

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:00 P.M.

ON MOTION by Trustee Walker, seconded by Trustee Kuzon, it was moved to suspend the rules in order to hold a public hearing at 8:10 P.M. regarding an amendment to Local Law No. 3 of 1971 which would eliminate age requirements and increase the membership to nine on the Environmental Advisory Council. The hearing was closed at 8:11 P.M.

Unanimously carried.

Mayor Sheffer reported that when you go by Glen Park you can see substantial changes. The earth moving work is the most dramatic. Mr. Ward says it will not be long before work will begin on digging the channels, ponds, etc. The work is moving right along on schedule.

Mayor Sheffer stated there will be a resolution on the agenda later tonight regarding moving our meetings to Monday evenings. We have been trying to do that for a number of years. We have had to work this out with the Town as the Court has the right to use this room on the two Monday nights but we have been able to work this out with the Court. This will start with our July 11th meeting. Unlike the publicity, the meetings will begin at 7:30 P.M. instead of at 8:00 P.M. The time as well as the night is changed. It has been a problem for years that Village Board meetings cannot be adequately covered by the papers, particularly the Bee, which is published on Wednesday. This should help with this problem.

Mayor Sheffer stated we have all been reading in the papers about the City and Town receiving Public Works funding such as we received to complete the Park. The Town recently received One Million Dollars. The Board is staying on top of new public works grants that may become available. We received our grant under Phase 1 and were not eligible under Phase 2. There will be other phases coming up.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, it was moved to suspend the rules in order to hold a public hearing at 8:15 P.M. regarding amending Section 65.40 of the Water Code to increase the water consumption rate from \$1.60/1,000 gallons to \$1.64/1,000 gallons and increasing tap-in rates from \$30.00 to \$40.00 for 3/4" and from \$40.00 to \$55.00 for 1" tap. The hearing was closed at 8:19 P.M.

Unanimously carried.

Mayor Sheffer stated he wanted to thank the Town officials and judges for their cooperation in moving our meetings to Mondays. They had Court dates scheduled in advance but were willing to make this change.

Attorney Tisdall stated he had received a call from Mr. Ward, our landscape architect in charge of the work at Glen Park last Thursday saying that there was a serious problem there because a Niagara Mohawk utility pole was sitting in the middle of one of the ponds to be constructed in Glen Park. He asked if we could get the pole moved as he had tried for two weeks to get Niagara

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Mohawk to move it. They said it would cost \$1,800 to move the pole and we would have to pay it. Attorney Tisdall stated we found out they had no easement on the property and called their legal staff. The Niagara Mohawk legal staff made an investigation and found that the customer service department was right in the facts that they knew but that they did not have all the facts. On the basis of the facts they developed, orders have been given to remove the pole and put it on Spring Street. The purpose of the pole originally was to serve the Glen Park buildings. When the buildings were taken down it was used for power for the lift station for the Glenside Motel. They are removing the pole at their own expense and it is not costing the Village anything. It should be down shortly. The Village owes Niagara Mohawk a letter of thanks for the expeditious way they are handling the matter.

Mayor Sheffer stated that when he talked with a man from Niagara Mohawk who stated the matter had been resolved, the man was very nice about the whole thing.

Mayor Sheffer also stated that Mr. Ward thinks there is more water coming out of the escarpment than they thought was there for the pools. They are very encouraged by what they have found during their work in the park these past weeks.

ON MOTION by Trustee Walker, seconded by Trustee Idzak, it was moved to suspend the rules in order to hold a public hearing at 8:25 P.M. which hearing was a continuation of the hearing on the Fire Prevention Code which had been opened on May 24, 1977. The hearing was closed at 8:27 P.M.

Unanimously carried.

Trustee Walker stated the pools are going to be opened by June 25th. The holes have been repaired and the pools sandblasted. The filters will be back this week.

Trustee Walker complimented the Department of Public Works for their work in getting the parks in such good shape. We hope we can keep them that way.

ON MOTION by Trustee Walker, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that the Local Law #5, 1977 Fire Code is adopted. (As attached)

Unanimously carried.

Trustee Walker stated his second resolution involved the transfer of Glen Park property and it was going to be postponed until the Glen Park Committee and Town can comment further on it.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXX~~ County
~~City~~ of Williamsville
~~Town~~
Village

Local Law No. 5 of the year 19 ..77....

