

**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, September 23, 2019 at 6:30 p.m.**

Mayor Rogers led the Pledge of Allegiance at 6:03pm.

Present: Deborah L. Rogers, Mayor  
Basil J. Piazza, Deputy Mayor  
Matthew J. Etu, Trustee  
John Murphy, Trustee  
John “Al” Yates, Jr., Trustee

Also present: Hazel J. Pasco, Deputy Treasurer  
Charles Grieco, Village Attorney  
Keaton DePriest, Director of Community Development  
Ben Vilonen, DPW Crew Chief

Absent: Judith A. Kindron, Administrator/Clerk-Treasurer

The Village Board meeting was opened at 6:39 p.m. by Mayor Rogers

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Piazza, it was moved to approve the minutes of the regular meeting held on August 19, 2019, as submitted.

Unanimously carried.

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Piazza, it was moved to approve the minutes of the special meeting held on September 9, 2019, as submitted.

Unanimously carried.

<p style="text-align: center;"><b>Public Hearing</b> <i>Demolition of Buildings</i></p>
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**ON MOTION** by Mayor Rogers, seconded by Trustee Yates, it was moved at 6:40 p.m. to open this public hearing.

**Dan Ryder – 38 Garden Parkway** – Article 12-4 – Would like to see a permit rather than a plan. He would favor a permit process from demolition to completion of a new building. He thinks proposed code still doesn't have teeth. The permit process would apply to the more routine demolitions. On page 6, paragraph C – Mr. Ryder proposed having the Village rent the sidewalk for construction similar to lane rental.

*[Trustee Etu – The regimented format would stymie certain other activities that protract the permit process. In addition, it is difficult to codify since it will also need to address the site's*

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*vacancy and delinquency. Code Enforcement Officer didn't agree to the signage with the name and phone number. The proposed code will include a sign. As for renting the sidewalk, the construction industry doesn't work that same way. If a sidewalk is closed, a pedestrian can easily use a crosswalk and walk on the opposite side as opposed to a vehicle who only has 1 lane.]*

**ON MOTION** by Mayor Rogers, seconded by Trustee Etu, it was moved at 6:50 p.m. to close this public hearing.

Mayor Rogers distributed copies of the email from Maggie Winship. Mayor stated her issue with the demo code is as follows.

- Bringing HPC into the fold while a contractor has already begun work because it will delay the process. She feels it would also cheapen the historic value the code is trying to add. If there are homes or buildings that are historically intrinsic, why not tag those homes already.

Trustee Etu told the Board that bringing HPC into the fold is not what the Board has done. All they have done is reiterate NYS law where any structure older than 50 years old and giving HPC the opportunity to review that property which at that time is free. Otherwise it would cost \$300,000 in grant money that the Village doesn't have. Mayor Rogers suggested a residential design standard but Etu replied that it would still cost about \$100,000 plus years of work to draft those standards. Etu stated that Section 12-3 of the proposed code is meant to remind applicants that if their structure is more than 50 years old, they can't just demolish it without a review. He gave an example of the gray home on the Blocher property that is about 180 years old. Even though it is old, the design and character doesn't reflect the Village's historic architecture. In a single evening, the HPC decided not to review the home which didn't delay the project. Deputy Mayor Piazza stated that if a property were to come up for demolition and HPC decided to review it, the process could take several months. He finds that would be unfair to the property owner. Trustee Etu stated that the current demolition process is that a property owner can complete an application, pay the dues and the Code Enforcement Officer give you a permit to complete your demolition. There is no review to stop developers from demolishing neighborhoods and replacing it with newer construction. Trustee Yates agreed that property owners can buy 2 or 3 homes and there is nothing to stop them from demolishing those homes. Trustee Yates suggested putting the HPC review in the code for now until the Village creates a residential design standard. Once the standard is in place, the HPC requirement could be eased in the future. Attorney Greico reiterated that the bigger change to the demolition code is the requirement of a redevelopment plan to be reviewed by the Planning Board. Trustee Etu proposes that anyone who has a vacant property about 1 year prior to the adoption date must complete a redevelopment plan. Attorney Greico reiterated that the current proposal has a time period in place to have the redevelopment or landscape plan put in place. Mayor Rogers is worried that residents who would like to rebuild their residential property would have to go through

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added bureaucracy. Attorney Greico will revise the code to limit it to the non-residential district. He says that it would not be necessary to repost a public hearing.

