision of what this could be. Mayor DeLano stated if we close this wading pool this year, the savings is close to \$15,000. Within the first 2 years we can save about \$22,000. Trustee Yates – We are focusing on the parks.]

7. Noel Bartlo, 55 California Dr. – He is Parks Committee Chairman. Grants and private funding; budget is challenging; Parks Committee will support anybody/group willing to work on funding. Parks Committee meets the second Wednesday of every month at 7:00 p.m. at Village Hall.
8. Jeremy Abrahms, 130 Milton St. – Who pays for pools? What are the rules? Village residents to benefit? *[Trustee Etu – there are no residency requirements; it's a security issue; Garrison restroom; grants; busloads of children; daycares showing up.]*
9. Thomas Frank, 5403 Main St. – Keaton and Maggie; Traffic on Main St.; Multiple connections; Walkable Village; Integrated aspects; budget for Master Plan.

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

Motion carried. 4 – 0.

Report – Mayor DeLano

Mayor DeLano reported on the following topic(s): Sewer consolidation with Town of Amherst; schedule next budget meeting.

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:

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| To: | 001-5010-2010 (Street Administration – Computer Software) | \$481.00 |
| From: | 001-5010-4040 (Street Administration – Educational Exp./Travel) | \$481.00 |
| To: | 001-7310-4172 (Youth Programs – Holiday Tree Lighting) | \$1,026.00 |
| From: | 001-7310-4173 (Youth Programs – Winterfest) | \$979.00 |
| | 001-7310-4171 (Youth Programs – Halloween Parade) | \$47.00 |
| To: | 001-8010-4030 (Zoning – Printing/Advertising) | \$91.00 |
| From: | 001-5020-4450 (Planning – Misc.) | \$91.00 |
| To: | 001-8161-4990 (Recycling – Recycling Contract) | \$2,690.00 |

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| From: 001-8160-4330 (Refuse & Garbage Collection – Dump Fees) | \$2,690.00 |
| To: 001-8745-4160 (Flood Erosion Control – Repairs/Maint., Paint, Etc.) | \$881.00 |
| From: 001-8140-4162 (Storm Sewers – Repair Sewers) | \$881.00 |

Motion carried. 4 – 0.

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

RESOLVED, that payroll and vouchers in the amount of **\$288,373.74** covering the period from **2/20/19** to **3/6/19** are hereby approved as follows:

Payroll covering 2/18/19 – 3/3/19: \$36,970.75

Vouchers covering 2/20/19 – 3/6/19:

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| General Fund | \$225,606.08 |
| Water Fund | \$0.00 |
| Sewer Fund | \$5,279.14 |
| Glen Park Fund | \$102.00 |
| Trust & Agency Fund | \$13,721.85 |
| Debt Service | \$0.00 |
| Community Development | \$0.00 |
| Capital Fund | <u>\$6,693.92</u> |
| | \$251,402.99 |

GRAND TOTAL: **\$288,373.74**

Motion carried. 4 – 0.

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

RESOLVED, that the Village Clerk is hereby authorized and instructed to publish notice of a public hearing to be held on Monday, March 25, 2019 at 7:30 pm for the purpose of hearing all persons interested in a proposed local law amending Chapters 100 and 112 of the Village Code concerning the placement and operation of wireless telecommunication facilities within the Village.

Motion carried. 4 – 0.

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

RESOLVED, that the contract with Wm. Schutt Associates, dated 3/11/2019, for the engineering report to identify scope and budget for sewer rehabilitation in the amount of \$27,000.00, is hereby approved, pending approval by the Village Attorney.

Motion carried. 4 – 0.

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

RESOLVED, that all employees have a legal right to a workplace free from discrimination and harassment, and the Village of Williamsville is committed to maintaining a workplace free from discrimination and harassment; and

BE IT FUTRTHET RESOLVED, that as per New York State law, the Village of Williamsville has a discrimination and harassment prevention policy in place and this policy applies to all employees, paid or unpaid interns, and non-employees in our workplace, regardless of immigration status;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville approves the Non-discrimination and Anti-harassment Prevention Policy to be in compliance with New York State guidelines.

Motion carried. 4 – 0.

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

RESOLVED, that Village Administrator, Judith Kindron, is hereby appointed Compliance Officer for the Village of Williamsville.

Motion carried. 4 – 0.

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

RESOLVED, that all employees have a legal right to a workplace free from sexual harassment, and the Village of Williamsville is committed to maintaining a workplace free from sexual harassment; and

BE IT FURTHER RESOLVED, that as per New York State law, the Village of Williamsville has a sexual harassment prevention policy in place and this policy applies to all employees, paid or unpaid interns, and non-employees in our workplace, regardless of immigration status;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville approves the Sexual Harassment Prevention Policy to be in compliance with New York State guidelines.

