

**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 9, 2019 at 7:30 p.m.**

Keaton DePriest, Director of Community Development led the Pledge of Allegiance at 7:30pm.

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

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

The Village Board meeting was opened at 7:30 p.m. by Mayor Rogers

**ON MOTION** by Mayor Rogers, seconded by Trustee Etu, it was moved to approve the minutes of the regular meeting held on November 25, 2019, as submitted.

Unanimously carried.

**ON MOTION** by Mayor Rogers, seconded by Trustee Yates, it was moved at 7:59 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*]:

1. **Larry Z. - 70 Los Robles** – Thank you to DPW for connection of trail to S. Long. Would like to see 4 minutes added when Village goes back to Work Session/Board Meetings on the same night.
2. **Thomas Frank – 5403 Main St.** – LWRP meeting Thursday at 6:00, Holland Land purchase, Centennial of Erie Canal, History is enormous.
3. **Joe Stalteri – 23 Rinewalt** – U-turns [*Trustee Etu – NYS law prohibits U-turns from the curb*][*Village Attorney Grieco – Village cannot regulate traffic on Main St. not enforceable. Village code states NO U-turns on Main St. in the Village corridor*] Main & Academy and Village foreign car there are no U-turn signs on Main Street

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*[those would be NYS DOT signs]- at Amy's "A" frames on property are allowed, flag on right away.*

**ON MOTION** by Mayor Rogers, seconded by Trustee Etu, it was moved at 8:12 p.m. to close public participation.

Unanimously carried

**Report – Mayor Rogers**

*Mayor Rogers reported on the following topic(s)  
Very Merry Christmas & Happy New Year!*

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

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

To:	001-3410-4160-3404 (Fire Protection/Truck Expense R-4)	\$99.00
From:	001-3410-4160-0000 (Fire Protection/Truck Expense)	\$99.00
To:	001-5110-4161-0900 (Street Maintenance/Repairs 2013 Nissan Leaf)	\$364.00
	001-5110-4161-0901 (Street Maintenance/Repairs 2012 Chevy Tahoe)	\$21.00
	001-5110-4161-0902 (Street Maintenance/Repairs 2002 Int'l dump w/Plow Frame)	\$1536.00
	001-5110-4161-0904 (Street Maintenance/Repairs 2005 Freightliner)	\$609.00
	001-5110-4161-0905 (Street Maintenance/Repairs & Maintenance 2007 Int'l Sander/Plow/Dump)	\$20.00
	001-5110-4161-0905 (Street Maintenance/Repairs 2001 Trackless Sidewalk Plow)	\$303.00
From:	001-5110-4161-0000 (Street Maintenance/Repairs-Equipment)	\$2853.00

Unanimously carried

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

**RESOLVED**, that the following ***budget amendment*** is hereby made in the ***General Fund*** for the **2019-2020** fiscal year, to account for proceeds from the 2019 Glen Park Art Festival.

Increase:	001-0001-2089 (Other Cultural & Recreation Income)	\$7,763.00
Increase:	001-7550-4540 (Glen Park Art Festival)	\$7,763.00

Unanimously carried

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

**RESOLVED**, that payroll and vouchers in the amount of **\$102,179.66** covering the period from 10/22/19 – 11/19/19 are hereby approved as follows:

**Payroll covering** 11/11/19 – 11/24/19: \$41,909.46

**Vouchers covering** 11/20/19 – 12/3/19:

General Fund	\$38,183.24
Water Fund	\$0.00
Sewer Fund	\$1,939.33
Glen Park Fund	\$0.00
Trust & Agency Fund	\$17,527.63
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$2,620.00</u>
	\$60,270.20

**GRAND TOTAL:** **\$102,179.66**

Unanimously carried

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

**RESOLVED**, that Change Order #1 for Ledge Creek Development, Inc. for the substitution of cast iron detectable panels (2) instead of the quoted composite detectable panels (2) for the Mid-Block Crosswalk on Mill Street, project #839, is hereby approved for an increased amount of \$253.00.

Unanimously carried

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

**RESOLVED**, that Change Order #2 for Ledge Creek Development, Inc. for two (2) “advance” crosswalk signs as requested by NYSDOT for the Mid-Block Crosswalk on Mill Street, project #839, is hereby approved for an increased amount of \$1,325.00.

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Unanimously carried

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

**RESOLVED**, that Change Order #GC-01 for Yarussi Construction, Inc. for the credit issued on project #831 East Spring Street, is hereby approved in the credit amount of \$7,016.00.

Unanimously carried

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

**RESOLVED**, that *Gail A. Jahreis* is hereby appointed *Clerk/Part-Time* for the Court office at a rate of \$23.34/hour, effective January 2, 2020.

Unanimously carried

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

**WHEREAS**, AIM Funding is unrestricted aid provided to Municipalities by New York State for the years. and

**WHEREAS**, the Village of Williamsville supports legislation (S.6844) introduced by Senator Patrick Gallivan related to the AIM Funding program and to ensure payments are made to dozens of towns and villages in Erie and Nassau Counties,

**WHEREAS**, as part of the 2019 budget process, traditional AIM funding was replaced by a portion of the State Sales Tax.

**WHEREAS**, the Office of the State Comptroller indicated the change did not allow sales tax funds to be distributed to municipalities in Counties with Fiscal Control Boards, such as Erie and Nassau.