<p style="text-align: center;"><b>Public Hearing</b> <i>Amendment to revise the Zoning Map</i></p>
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**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Piazza, it was moved at 7:26 p.m. to open this Public Hearing.

Attorney Greico stated that they are still waiting for the updated survey map since the parcel of South Long Park, DPW and Village Square will need to be divided. DPW Crew Chief Vilonen told the Board that the survey has been completed and that they can expect to receive the updated map within the next week. The legal description and deeding of the properties could be completed within the next month. Trustee Etu showed the audience what properties would be impacted by the re-zoning. This re-zoning would help make South Long Park less enticing to developers from alienating.

**Larry Zasowski – 70 Los Robles (65 Milton – Erie County Map)** – Wanted to know if the rezoning of South Long Park would encumber the possibility of creating a second exit from the Natale development onto South Long Street. [*The Board replied that it would not stop that and that the re-zoning is just changing colors on the map. Trustee Etu replied to Mr.Zasowski that the landscape architect will be presenting some ideas the South Long Park area on Wednesday night (9/25/2019) if he is interested to attend.*]

**Larry Brenton – 31 Monroe Dr** – He told the Board that during his administration, he attempted to turn South Long Park into “forever park land” so that an egress would not be possible.

**ON MOTION** by Mayor Rogers, seconded by Trustee Yates, it was moved at 7:39 p.m. to close this public hearing.

Unanimously carried.

*Attorney Greico told the Board that they need the survey map to prepare the legal descriptions for the deeds. The time they can vote on it will depend on when they receive the survey map.*

<p style="text-align: center;"><b>Public Hearing</b> <i>Short Term Rentals</i></p>
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**ON MOTION** by Trustee Etu, seconded by Deputy Mayor Piazza, it was moved at 7:40 p.m. to open this Public Hearing.

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**Nia & Jeremy Bates – 25 N. Ellicott St**

They wanted to know if this code is only for R-1 or is it also for multi-family dwellings as well. *[Trustee Etu -The hierarchy is if anything that is applicable to R-1 is also applicable to R-2 and R-3 until you get to the commercial zones. There is no restriction to use in the commercial districts.]* #3 states that any short term rentals would be limited to 500 square feet. They have an old historic front home. Their rear carriage house has about 900 square feet to use as a short term rental. *[Trustee Etu replied that in their situation, they would become “Existing – Non-Conforming”. They would have to apply for a zoning variance for exceeding the 500 square foot. According to the code, their structure would be an issue whether it is a short term rental or as an apartment since it is an accessory apartment in an accessory structure. It pre-dates their ownership and is outside the code when it was re-written. It wrote out that setup when it was changed. ]* Bates would like to know if they can take out the 500 square feet requirement. *[Trustee Etu stated that they picked the number due to the apartment standards. It was a rehash of the in-law apartment setup. Trustee Etu suggested that the existing entrepreneurs have the zoning variance fees waiver when this is adopted. This is from the accessory apartment language. Their situation is unique since their property is unique. Mayor Rogers stated that there used to be a problem with other AirBnBs that were not owner occupied which was creating a transient community].* They asked if they can still apply for a permit since their short term rental is more than 500 square feet as stated in section 3 or will the Zoning Board just say no? *[Attorney Greico replied that anyone can apply for a variance. Trustee Etu elaborated further telling them that variances are assessed on 5 criteria. They present their case before the ZBA along with letters of support from neighbors. Once they are granted the variance, it is in effect for the length of their ownership of the property. The permit application is for a 2-year term.]*

**Larry Brenton – 31 Monroe Dr** – He commented on how the issue was brought up was with the previous administration as well as Trustee Etu. Mr. Brenton thinks these units are a good thing for the Village. He complimented the Board on how the ordinance was professionally drafted.

