

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village of Williamsville, 5565 Main Street, Williamsville, NY on Monday, April 25, 2022 at 7:30 p.m.

The Village Board meeting was opened at 7:30 pm by Mayor Rogers

Village Attorney Charles Grieco led the Pledge of Allegiance at 7:30pm.

Present: Deborah L. Rogers, Mayor
David F. Sherman Deputy Mayor
Eileen A. Torre, Trustee
Matt Carson, Trustee

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

Absent: Christine L. Hunt, Trustee

ON MOTION by Mayor Rogers, seconded by Deputy Mayor Sherman, it was moved to approve the minutes of the regular meeting held on March 28, 2022.

Motion Carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 7:37 pm to open the public participation portion of the meeting.

Motion Carried 4-0

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

- 1.) **Doug Richardson – 221 Hirschfield**-Meetings being cancelled. Chairman's should not be cancelling.
- 2.) **Thomas Frank-5403 Main St**-E.C. Greenway commission funding. Ellicott Creek Greenway. Amherst State Park. Ellicott Creek is 48 miles. Water Keepers/Earth Day
- 3.) **Dennis Hoban-216 California Dr.**– Is there an ethics review board? County has authority. Cannot receive questions. “The truth is like a lion. It does not need to be defended. Let it loose, and it will defend itself” (quoted from St. Augustine).
- 4.) **Cheryl Meyer-Willowbrook** – What is the purpose of the dam? 52-80 homes flood. 15 on Cayuga that want water. Reviewed study by Clint Brown in 2013. Consistent talk grants. Not a gift of the money tree. Need to take a pause. Important to everybody. The world is changing. We need to recognize change and adapt.
- 5.) **John Seymour – 251 Garrison** (last house in Village)- Main part of creek is the west side of creek. Main made side is larger. Equalize water flow.

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- 6.) **Steven Dyson-86 S. Cayuga-** re:D. Kimelburg’s letter. Decision in NYS Supreme Court. Lawsuit was to allow water into the sluiceway. No longer a working mill.
- 7.) **Barry Muskat-72 S. Cayuga-**Concern of creek not being irrigated re: bugs, odors, security? Directly across from Island Park. Concerned about vandalism. Creek be irrigated. Request that mandate that.
- 8.) **Eric O’Neill-79 Oakgrove Dr.-**Esthetic of Williamsville. Don’t change the look.
- 9.) **Dave Kimmelberg-114 S. Cayuga Rd.-**Troubled by Board decision not to put in gates. Trampling on vested interest from residents & businesses. Changing esthetics of Island Park. Offer on table from Town Supervisor for one year fix. Strongly encourage Board to consider legal, civic, community consequences.
- 10.)**Greg Vanderhost-95 Oakgrove-**10 foot trench, put up snowfence. Village owns 16 feet along creek. Shorten channel.
- 11.) **Shelly Kimmelberg-114 S.Cayuga Rd-**Being on the creek is a reason they purchased their property.
- 12.) **Emily Garret-80 S. Cayuuga –** Government studies take a long time. Everyone who uses Island Park is effective.
- 13.) **Mrs. Dyson-86 S. Cayuga-**Questions on levels of government.
- 14.) **Dennis Hoban-216 California Dr.-**Owns a piece of property on Lehn Springs. Tread lightly. Look at every angle. Army Corp of engineers could do a study. Has anybody talked to them? [*Mayor Rogers-will ask the Town if interested in funding study*]. [*Trustee Torre-need to have study done*]. [*Deputy Mayor Sherman-In favor of asking funds for study, need organized plan*]. [*Trustee Carson-In favor of study*].

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:33 pm to close the public participation.

Motion Carried 4-0

Report – Mayor Rogers

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

RESOLVED, that the following *budget transfers* are hereby made in the *General Fund* for the 2021-2022 fiscal year.

To:	001-3410-4010-0000	(Fire Protection/Office Supplies)	\$	60.00
From:	001-3410-2070-0000	(Fire Protection/Office Equipment)	\$	60.00
To:	001-3410-4160-3406	(Fire Protection/Truck Expense Truck 6)	\$	1900.00
	001-3410-4160-3407	(Fire Protection/Truck Expense Rescue 7)	\$	1247.00
From:	001-3410-4160-0000	(Fire Protection/Truck Expense)	\$	3147.00
To:	001-3410-4160-3402	(Fire Protection/Truck Expense Engine 2)	\$	242.00
From:	001-3410-4160-0000	(Fire Protection/Truck Expense)	\$	242.00

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To:	001-3410-2050-0000	(Fire Protection/Turnout Gear)	\$	87.00
From:	001-3410-2030-0000	(Fire Protection/Radio Equipment)	\$	87.00
To:	001-3410-4160-3491	(Fire Protection/Truck Expense 9-1 Asst Chiefs Truck)	\$	21.00
	001-3410-4160-3492	(Fire Protection/Truck Expense 9-2 Asst Chiefs Truck)	\$	21.00
From:	001-3410-4160-0000	(Fire Protection/Truck Expense)	\$	42.00

Motion Carried 4-0

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

RESOLVED, that the following *budget amendment* are hereby made in the **General Fund** for the 2021-2022 fiscal year, to account for payment from Town of Amherst for the Williamsville Fire Districts.