Motion carried. 4 – 0.

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

WHEREAS, the Village of Williamsville is undertaking a planning process to address our inland waterways: namely Ellicott Creek; and

WHEREAS, in 2015, New York State designated Ellicott Creek as an official Inland Waterway, making it eligible for the New York State Local Waterfront Revitalization Program (LWRP) funding; and

NOW, THEREFORE, BE IT RESOLVED, that Village of Williamsville Waterfront Advisory Committee is hereby created to oversee all aspects of the preparation of the LWRP in cooperation with municipal officials and any project consultants the Village may engage; and

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BE IT FURTHER RESOLVED, that the committee will include a variety of community representatives and project stakeholders, including representatives of State, County, and municipal agencies, as well as members of non-governmental and community-based organizations, with the anticipation that this committee will meet five to six times over the course of the approximate eighteen-month project.

Motion carried. 4 – 0.

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

RESOLVED, that the following persons are hereby appointed to the *Waterfront Advisory Committee*:

Jane Vohwinkel
Marisa Riggi
Tim Boyle
Sheryl Davies
Noel Bartlo
Wes Stone
Deb Rogers, Trustee
Ben Vilonen, DPW Crew Chief
Maggie Winship, Director of Community Development/Strategic Planning (TOA/VOW)
Judith Kindron, Village Administrator/Clerk-Treasurer
Wendy Salvati, Project Consultant
Keaton DePriest, Director of Community Development

Motion carried. 4 - 0.

Report – Trustee Yates

Trustee Yates reported on the following topic(s): Task force to help Main Street businesses.

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

WHEREAS, the Town of Amherst employs Margaret Hamilton Winship, Director of Community Development/Strategic Planning, whose professional services are also of

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benefit to the Village of Williamsville for certain economic development related activities and projects; and

WHEREAS, the Town and Village agree to continue to share the services of said employee;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to sign the Employee Shared Services Agreement with the Town of Amherst, dated January 17, 2018, for the sharing of services of the Director of Community Development/Strategic Planning in the calendar year 2018, at a salary, with fringe benefits, of no more than fifteen thousand and zero cents (\$15,000.00).

Motion carried. 4 - 0.

Report – Trustee Etu

Trustee Etu reported on the following topic(s): Survey services for Cadman Drive Project.

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

RESOLVED, that the contract proposal from Niagara Boundary and Mapping Services & Land Surveyors, for topographic survey services on Cadman Drive, dated 2/14/19, in the amount of \$6,400.00, is hereby approved.

Motion carried. 4 – 0.

Report – Trustee Rogers

Trustee Rogers reported on the following topic(s): No report.

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

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, April 8, 2019, in Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of

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hearing all persons interested in expressing an opinion on the proposed *2019-2020* Village budget, which includes the following:

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

Motion carried. 4 – 0.

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

WHEREAS, the Town of Amherst and Village of Williamsville may jointly apply for federal funds through the Community Development Block Grant and Home Investment Partnership programs as a “Metropolitan City”; and

WHEREAS, a Cooperation Agreement has been prepared describing the responsibilities of the Town and Village as joint applicants under these programs for funding under federal Fiscal Years 2019, 2020 and 2021; and

WHEREAS, the Department of Housing and Urban Development has agreed to the memorandum of understanding attached to the Cooperation Agreement originally adopted by the Board of Trustees on May 24, 2004, pertaining to the annual review of the agreement; and

WHEREAS, the State Of New York has added and Addendum to Contract for provisions that must be followed; and

WHEREAS, as a result of the Iran Divestment Act of 2012, any Bidder/Contractor/Vendor (or any assignee) must certify that it will not utilize on such Contract/Lease any subcontractor that is identified on the prohibited entities list;

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to enter into the Cooperation Agreement with the Town of Amherst for the Town’s “Metropolitan City” status under the Community Development Block Grant and HOME Investment Partnership Grant Federal fiscal years 2019, 2020 and 2021, subject to attorney approval.

Motion carried. 4 – 0.

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Staff Report(s)

DPW Crew Chief Vilonen reported on the following topic(s): Metal/Brush pickup has begun and will continue on the second and fourth Mondays of each month through the end of October.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved to open the Executive Session at 9:15 p.m. to discuss the employment history of specific individuals and the potential hiring of a specific individual.

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved to close the Executive Session at 10:15 p.m. and return to the regular agenda.

Motion carried. 4 – 0.

ON MOTION by Mayor DeLano, seconded by Trustee Etu, it was moved to adjourn the meeting at 10:15 p.m.

Motion carried. 4 – 0.

Judith A. Kindron
Administrator/Clerk-Treasurer