

**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, May 9, 2022 at 7:30 p.m.**

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

Trustee Carson 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  
Christine L. Hunt, Trustee

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

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Sherman, it was moved to approve the minutes of the regular meeting held on April 25, 2022.

Unanimously carried

## **Public Hearing**

Reduce the number of Planning Board members

**ON MOTION** by Mayor Rogers, seconded by Trustee Hunt, it was moved at 7:33 p.m. to open the public hearing portion of the meeting.

Unanimously carried

- 1) **Chuck Rizzone-136 Los Robles-** Volunteer position, no pay, have you received any concerns or complaints? Attendance issues? 7 member Planning Board with expertise timely manner. The more opinions the better the results. [*Mayor Rogers-Yes it was brought before the board 2 years ago and it did not pass. It has been brought up to the Village Board by the Planning Board sub committer*]. [*Trustee Carson- read a letter from the Planning Board chair, Amy Alexander*]. [*Trustee Torre-claims that around the state some have 2 separate 5 member Planning Boards and Architectural Review Board*]. [*Attorney Greico- stated that Planning & Architectural Review Board site plan review, and Architectural review Board*].
- 2) **Wally Pacer-45 Wellington Ct.-**Echo Chuck Rizzones comments. Amy comments regarding dedication and expertise. Attendance is not a problem with the 7 member board. Steadfastly opposed.

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- 3) *Trustee Carson-read a letter from Code Enforcement Officer Tim Masters (recommends the reduction).*

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Sherman, it was moved at 7:55 p.m. to close this public hearing.

Unanimously carried

## **Public Hearing**

Local Waterfront Revitalization Program (LWRP)

**ON MOTION** by Mayor Rogers, seconded by Trustee Torre, it was moved at 7:56 p.m. to open the public hearing portion of the meeting.

Unanimously carried

- 1) **Thomas Frank-5403 Main St.-GBNRTC**, CFA, collaboration, Buffalo Niagara Riverkeepers.

**ON MOTION** by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:03 p.m. to continue this at the May 23, 2022 board meeting.

Unanimously carried

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Sherman, it was moved at 8:04 pm 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.) **Nick Roth – 135 Oakgrove**-Dam situation, opposes Mayor Rogers resolution #3-partisan politics, huge problem in this country. Disappointed in the Boards behavior and attack on Mr. DePriest.

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- 2.) **Cheryl Meyers-Willowbrook Dr.**-Asked about money from Supervisor Kulpa and the Town of Amherst. [*Mayor Rogers contacted Supervisor Kulpa and has not received an answer*]. 80 people suffering due to mismanagement of prior boards.
- 3.) **Thomas Frank-5403 Main St.**-LWRP, Ellicott Creek Watershed, Niagara Falls Blvd., Niagara Basin, CFA.
- 4.) **Florence Krieter-26 Monroe Dr.**-Sent correspondence about 57 & 63 Columbia. Unregistered vehicles, dilapidated garage, etc. Safety, health. Blatant code violations.
- 5.) **Nia Bates – 25 N. Ellicott St.**-re: resolution #3 – crazy. Support Mayor Rogers on this.
- 6.) **Leslie Stewart-4625 Boncrest**-Following bill for many years. This one scares her. In support of the Board opposing.
- 7.) **135 Spring Meadow**-Support opposition, taking away rights & freedom.
- 8.) **TJ Stewart-4625 Boncrest**-DEI major topic today. Why should I stay (in NY)?
- 9.) **Jeremy Bates-25 N. Ellicott St.**-It's about control that no one wants. In support of Mayor Rogers. All in favor of opposition.

**ON MOTION** by Mayor Rogers, seconded by Deputy Mayor Sherman, it was moved at 8:36 pm to close the public participation.