Increase:	001-0001-2262-0000	(Fire Protection Service/Other Gov't)	\$	11216.00
Increase:	001-3410-4220-0000	(Fire Protection/Share Fire District)	\$	11216.00

Motion Carried 4-0

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

RESOLVED, that payroll and vouchers in the amount of \$257,960.96 covering the period from 3/14/2022 – 4/19/2022 are hereby approved as follows:

PAYROLL COVERING - 3/14/2022-3/27/2022 \$ 40,991.94

PAYROLL COVERING - 3/27/2022-4/10/2022 \$ 37,466.08

VOUCHERS COVERING- 3/23/2022-4/05/2022

GENERAL FUND-	\$	81,613.01
WATER FUND-	\$	0.00
SEWER FUND-	\$	2,189.18
GLEN PARK FUND-	\$	123.64
TRUST & AGENCY FUND-	\$	18,356.45
DEBT SERVICE-	\$	0.00
COMMUNITY DEVELOPMENT-	\$	0.00
CAPITAL FUND-	\$	<u>1,255.00</u>
	\$	103,537.28

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VOUCHERS COVERING- 4/6/2022-4/19/2022

GENERAL FUND-	\$ 73,592.50
WATER FUND-	\$ 0.00
SEWER FUND-	\$ 422.63
GLEN PARK FUND-	\$ 110.53
TRUST & AGENCY FUND-	\$ 0.00
DEBT SERVICE-	\$ 0.00
COMMUNITY DEVELOPMENT-	\$ 0.00
CAPITAL FUND-	<u>\$ 1,840.00</u>
	\$ 75,965.66

GRAND TOTAL: \$ 257,960.96

Motion Carried 4-0

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

RESOLVED, that the following persons are hereby appointed Election Inspectors for the election of the Village of Williamsville to be held on Tuesday, June 21, 2022 at a rate of \$120.00 each for the day, to be paid by the Village of Williamsville:

District #1: Village Hall – Auditorium, 5565 Main St., Williamsville, New York 14221

Inspectors:

1. Kevin Cronin, 393 Cadman Dr., Williamsville
2. Albert Reinhardt, 157 Columbia Dr., Williamsville
3. Patricia Reinhardt, 157 Columbia Dr., Williamsville
4. Joan Jennings Scalfani, 68 Hirschfield Dr., Williamsville

BE IT FURTHER RESOLVED, that the following person is hereby appointed as Alternate Election Inspector:

1. Susan Orlando, 34 N. Ellicott St., Williamsville

AND, BE IT FURTHER RESOLVED, that *Albert Reinhardt, 157 Columbia Dr.*, is hereby appointed *Chairperson of the Election Inspectors*.

Motion Carried 4-0

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

WHEREAS, all jurisdictions within Erie County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS, a coalition of Erie County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Erie County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Village of Williamsville:

- 1) Adopts in its entirety, the 2022 Erie County Hazard Mitigation Plan (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Planning Partnership as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

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

RESOLVED, that the proposal from William Schutt & Associates for engineering services related to the Village of Williamsville's Waterline to Island Park Project, is hereby approved in the amount of \$15,000.00, to be funded through the award from Erie County Legislator, Jeanne Vinal.

Motion Carried 4-0

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

RESOLVED, that the following Fire Dept. equipment is hereby declared surplus, to be disposed, sold or traded-in:

- 1.) Bauer Air Compressor, Model No. K18v-20-E3, Serial No. 28SH
- 2.) Bauer (breathing air systems) Fill Station, Model No. M2775, Serial No. 90/587

Motion Carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:44 pm to go off agenda:

Motion Carried 4-0

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

RESOLVED, that Keaton DePriest, Director of Community Development for the Village of Williamsville, is hereby authorized to travel to Bolton Landing, New York for the 2022 New York Conference of Mayors (NYCOM) Annual Meeting, May 4, 2022 through May 6, 2022. Travel costs not to exceed \$1,325.00.