**Larry Zasowski – 70 Los Robles (65 Milton – Erie County Map)** – He would like to remind the Board that sometimes from the resident’s perspective. Sometimes the ZBA hold your hand to the fire but others are more cooperative. Sometimes the language of the ordinances can get so specific that you need a lawyer to help you understand it. If you can keep things simple for everyone to understand, it would be helpful to everyone who attends the meetings.

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Piazza, it was moved at 8:04 p.m. to close this public hearing.

Unanimously carried.

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The Board is confident to have a vote during the next Board meeting (10/28/2019).

*[Attorney Greico confirmed that the 500 square feet limit is from the accessory apartment language in the code. The reasoning behind this was to keep it like a one bedroom apartment or an in-law apartment. This ordinance would allow the conversion of in-law apartments into short term rentals and regulates the use of that space. Currently that in-law apartment is not available for rent within the residential district. Trustee Etu is just concerned that this ordinance doesn't create a workaround that would all large space apartments within a residential district. It's easier to track the number of short term rental properties since they're advertised online versus the rental properties who have to register and is based on an honor system. Trustee Yates said that it allows the Village to enforce the ordinance with teeth. It allows a process to address complaints when those bad short term rental property owners go to renew their permits. Trustee Etu recommended to waive the fees for current short term rental property owners when they apply for their first permits so that all current short term rental property owners are in compliance when the ordinance takes effect.]*

**ON MOTION** by Mayor Rogers, seconded by Trustee Etu, it was moved at 8:15 p.m. to open the public participation portion of the meeting.

Unanimously carried.

Member(s) of the audience who addressed the Board and their comment(s) *[Board of Trustees' comments are in italics]*:

**James Shanahan – 205 Garrison Rd.** - Ongoing problem from the utility. The sidewalk there is a mud puddle. *[Chief Vilonen responded that he spoke with National Fuel engineers who are working on an engineering solution. They are worried that if they backfill that pipe, it would burst. They're working on a larger engineering solution that might involve replacing that main. They will not backfill it.]* Mr. Shanahan is appreciative to Crew Chief Vilonen for his response since Mr. Shanahan was not able to get an answer directly from National Fuel. He stated that when he walks by it, he can smell gas which is why he was concerned. *[DPW Crew Chief Vilonen replied that there is a small leak that has been deemed non-hazardous.]* Mr. Shanahan is concerned that kids skateboard past it and almost knock off the plywood boards. He stated that it has been like that since this past February and didn't want to go through winter without getting it fixed.

**Larry Brenton – 31 Monroe Dr.** -There's a couple things that I want to address tonight. I'll try to be as quick as I possibly can. This might be one of my last opportunities.

1. What is transpiring on Evans Street regarding Blocher Homes and the fact the Board's hands are tied obviously it's going to go to the Planning Board for final determination? That aspect I'll pick up later. You still have an unoccupied piece of property associated with that development proposal. You have an opportunity. You spend a lot of time doing work that

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you think is going to favor the Village. You have an opportunity to re-zone that or an opportunity to turn that into a park. You have a great deal of

opportunity from having this occur again as a Board so I bring that to your attention. What's going to take place there is obviously going to take place. It's almost like it's pre-ordained. That's one thing I wanted you to consider.