Unanimously carried

**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: 001-3410-2050-0000   | (Fire Protection/Turnout Gear)           | \$ | 1667.00 |
| From: 001-3410-2060-0000 | (Fire Protection/Computer Equipment)     | \$ | 1667.00 |
| To: 001-3410-4160-3405   | (Fire Protection/Truck Expense Rescue 5) | \$ | 1000.00 |
| 001-3410-4160-3401       | (Fire Protection/Truck Expense Engine 1) | \$ | 204.00  |
| From: 001-3410-4160-0000 | (Fire Protection/Truck Expense)          | \$ | 1204.00 |
| To: 001-3410-4250-0000   | (Fire Protection/Gas & Oil)              | \$ | 363.00  |
| From: 001-3410-4161-0000 | (Fire Protection/Small Engine Repair)    | \$ | 363.00  |

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

**RESOLVED**, that payroll and vouchers in the amount of **\$108,447.30** covering the period from 4/11/2022 – 5/3/2022 are hereby approved as follows:

|   |                      |
|---|----------------------|
| <b>PAYROLL COVERING - 4/11/2022-4/24/2022</b> | <b>\$ 37,827.94</b>  |
| <b>VOUCHERS COVERING- 4/20/2022-5/03/2022</b> |                      |
| <b>GENERAL FUND-</b>                          | <b>\$ 53,550.22</b>  |
| <b>WATER FUND-</b>                            | <b>\$ 0.00</b>       |
| <b>SEWER FUND-</b>                            | <b>\$ 1,601.07</b>   |
| <b>GLEN PARK FUND-</b>                        | <b>\$ 0.00</b>       |
| <b>TRUST &amp; AGENCY FUND-</b>               | <b>\$ 15,468.07</b>  |
| <b>DEBT SERVICE-</b>                          | <b>\$ 0.00</b>       |
| <b>COMMUNITY DEVELOPMENT-</b>                 | <b>\$ 0.00</b>       |
| <b>CAPITAL FUND-</b>                          | <b>\$ 0.00</b>       |
|   | <b>\$ 70,619.36</b>  |
| <br>  |                      |
| <b>GRAND TOTAL</b>                            | <b>\$ 108,477.30</b> |

Unanimously carried

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

**WHEREAS**, Despite the expiration of New York State’s Disaster Emergency on June 24, 2021, and the concurrent expiration of the extraordinary authority it granted to the Executive to take measures to contain the spread of the COVID-19 virus, the Governor and the New York State Department of Health have continued to promulgate emergency regulations of far-reaching scope through the agency rulemaking process in violation of the NYS Administrative Procedure Act (“SAPA”), and

**WHEREAS**, bill A-416 entitled: “AN ACT to amend the public health law, in relation to the removal of cases, contacts and carriers of communicable diseases who are potentially dangerous to the public health” was proposed for several years in Assembly and failed to garner any support at all, and

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**WHEREAS**, the New York State Department of Health took matters into their own hands, and adopted 10 NYCRR 2.13 *Isolation and Quarantine Procedures*, effective 4/22/2022, as an emergency regulation, **with the intent to make it permanent**, and

**WHEREAS**, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (a4)* endows the Dept. of Health Commissioner with the power to force people diagnosed or *exposed to* a communicable disease to be removed from society (by isolation, quarantine, detention) into a “residential or temporary housing location that the public health authority issuing the order determines appropriate,” of which the location could be anywhere and that time frame could be any number of days, weeks, months or years, and

**WHEREAS**, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (c2)* empowers the Dept. of Health Commissioner to monitor the person being forcibly held and coordinate with local law enforcement to ensure compliance, and

**WHEREAS**, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (d)* empowers the Dept. of Health Commissioner to prevent a property owner from entering their property if it is being used as a quarantine facility location, and

**WHEREAS**, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (f)* establishes civil and criminal penalties if the citizen violates the health authority’s order. Each day a separate infraction, and

**WHEREAS**, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (g1)* every attending physician shall immediately, upon discovering a case or suspected case of a highly contagious reportable communicable disease, cause the patient to be appropriately isolated and contact the State Department of Health and the local health authority where the patient is isolated and, if different, the local health authority where the patient resides, and

**WHEREAS**, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures*, places the decision-making power into the hands of one person to decide the fate of 19 million New Yorkers as far as who can live their life freely and who can be pulled from the privacy of their home, workplace, school, etc. without notice and removed from society for an arbitrary and indefinite amount of time, in a location they are not allowed to choose, and that they are not allowed to leave until said person allows them to, and

**WHEREAS**, there are hundreds of studies that show that forced quarantines cause psychological, emotional, and physical harm including depression, anxiety, delayed medical exams, loss of jobs, loss of businesses etc., with the harm outweighing the benefit, and