Motion Carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:50 pm to go back to regular agenda:

Motion Carried 4-0

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Report – Deputy Mayor Sherman

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

WHEREAS, the Village of Williamsville Tree Board's mission is to advise and support matters that impact the beauty, biological integrity and environmental quality of the community through its stewardship of the Village urban forest; and

WHEREAS, Arbor Day is celebrated during this time; and

WHEREAS, we recognize that in order to provide a high quality of life in Williamsville, each one of us must be good stewards of our air, water, land, flora and fauna; and

WHEREAS, we recognize that actions to protect and preserve trees through education, partnership and positive action should be encouraged;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees hereby proclaims that Arbor Day shall be celebrated in the Village of Williamsville on Saturday, June 4, 2022, including celebration activities and recognition.

Motion Carried 4-0

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

RESOLVED, that the Mayor is authorized and directed to sign, on behalf of the Village of Williamsville, the Agreement for Payments in Lieu of Taxes for Blocher Homes Apartment Project at 135 Evans Street, among Blocher Homes Housing Development Fund Corporation and Blocher Homes Apartments LLC and the Village of Williamsville, Town of Amherst, Erie County & Williamsville Central School District, or any amendment thereto, provided that the schedule of payments to the Village shall be no less than as reflected in the proposed schedule dated March 22, 2022.

Trustee Torre commented that she does not give her blessing on this project due to density and loss of greenspace. Voting yes. Mayor Rogers-applauds the project.

Motion Carried 4-0

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Report – Trustee Carson

ON MOTION by Trustee Carson, seconded by Mayor Rogers, 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, May 9, 2022 at 7:30 pm for the purpose of hearing all persons interested in a proposed local law reducing the number of Planning Board members from 7 to 5 of the Village Code.

Motion Carried 4-0

ON MOTION by Trustee Carson, seconded by Deputy Mayor Sherman, the following resolution was adopted:

WHEREAS, the Parks Committee presented a proposed play area structure to the Village Board for approval on 3/28/2022 for the South Long Park;

NOW THEREFORE, BE IT RESOLVED, that the Village Board of Trustees approves the Landscape Structures, Inc. quote at a price not to exceed \$377,824.60, with a \$125,000.00 grant from NYS Assembly member Karen McMahan to be applied to the project.

Motion Carried 4-0

ON MOTION by Trustee Carson, seconded by Deputy Mayor Sherman, the following resolution was adopted:

RESOLVED, that the Mayor is authorized to sign for and accept the \$30,000 award from Erie County Legislator, Jeanne Vinal, for improvements to the Island Park bathrooms waterline.

Motion Carried 4-0

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ON MOTION by Trustee Carson, seconded by Trustee Torre, the following resolution was adopted:

RESOLVED, that the Mayor is authorized to sign for and accept the \$10,000.00 award from Erie County Child and Family Services, for the purchase of picnic tables for South Long Park.

Motion Carried 4-0

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

WHEREAS, the Village of Williamsville's South Long Park Pavilion Project, was duly advertised, and bids for the project were opened at 9:00 a.m. on Thursday, March 31, 2022; and

WHEREAS, ONE (1) bid was received for the project;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville's South Long Park Pavilion is hereby awarded to Foreman Enterprises, Inc., East Amherst, for their low bid amount of \$49,800.00.

Motion Carried 4-0

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

WHEREAS, the Village of Williamsville's South Long Park Sport Court Project, was duly advertised, and bids for the project were opened at 9:00 a.m. on Thursday, March 31, 2022; and

WHEREAS, THREE (3) bids were received for the project;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville's South Long Park Sport Court Project is hereby awarded to Louis DelPrince & Sons, Inc., Cheektowaga, for their low bid amount of \$176,600.00.

Motion Carried 4-0

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ON MOTION by Trustee Torre, seconded by Deputy Mayor Sherman, the following resolution was adopted:

WHEREAS, the members of the Planning Board, Zoning Board of Appeals and Historic Preservation Commission (“Land Use Boards”) of the Village of Williamsville are required by state and/or local law to complete four hours of training each year to more effectively carry out their duties (“Required Land Use Training”); and

WHEREAS, the enabling statutes mandating this Required Land Use Training further provide that such training be approved by the Board of Trustees; and

WHEREAS, the Preservation Buffalo Niagara is offering a virtual lecture, by Christiana Limniatis, PBN’s Director of Preservation Services, called Preservation 101 on Tuesday May 3, 2022 from 6:00pm – 8:00pm; and

WHEREAS, the Board of Trustees finds that attendance at such training will be of benefit to the members of the Historic Preservation Commission;

NOW THEREFORE BE IT RESOLVED that the Village Board hereby authorizes the members of the Historic Preservation Commission to participate in the Preservation Buffalo Niagara virtual lecture on Tuesday May 3, 2022 with the topic of Preservation 101 and certifies that such participation shall satisfy 2 hours of the Required Land Use Training.