2. One other thing I want you to consider before I leave, is the fact that I pointed out to this Board and previous Boards is the terrible conditions of the sidewalks in this Village. You brag about a walkable Williamsville but obviously you don't walk it. You couldn't because you wouldn't brag if you did. Do you agree with that? "Now wait a minute. He's just causing trouble again! He wants to find fault with a list that much when he gives you half an inch." Where is your position in all of this? Where is a proposal to come out without a lot of engineering? You got the engineering expertise right there. You don't need to hire an engineer to pay 20% for the engineering cost. I'm totally familiar with this but you need to get the job done. I'm going to tell you, I did it. And I just did it that's all there was to it. There's nothing to it. 30 years ago, every sidewalk in this village was rehabilitated within 4 years. Quarterly, one section. Next quarter, next year, next section. And the village was done. Why can't you do that? Would you consider that? Try it, I hope you will. Because I'm going to come back in the spring and my patience is going to be worn thin by then. If those are not addressed. I once referred you once to an old woman, an elderly woman if you will that had fallen on South Long Street. I had my partner at the Lehigh Station call 911. Fire department responded. The woman had a broken wrist. What's a broken wrist? What's a broken hip? It's a heck of a lot when you get to be up in age. It could mean the end. It's your responsibility to make sure these sidewalks are right. Another thing, I know I'm over my 3 minutes. It concerns me is that, I have photographs of it. In Garrison Park I see school buses unloading children for the use of our pool. If I go down to Hamburg and want to use their big shower facility, I have to have a permit. If I go down to Clarence and use their former automobile club swimming pool, I have to have a permit. If I go to the town of Amherst on North Forest, I have to have a permit. Can I be any clearer than that? Thank you, I look forward to your response.

*[Mayor Rogers requested for the Board to have the discussion regarding Garrison Pool access to be tabled for the next work session in October (10/15/2019). It will be listed under Trustee Yates since he's the Parks liaison. Trustee Etu agreed with Trustee Yates that a mechanism should be established for the access to Garrison pool, and enforce it, as well as protect those who will enforce it. In regards to the sidewalks. Trustee Yates addressed the Board that as far as sidewalks are concerned, DPW is taking care of that now. DPW Crew Chief Vilonen added that "sidewalks lifted by trees, sure, but slabs that are not settled or heaved that are not tree related fall on the responsibility of the homeowner by code." Deputy Mayor Piazza suggested that slabs should be taken care of every 3-4 years. DPW Crew Chief Vilonen informed the Board that based on his inventory that would be a lot of slabs to replace. The Board recollected what's been done in the past where the homeowners were notified of the sidewalks on their property that needed to be repaired. The Board mentioned the possibility of tagging each house that needs to be notified about their sidewalk, but ultimately decided to table this discussion at the next work session in October (10/15/2019).]*

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**Bob Krieter – 26 Monroe Dr.** –I observed the DPW repairing the sidewalks on Oakgrove. Who pays for that? *[DPW Crew Chief Vilonen: We (the village) do. Mayor Rogers confirmed it. If a street tree heaves it, we (the village) pay for it so I'm assuming those were done by a street tree.]* I've owned a property on 26 Eagle St since 1976 and I've replaced slabs plenty of times over the years. More recently a couple of slabs that have been heaving. I found out two weeks ago there was an accident on those slabs last winter or this spring, I'm not sure when? My house is the yellow one built in early or mid-1800s. It's right next to the church. Somebody fell. I didn't know it. They were going to church on Sunday. I was hoping to find out if I can get that repaired. I saw you were working on Oakgrove. Why couldn't it be done now? *[Trustee Yates, if the tree creates the heaving, if it's lifted because of a street tree?]* I've replaced it so many times, something's gotta be done right. I can't dig out roots. *[DPW Crew Chief Vilonen replied "What's your question?"]* I want to repair it before winter. *[DPW Crew Chief Vilonen asked "Is it caused by a street tree?"]* Mr. Krieter replied, "Yes." *[Mayor Rogers added a tree that's on the easement. So a tree needs to be located between the road and the sidewalk. So if that's causing it, you can call Village Hall and flag it. Our (DPW) crew can go over and take a look to verify that it was indeed caused by a street tree. If that is the case then the Village is responsible for it.]* Mr Krieter argued, "I'm telling you it's a tree, it didn't do it by itself." *[DPW Crew Chief Vilonen has Mr. Krieter's information and will check it out.]*