A local law Adoption of the State Fire Prevention Code
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~X~~ County
~~City~~ of Williamsville as follows:
~~Town~~
Village

See text attached

Section 1. In order to safeguard life and property from the hazards of fire, explosion and the release of toxic gas arising from the storage, handling or use of combustible or hazardous substances, materials or devices, a new article is hereby added to the Village Code which shall provide:

16.10 ADOPTION OF THE STATE FIRE PREVENTION CODE

The Board of Trustees hereby accepts the applicability of the State Fire Prevention Code(9 N.Y.C.R.R. 1150 et seq.) to become effective in the Village of Williamsville.

16.11 CONSTRUCTION

The provisions of the State Fire Prevention Code, this Article and all other provisions of the Village Code shall be construed as consistent with each other so long as is reasonable. If they cannot be construed harmoniously, the provision supplying the higher degree of protection to the public from the hazards of fire, explosion and the release of toxic gases shall control.

16.12 ENFORCEMENT OFFICERS

The persons who shall enforce the Code and this Article shall be the Fire Chief, the Assistant Fire Chiefs, the Building Inspector and such other persons as the Board of Trustees may from time to time designate.

16.13 DEFINITIONS

When used in this Article, the following words have the following meanings:

- 1) Code: the State Fire Prevention Code;
- 2) permit: the permit required to show compliance with the Code and this article;
- 3) article: the article adopted by this local law;
- 4) local law: any duly enacted local law or ordinance of the Village of Williamsville; and
- 5) owner: the owner of property as discussed by the tax rolls of the Village or by such evidence of ownership as any enforcement officer shall deem sufficient.

16.20 PERMITS

- a) An application for a permit shall be in such form and be accompanied by such information as deemed necessary by the enforcement officers to apply the Code and Article.
- b) Upon submission of a completed and proper application and payment of the prescribed fee, a permit shall be issued by and bear the name and signature of an enforcement officer if he finds compliance with the Code and Article.
- c) The permit shall, among other things, specify:
 - 1) the activity, operation or material for which the permit is issued;
 - 2) the premises where the activity or operation is to be conducted or material used or stored;
 - 3) the name and address of the applicant and owner;
 - 4) the date of issuance; and
 - 5) the date of expiration.

16.21 OWNER'S RESPONSIBILITY

- a) Where the applicant is a person other than the owner of the premises for which the permit is sought, the application shall also be signed by the owner. It shall be a condition of each and every permit that the applicant grants to the owner free access to the premises and that the owner accepts the responsibility for compliance with the Code and Article. The signatures of the applicant and owner shall be deemed their consent to all inspections of the premises by enforcement officers.
- b) In addition, it shall be deemed a provision of every lease of property for which a permit is issued in the Village of Williamsville that the owner retains the right of free access to the premises to assure compliance with the Code and Article. The owner, among others, shall be liable for any violations of the Code or Article occurring on the premises of which the owner is given notice and a reasonable opportunity to correct.

16.22 CONSENT TO INSPECTIONS

- a) The holder of a permit issued under the Code and Article is deemed to have consented to inspections of covered premises by enforcement officers.
- b) Refusal to allow the enforcement officers to inspect the covered premises shall immediately revoke the permit

16.23 FEES

- a) An application for a permit shall be accompanied by the payment of the permit fee. No fee shall be refunded, regardless of whether a permit is issued, unless the application is withdrawn before any review or action by the enforcement officers. The fees shall be:

For issuance of permit	\$ <u>10.00</u>
For extension of permit	\$ <u>5.00</u>
For issuance of a consolidated permit	\$ <u>20.00</u>

- b) For every violation order or notice of permit revocation served, each person served shall be liable for a fee of \$ 20.00 which must be paid prior to reissuance of a permit.

16.24 TRANSFERABILITY

Permits shall not be transferable. Any change in activity, operation, location, ownership or use shall require a new permit.

16.25 EXPIRATION

- a) A permit shall expire one calendar year from the date of its issuance or such earlier date as set forth in the permit or upon its revocation.
- b) Upon written application and payment of an additional fee, an extension of the permit may be granted provided a satisfactory reason can be shown for the failure to complete the work within the permitted time period.
- c) Any activity or operation occurring after a permit's expiration shall be deemed as occurring without a permit. Each day of such activity or operation shall be deemed a separate violation of the Village Code.