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**WHEREAS**, the Village of Williamsville believes that the notion of government requiring individuals to isolate in temporary housing or a facility other than one's home is similar to the COVID response we saw authoritarian regimes implement over past two years and not a requirement that should be implemented in a democracy that values due process and individual liberties, and

**WHEREAS**, the Village of Williamsville believes that maintaining the doctrine of the Separation of Powers between the Legislative Branch and the Executive Branch is paramount in preserving a representative form of government, and

**WHEREAS**, the Village of Williamsville believes if this illegal regulation is permitted to stand, it would signify a breakdown of the checks and balances that define our democratic form of government, and

**WHEREAS**, the Village of Williamsville believes that with the height of the pandemic behind us, New Yorkers want the government overreach, tyrannical behavior and unchecked Executive powers that overshadowed the past two years to come to an end, and

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Williamsville expresses its opposition to the requirements and intent of the NYS Department of Health regarding Emergency Regulation 10 NYCRR 2.13.

**AND FURTHER BE IT RESOLVED**, that copies of this resolution will be forwarded to the offices of the ECDOH, NYS Dept. of Health, and Governor Hochul.

|            |                       |     |
|------------|-----------------------|-----|
| Roll Call: | Trustee Hunt -        | No  |
|            | Trustee Carson-       | Yes |
|            | Trustee Torre-        | No  |
|            | Deputy Mayor Sherman- | Yes |
|            | Mayor Rogers-         | Yes |

Motion passed 3-2

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

**RESOLVED**, that light duty is hereby approved for David Klein for the period through June 2022, at the time of his next medical evaluation.

Unanimously carried

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**Report – Deputy Mayor Sherman**

*May 28<sup>th</sup> – Bike Safety & Rodeo*

*Arbor Day/Earth Day is June 4*

**Report – Trustee Hunt**

**ON MOTION** by Trustee Hunt, seconded by Trustee Torre, it was moved at 8:57 pm to go off agenda:

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

**WHEREAS**, in 1971, the National Trust for Historic Preservation created Preservation Week to spotlight local preservation efforts in America, which has since grown into National Historic Preservation Month; and

**WHEREAS**, it is important to celebrate the role of history in our lives and contributions made by dedicated individuals in helping to preserve the tangible aspects of the Village of Williamsville; and

**WHEREAS**, the preservation of the Village of Williamsville's many diverse historic properties is a public activity supported by the Village of Williamsville's Historic Preservation Commission to protect the rich cultural legacy; and

**WHEREAS**, it is the sense that the Village of Williamsville's invaluable cultural, educational and historic structures should be celebrated and recognized by all the citizens of the great Village, now,

**THEREFORE BE IT RESOLVED**, that the Village of Williamsville proclaims May as Historic Preservation Month in the Village of Williamsville.

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

**RESOLVED**, that in honor of Historic Preservation Month for 2022, the Village of Williamsville's Historic Preservation Commission will present historic plaques to a number of Village of Williamsville properties that have been designated as Historical structures, at a ceremony on May 21, 2022 at Noon, to be held at the Mill plaza in front of 56 East Spring Street. The following structures will be presented with a plaque to display on the exterior of their building:

5428 Main Street  
5430 Main Street  
5541 Main Street  
5757 Main Street

Unanimously carried

**ON MOTION** by Mayor Rogers, seconded by Trustee Torre, it was moved at 8:59 pm to go back to regular agenda:

**Report – Trustee Torre**

*Earth Day June 4, holding a donation drive for refugees  
Looking for mops, plungers*

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

**RESOLVED**, that the proposal from Niagara Boundary for a Boundary Survey of Glen Park at a cost of \$3,500.00 and a Topographic & Utility Survey at a cost of \$4,360.00 related to the Glen Park, are hereby approved in the amount not to exceed \$7,860.00, to be paid for by the Glen Park fund.

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**Report – Trustee Carson**

*No Reports*

**Staff Reports:**

*Deputy Treasurer: no report*

*Attorney Greico: no report*

*Administrator Kindron: no report*

*DPW Crew Chief: Dept. to purchase VAC truck for about \$260,000. Effectively 4 pieces of equipment into 1*

*Director of Community Development DePriest: Events calendar for the Village*

**ON MOTION** by Mayor Rogers, seconded by Trustee Carson, it was moved to adjourn the meeting at 9:02 pm.

Unanimously carried

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Judith A. Kindron  
Administrator/Clerk-Treasurer