One more thing, Listen to him (points to Larry Brenton)! Something is wrong here. School buses are dropping kids off. Cheektowaga. Clarence. We're paying for the water, the pool. I understand some kids crapped in the pool. We have to shut it down to clean it. You got to get with the program. We don't want to pay for other people. Our taxes are high enough. I got \$10,000 to pay for taxes on a couple of properties. Why would I want to pay more for someone else to go in my pool, our pool. *[Mayor Rogers conferred with Attorney Greico. "It's because we've taken some grant I believe. Are we allowed to..." Attorney Greico: "It depends what the grant agreement says. It depends on what the restrictions are on the grant money." Mayor Rogers along with the Board replied that this issue will be discussed further during the work session on October 15. It will be a topic of discussion.]*

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Piazza, it was moved at 8:33 p.m. to close public participation.

Unanimously carried

### **Report – Mayor Rogers**

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

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**RESOLVED**, that the following *budget transfers* are hereby made in the *General Fund* for the *2019-2020* fiscal year:

To:	001-3410-4160-3406 (Fire Protection/Truck Expense/Truck 6)	\$1292.00
	001-3410-4160-3405(Fire Protection/Truck Expense/Rescue 5)	\$1810.00
From:	001-3410-4160 (Fire Protection/Truck Expense)	\$3102.00
To:	001-3410-4160-3492 (Fire Protection/Truck Expense/9-2 Chiefs Truck)	\$60.00
From:	001-3410-4160 (Fire Protection/Truck Expense)	\$60.00
To:	001-3410-4160-3401 (Fire Protection/Truck Expense/E-1)	\$893.00
	001-3410-4160-3409 (Fire Protection/Truck Expense/Rescue 5)	\$147.00
From:	001-3410-4160 (Fire Protection/Truck Expense)	\$1,040.00

Unanimously carried

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

**RESOLVED**, that payroll and vouchers in the amount of **\$587,401.83** covering the period from 8/14/19 – 9/17/19 are hereby approved as follows:

<b>Payroll covering</b> 8/05/19 – 8/18/19:	\$43,811.94
<b>Payroll covering</b> 8/19/19 - 9/01/19:	\$36,468.29
<b>Payroll covering</b> 9/02/19 - 9/15/19:	\$40,306.20

**Vouchers covering** 8/14/19 – 8/21/19:

General Fund	\$84,529.38
Water Fund	\$0.00
Sewer Fund	\$19,263.78
Glen Park Fund	\$1,362.00
Trust & Agency Fund	\$14,344.91
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$11,400.00</u>
	\$130,900.07

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**Vouchers covering 8/22/19 – 9/3/19:**

General Fund	\$124,361.02
Water Fund	\$0.00
Sewer Fund	\$2,179.39
Glen Park Fund	\$1,143.69
Trust & Agency Fund	\$13,901.85
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$0.00</u>
	\$141,585.95

**Vouchers covering 9/4/19 – 9/17/19:**

General Fund	\$31,639.96
Water Fund	\$0.00
Sewer Fund	\$49.49
Glen Park Fund	\$2,945.22
Trust & Agency Fund	\$0.00
Debt Service	\$85,900.00
Community Development	\$0.00
Capital Fund	<u>\$73,794.71</u>
	\$194,329.38

**GRAND TOTAL: \$587,401.83**

Unanimously carried

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

**A REFUNDING BOND RESOLUTION, DATED SEPTEMBER 23, 2019, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,650,000 OF THE VILLAGE OF WILLIAMSVILLE, ERIE COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.**

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WHEREAS, the Village of Williamsville, Erie County, New York (the “Village”) heretofore issued its Public Improvement Serial Bonds, 2011, dated February 24, 2011, in the original aggregate principal amount of \$2,617,416, with \$1,500,000 of such bonds being scheduled to mature in the years 2020 through 2031, inclusive (collectively, the “Refunded Bonds”); and

WHEREAS, in order for the Village to realize the potential for certain long-term debt service savings with respect to the Refunded Bonds, the Village Board of Trustees of the Village (the “Board”) has determined, after consultation with the municipal advisory and bond counsel firms retained by the Village, that it would be in the public interest for the Village to refinance the Refunded Bonds by the issuance of refunding bonds of the Village pursuant to Section 90.00 and/or Section 90.10 of the Local Finance Law (the “Refunding Law”); and