Motion Carried 4-0

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

WHEREAS, the Village of Williamsville Environmental Advisory Commission’s mission is to advise and support matters that impact the beauty, biological integrity and environmental quality of the community; and

WHEREAS, we recognize that in order to provide a high quality of life in Williamsville, each one of us must be good stewards of our air, water, land, flora and fauna; and

WHEREAS, we recognize that actions to protect and preserve the environment through education, partnership and positive action should be encouraged; and

WHEREAS, the Village of Williamsville wishes to recognize the 51st anniversary of Earth Day;

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NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees hereby proclaims Earth Day to be celebrated in the Village of Williamsville on Saturday, June 4, 2022, with a variety of educational, earth-focused activities for the community.

Motion Carried 4-0

ON MOTION by Trustee Torre, seconded by Trustee Carson, the following resolution was adopted:

RESOLVED, that Local Law #5 of 2021 regarding a change in parking on sections of Cadman Drive, was approved by unanimous vote at the Village Board meeting on December 13, 2021; and

WHEREAS, New York State received the certification of the Local Law in 2022; and

WHEREAS, New York State requires the Local Law to be recorded in the year that the State received notice;

NOW, THEREFORE BE IT RESOLVED, that Local Law #5 of 2021 will now be known as Local Law #2 of 2022.

Motion Carried 4-0

ON MOTION by Trustee Torre, seconded by Deputy Mayor Sherman, the following resolution was adopted:

WHEREAS, the Village of Williamsville initiated the preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State in accordance with the provision Article 42 of Executive Law; and

WHEREAS, the Draft Local Waterfront Revitalization Program (LWRP) has been prepared under the guidance and review of the Village Waterfront Revitalization Advisory Committee, with consultant planning services provided by the consultant firm of WWS Planning; and

NOW, THEREFORE, BE IT RESOLVED, that the Draft Local Waterfront Revitalization Program for the Village of Williamsville is accepted by the Village Board of Trustees as complete and ready to be submitted to the New

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York State Department of State for State, Federal and regional agencies review, pursuant to the provisions of Article 42 of the NYS Executive Law.

Motion Carried 4-0

ON MOTION by Trustee Torre, seconded by Deputy Mayor Sherman, 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 7:30pm on Monday May 23, 2022 at Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the Local Waterfront Revitalization Program.

Motion Carried 4-0

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

RESOLVED, that the proposal from William Schutt & Associates for engineering services related to the Glen Park Septic System Project, is hereby approved in the amount of \$7,000.00, to be paid for by the Glen Park fund.

Motion Carried 4-0

ON MOTION by Trustee Torre, seconded by Trustee Carson, the following resolution was adopted:

WHEREAS, the Village of Williamsville has prepared a Draft Local Waterfront Revitalization Program (LWRP), pursuant to the guidelines and requirements of Article 42 of the New York State Executive Law and its implementing regulations; and

WHEREAS, the draft LWRP has been prepared under the review and guidance of the Village of Williamsville Waterfront Advisory Committee, with assistance provided by a retained Planning Consultant and the New York State Department of State; and

WHEREAS, the Village Board of Trustees prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the LWRP and for the purposes of conducting a coordinated review, in accordance with the requirements of the State Environmental Quality Review Act (SEQRA) and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law (ECL); and

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WHEREAS, pursuant to Part 617 of the ECL implementing regulations, the Village Board of Trustees wishes to designate themselves as the SEQR Lead Agency for this action.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville Board of Trustees establishes SEQR Lead Agency status for the SEQR review of the Draft LWRP, and

BE IT FURTHER RESOLVED, that the Village Board authorizes the Planning Consultant to undertake the necessary notices and filings for this action, and

BE IT FURTHER RESOLVED, that one certified copy of this Lead Agency resolution be provided to the New York State Department of State, an involved agency.

Motion Carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 9:24 pm to open Executive Session:

Motion Carried 4-0

ON MOTION by Mayor Rogers, seconded by Trustee Torre, it was moved at 9:42 pm to close Executive Session:

Motion Carried 4-0

Staff Reports:

Deputy Treasurer: no report

Attorney Greico: no report

Administrator Kindron: no report

DPW Crew Chief: no report

Director of Community Development DePriest: no report

ON MOTION by Mayor Rogers, seconded by Trustee Carson, it was moved to adjourn the meeting at 9:43 pm.

Motion Carried 4-0

Judith A. Kindron
Administrator/Clerk-Treasurer