**NOW, THEREFORE, BE IT RESOLVED:** The Village of Williamsville strongly supports Legislation S.6844 that would restore AIM Funding at 100% moving forward to Erie and Nassau Counties.

**FURTHER RESOLVED**, the AIM funding benefits all of our residents in Erie & Nassau Counties and the loss of this funding would put an unnecessary burden on the backs of local taxpayers that could result in the reduction of services, program cuts and layoffs.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

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Unanimously carried

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

**RESOLVED**, that Williamsville Justice Jeffrey Voelkl, is hereby authorized to travel to Salamanca, New York on Saturday December 7, 2019 to attend an educational seminar on the Court Reform that is proposed to commence the beginning of the 2020 calendar year, at a cost not to exceed \$90.00, to be paid by the Village of Williamsville.

Unanimously carried

**Report – Trustee Etu**

*Trustee Etu reported on the following topic(s)*

*Wednesday HPC is working on review of Design Guidelines. Parks – finalize design.*

*Happy Holidays and tomorrow 1973 Trustee Al Yates was born.*

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

**RESOLVED**, that the Administrator is hereby authorized to publish legal notice of a public hearing to be held by the Village Board of Trustees at 7:30 pm on Monday, January 13, 2020, at Village Hall, 5565 Main St., Williamsville, NY for the purpose of hearing all those interested in commenting on a proposed amendment to the Village Code which would add mitigation fees for all high density residential developments to the code.

Unanimously carried

**Report – Trustee Murphy –**

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

*Fun Holiday in the Village*

*Tree Lighting was Great!*

*Happy Holidays & Merry Christmas*

**Report – Deputy Mayor Piazza**

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

*Auditor's report, Village in healthy financial situation*

*Merry Christmas & Happy & Healthy New Year*

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

**RESOLVED**, that **Michael Gerland**, residing at 221 Bridle Path, Williamsville, is hereby appointed as an active member of the Williamsville Fire Department, effective January 1, 2020.

Unanimously carried

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

**RESOLVED**, that **Matthew Gerland**, residing at 221 Bridle Path, Williamsville, is hereby appointed as an active member of the Williamsville Fire Department, effective January 1, 2020.

Unanimously carried

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

**RESOLVED**, that **Hope Wenner**, residing at 99 Milton St., Williamsville, is hereby appointed as an active restrictive member of the Williamsville Fire Department, effective January 1, 2020.

Unanimously carried

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

**WHEREAS**, protecting the people from harm by enforcing the rule of law is the foundational role of government, and

**WHEREAS**, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

**WHEREAS**, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be treated with dignity, fairness, and respect; and,

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**WHEREAS**, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

**WHEREAS**, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

**WHEREAS**, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

**WHEREAS**, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

**WHEREAS**, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

**WHEREAS**, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

**WHEREAS**, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

**WHEREAS**, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

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**WHEREAS**, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

**WHEREAS**, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

**WHEREAS**, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

**WHEREAS**, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a propensity to evade the law; and

**WHEREAS**, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

**WHEREAS**, all offenders who are currently being held in custody for non-qualifying crimes including those mentioned heretofore will be eligible for release from custody on January 1, 2020; and

**WHEREAS**, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

**WHEREAS**, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

**WHEREAS**, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms adopted by the State of New York will themselves further victimize these innocent individuals; and

**WHEREAS**, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

**WHEREAS**, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020,

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**BE IT RESOLVED**, that the Village Board of Trustees of the **Village of Williamsville** hereby supports legislation (S.6853) introduced by Senator Chris Jacobs and implores the State of

New York to immediately amend or otherwise delay implementation of these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so before December 31, 2019; and

**BE IT FURTHER RESOLVED**, that the Village of Williamsville Board of Trustees asks all counties in New York State to urge their state representatives to take immediate action on the foregoing issues, and

**BE IT FURTHER RESOLVED**, that copies of this resolution be provided to Attorney General Letitia James, Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Senator Charles Schumer, Senator Kirsten Gillibrand, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader John Flanagan, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly Brian Kolb, the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. The New York State Association of Counties, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the District Attorneys Association of New York, the New York State Defenders Association, the New York State Probation Officers Association, the New York Council of Probation Administrators, the Association of Justices of the Supreme Court of the State of New York, the New York State Association of City Court Judges, the County Judges Association of the State of New York, and the County Attorneys' Association of the State of New York, The Association of Towns and NYCOM.

Unanimously carried

**Report – Trustee Yates**

*Trustee Yates reported on the following topic(s)*

*Thank you to all that helped to put on Holiday in the Village, especially DPW, Keaton, Kelly, Youth & Rec.*

*Happy Holidays & see you next year!*

**Staff Reports**

*Attorney Greico: No reports.*

*Deputy Treasurer Pasco: No reports*

*DPW Crew Chief Vilonen: Last week of leaves, brush follow-up this week*

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*Director of Community Development DePriest: Happy Holidays & Merry Christmas!*

**Executive Session**

**ON MOTION** by Mayor Rogers, seconded by Trustee Yates, at 8:29pm to move to Executive Session to discuss employment histories of specific individuals.

Unanimously carried

**ON MOTION** by Deputy Mayor Piazza, seconded by Trustee Yates, at 8:49pm to go back on agenda.

Unanimously carried

**ON MOTION** by Mayor Rogers, seconded by Trustee Yates, it was moved to adjourn the meeting at 8:50 p.m.

Unanimously carried.

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Judith A. Kindron  
Administrator/Clerk-Treasurer