WHEREAS, the Refunded Bonds maturing on or after February 15, 2020 will be subject to redemption prior to maturity, at the option of the Village, on February 15, 2019 and on any date thereafter, in whole or in part, and if in part, in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at par (100%) plus accrued interest to the date of redemption, and the Village has determined to conduct such a call for redemption, to achieve future debt service savings; and

WHEREAS, the Refunded Bonds were issued pursuant to various purposes authorized by the following bond resolutions that were duly adopted by the Village Board of Trustees on: (A) February 25, 2008, authorizing the issuance of bonds for highway improvements, (B) February 25, 2008, authorizing the issuance of bonds for waterline improvements, (C) February 25, 2008, authorizing the issuance of bonds for sanitary sewer improvements, (D) July 21, 2008, authorizing the issuance of bonds for road improvements, (E) May 26, 2009, authorizing the issuance of bonds for highway improvements, (F) May 26, 2009, authorizing the issuance of bonds for floodgate rehabilitation, (G) June 28, 2010, authorizing the issuance of bonds for reconstruction of roads and (H) September 27, 2010, authorizing the issuance of bonds for the acquisition of equipment (collectively, the “Refunded Bond Resolutions”), as more fully set forth in the Refunded Bond Resolutions, the terms of which are incorporated herein by this reference; and

WHEREAS, the Village has the power and authority to issue refunding bonds of the Village for the purpose of refunding (and thereby refinancing) the Refunded Bonds at more favorable rates of interest, including provision for the payment of incidental costs of issuance in connection therewith, pursuant to the provisions of the Refunding Law; and

WHEREAS, the Village has received a draft refunding summary/refunding financial plan, dated as of September 12, 2019, (the “Refunding Financial Plan”) from Roosevelt & Cross Incorporated (the “Underwriter”) in connection with the proposed refunding of the Refunded Bonds, and such Refunding Financial Plan is attached hereto as Exhibit A; and

WHEREAS, the Board has reviewed and considered the Refunding Financial Plan in consultation with the Treasurer of the Village and the municipal advisory firm retained by the Village; and

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WHEREAS, the Village desires to refund all or a portion of the Refunded Bonds by issuing certain refunding bonds and selling such bonds pursuant to a private sale to the Underwriter in accordance with the Refunding Financial Plan; and

WHEREAS, the Refunding Law requires that the Village adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the pertinent details in connection with the proposed refunding transaction;

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

SECTION 1. Based on the recommendation of Municipal Solutions, Inc. (“Municipal Solutions”), the municipal advisor retained by the Village, the Board hereby determines to undertake a current refunding of the Refunded Bonds, through the issuance of refunding bonds of the Village, such refunding bonds to be offered and sold at private sale to the Underwriter under arrangements that are to be in general accord with the Refunding Financial Plan.

SECTION 2. For the object or purpose of refunding the Refunded Bonds (scheduled to mature in the years 2020 through and including 2031), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (A) the applicable outstanding principal amount of the Refunded Bonds, (B) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date(s) on which the Refunded Bonds mature or are to be redeemed in accordance with the Refunding Financial Plan, (C) redemption premiums, if any, payable on the Refunded Bonds as of such redemption date(s), (D) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, but not limited to, the development of the Refunding Financial Plan, the fees and costs of the municipal advisor to the Village, the fees and costs of the bond counsel to the Village, the costs and expenses of executing and performing the terms and conditions of the escrow contract, as hereinafter defined, and the fees and charges of the escrow holder, as hereinafter defined, and (E) the premium or premiums for the policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the Refunding Serial Bonds, 2019 of the Village in an aggregate principal amount not to exceed \$1,650,000 (the “Refunding Bonds”) pursuant to the provisions of the Refunding Law, it being anticipated that the principal amount of the Refunding Bonds actually to be issued will be approximately \$1,405,000 as described in the Refunding Financial Plan and in Section 6 hereof. The Refunding Bonds shall be dated such date as shall hereafter be determined by the Village Treasurer pursuant to Section 6 hereof, shall be of the denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity (unless a bond of an odd denomination is required), shall mature annually and shall bear interest semi-annually thereafter on such dates as shall be determined by the Village Treasurer pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Village Treasurer.

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SECTION 3. The Village Treasurer is hereby delegated all of the powers of this Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for the Refunding Bonds including, but not limited to, the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the Village by the manual or facsimile signature of the Village Treasurer and the Village's corporate seal (or a facsimile thereof) shall be imprinted thereon and attested by the Village Clerk. The Refunding Bonds shall contain the recital(s) required by the Refunding Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals as the Village Treasurer shall determine.

SECTION 5. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by the Local Finance Law; and

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibit B; and

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of each of the objects or purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds or the weighted average remaining period of probable usefulness of all objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in accordance with the provisions of the Refunding Law; and

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of the Refunding Law, is as shown in the Refunding Financial Plan described in Section 6 hereof.

SECTION 6. The Refunding Financial Plan showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, is set forth in Exhibit A attached hereto and hereby made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$1,405,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Exhibit A. This Village Board of

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Trustees recognizes that the amount and/or structure of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Village will most

probably be different from such assumptions and that the final details of the sale will also most probably be different from that attached hereto as Exhibit A. The Village Treasurer is hereby authorized and directed to determine the amount and particular maturities of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions and authorizing and directing the escrow holder, as hereinafter defined, to cause notice of such redemption, the amount and particular maturities of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to any redemption of the Refunding Bonds prior to maturity (including the presence or absence of an early call feature, as referred to above), whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, the escrow arrangements (if any) to be entered into with respect to the proceeds of the Refunding Bonds, the terms of the private sale of the Refunding Bonds to the Underwriter, the amount of the annual installments of the Refunding Bonds to be paid pursuant to the Refunding Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be prepared a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of the Refunding Law.

SECTION 7. The Village Treasurer shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

SECTION 8. The Village Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as she shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in the Refunding Law.

SECTION 9. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such Refunding Bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

SECTION 10. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest, if any, on the Refunding Bonds shall be paid to the Village to be expended to pay interest on the Refunding Bonds on the next bond payment date of such Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund

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to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded

Bonds in accordance with the Refunding Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof.

SECTION 11. In accordance with the provisions of Section 53.00 of the Local Finance Law, subject to the determination by the Village Treasurer regarding the redemption of the Refunded Bonds described in Section 6 above, the Village hereby elects to redeem the Refunded Bonds with the proceeds of the Refunding Bonds prior to their stated maturity dates on the date or dates provided in the Refunding Financial Plan. The sums to be paid therefor on such redemption date or dates shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date or dates. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the Refunding Financial Plan. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds and the direction to cause notice thereof to be given as provided in this section shall become irrevocable, provided that this section may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 12. 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 Refunding Bonds 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, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt obligations" in accordance with Section 265 of the Code.

SECTION 13. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, 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 14. The Village hereby determines that the issuance of the Refunding Bonds 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") is required.

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SECTION 15. Subject to compliance with the provisions of the Refunding Law, the Refunding Bonds shall be sold at private sale to the Underwriter and the Village Treasurer is hereby authorized to negotiate for such private sale. The Village Treasurer is hereby authorized to execute and deliver a bond purchase agreement with the Underwriter for the Refunding Bonds in the name and on behalf of the Village providing the terms and conditions for the sale and delivery of the

Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Village Treasurer in accordance with such bond purchase agreement upon the receipt by the Village of such purchase price, including any premium or accrued interest.

SECTION 16. The Village Treasurer and Village Clerk, the Village Attorney and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the bond purchase agreement.

SECTION 17. All other matters pertaining to the terms and manner and details of issuance of the Refunding Bonds shall be determined by the Village Treasurer and all powers in connection therewith are hereby delegated to the Village Treasurer.

SECTION 18. In the event of 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 19. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of such Local Finance Law, in the official newspaper(s) of the Village for such publications.

SECTION 20. The validity of the Refunding Bonds may be thereafter contested only if:

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

(b) The provisions of law which should be complied with at 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; or

(2) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 21. This resolution shall take effect immediately upon its adoption.

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**SEE EXHIBIT A**

Unanimously carried

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**Report – Trustee Murphy**

*Trustee Murphy reported on the following topic(s):*

*Oktoberfest was very fun. My wife and kids walked up and down Main Street with their kinder cones. It was a beautiful weekend for it. WBA did a great job. The whole event was fun.*

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

**WHEREAS**, the Mid-block Crossing on Mill Street at Glen Avenue was duly advertised and bids were opened on September 10, 2019; and

**WHEREAS**, two bids were received for the project;

**NOW, THEREFORE, BE IT RESOLVED**, that the project is hereby awarded to Ledge Creek Development, for their low bid of \$46,833.00.

Unanimously carried

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

**RESOLVED**, that the official date of *Halloween Trick or Treat* in the Village of Williamsville is hereby designated as Thursday, October 31<sup>st</sup>.

Unanimously carried

**Report – Deputy Mayor Piazza**

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

**WHEREAS**, the Administrator was authorized to advertise for bids for the sale of the three (3) Williamsville Fire Department's Chief's vehicles, FA #1046, #1047 and #1048; and

**WHEREAS**, only one bid was received for two vehicles from a single bidder expressly stating that should their bid be successful, they would only purchase two of the three vehicles;

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**NOW, THEREFORE, BE IT RESOLVED**, that the sale of the Williamsville Fire Department's Chief's vehicles, 2015 Chevy Tahoes, is hereby awarded "as is" to Woodlawn Fire Company, for their high bid in the amount of \$60,000.00; and

**BE IT FURTHER RESOLVED**, that all proceeds will be turned over to Hutchinson Hose Company to be used solely toward the purchase of new Chief's vehicles; and

**BE IT FURTHER RESOLVED** that the third vehicle will be traded in.

Unanimously carried

*Deputy Mayor Piazza reported on the following topic(s):*

- 1. Thanks to the Chief's handling on this, we did very well by getting \$30,000 per vehicle, and we still have one more to trade in when we buy the other three vehicles. He's doing a good job in administering money.*

**Report – Trustee Etu**

**ON MOTION** by Trustee Etu, seconded by Mayor Rogers, it was moved to go off agenda at 8:39pm.

**RESOLVED**, the Mayor is hereby authorized and directed to execute the Memorandum of Understanding by and between the Village and Town of Amherst outlining a cost sharing agreement for the preparation of boundary, utility and topographic survey of the Island Park, 5583 Main Street and 5565 Main Street properties, for a total cost not to exceed \$7,560.00.

Unanimously carried

**ON MOTION** by Trustee Etu, seconded by Trustee Yates, it was moved to go back on agenda at 8:41pm.

Unanimously carried

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

**RESOLVED**, that Change Order #1 by Occhino Corp. for S. Long Street is hereby approved in the amount of \$73,669.71.

Unanimously carried

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**Report – Trustee Yates**

No Reports

**Staff Reports**

*Attorney Greico: No reports.*

*Deputy Treasurer Pasco: No reports*

*DPW Crew Chief Vilonen: No reports*

***Director of Community Development DePriest:***

Director of Community Development DePriest played the second draft of the CGI promo video of the Village for the Board and audience. The Board liked this draft. DePriest informed the Board that CGI will be back in the Village on Wednesday, 9/25/2019, to reshoot E. Spring Street scape (instead of the rendering from the initial video draft), and other park shots. Trustee Yates and Community Development DePriest both acknowledged that the Village did not pay for this promo video. CGI offered to do it free of charge to the Village.

**ON MOTION** by Mayor Rogers, seconded by Trustee Yates, it was moved to adjourn the meeting at 8:41 p.m.

Unanimously carried.

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Hazel J. Pasco,  
Deputy/Clerk-Treasurer