16.26 REVOCATION OF PERMIT

Any permit may be revoked for:

- 1) a misrepresentation or falsification of a material fact upon application for a permit;
- 2) violation of the Code, Article or any condition imposed on a permit;
- 3) issuance in error under applicable law;
- 4) upon denial of entry for inspection by an enforcement officer;
- 5) refusal to comply with a violation order.

16.27 CONSOLIDATED PERMITS

- a) When more than one permit is required for the same premises, a single permit may be issued listing all materials, activities and operations covered.
- b) Revocation of any portion of such consolidated permit shall revoke the entire permit.

16.28 DISPLAY OF PERMITS

Permits shall be kept on the premises covered and displayed in a prominent location. In cases of mobile activities or operations, the permit shall be carried by the permit holder or his designated agent or employee.

16.29 MATERIALS, PROPERTY, OPERATIONS AND ACTIVITIES REQUIRING A PERMIT

Possession or use of any material or property or carrying out any operation or activity covered by the Code requires the issuance of a valid permit for each such material, property, operation or activity.

16.30 INSPECTIONS

- a) From time to time the enforcement officers shall conduct inspections for compliance with the provisions of the Code and Article. Such inspections may be made at any reasonable time.
- b) This section shall not be deemed to relieve any Village official or volunteer fireman of any of his duties as prescribed by general or local law. Performance of such duties may be combined with the duties imposed by this Article if the two are consistent.
- c) This section shall not be deemed to deny any Village official or volunteer fireman any of his powers as granted by general or local law.

16.31 RECORDS

The Building Inspector shall keep all applications for permits and records of all permits, inspection reports, recommendations complaints, violation orders and Review Board decisions, all of which shall be dated.

16.32 REVIEW BOARD

Where practical difficulties or unnecessary hardships may result from the enforcement of any provision of the Code, applications for variances consistent with the spirit of the Code and not in conflict with Section 391(2) of the

Executive Law may be made to and acted upon by a Board of Review established by Section 395 of the Executive Law.

16.40 VIOLATIONS

- a) Any person owning, operating, occupying or maintaining premises within the scope of the Code or Article shall comply with all the provisions of the Code & Article and with all orders, notices, rules, regulations or determinations issued thereunder of which notice is given.
- b) Whenever an enforcement officer finds that there has been a violation of the Code, Article or any rule or regulation adopted pursuant thereto, a violation order shall be issued to the applicant and owner.
- c) Violation orders shall be in writing; shall describe the premises; shall specify the violation and remedial action to be taken; shall provide a reasonable time limit for correction; and shall state the time within which an appeal may be taken.
- d) Violation orders may be served: by personal service; by registered or certified mail; or by posting a copy thereof in a conspicuous place on the premises and by mailing a copy thereof to the applicant and owner on the same day as posted in a postpaid envelope.

16.41 DISORDERLY CONDUCT

Upon conviction of violating any provision of the Code, Article, any rule or regulation issued thereunder, or any violation order, such person shall be deemed a disorderly person and shall be subject to the fines provided for disorderly persons.

16.42 INJUNCTIVE RELIEF

An action or proceeding in the name of the Village of Williamsville may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Code, Article, any rule or regulation adopted thereunder, or a violation order, or to vacate the occupancy of a building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law. The fees and costs of such action or proceedings shall be assessed against, and paid by, the unsuccessful party.

16.50 REMOVAL OF DANGEROUS BUILDINGS OR STRUCTURES

- a) A building or structure or part thereof, which is an imminent danger to life, safety or welfare of the public with respect to fire or explosion, is hereby declared to be a public nuisance.

- b) The Building Inspector may cause any building or structure he finds a nuisance under paragraph(a) to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the nuisance.
- c) The Building Inspector may require the occupants of any such building, structure or part thereof to vacate the premises forthwith. No person shall use or occupy such premises until it is rendered safe. Except for the owner or applicant, no person shall enter premises which have been ordered vacated unless authorized to perform inspections, repairs, or to demolish and remove such building or structure, or part thereof.
- d) All costs and expenses incurred by the Village of Williamsville in connection with any work done to remove the nuisance or with the demolition and removal of such building, structure or part shall be assessed against and be a lien on the land on which such building is located. A bill for such expenses shall be presented to the applicant and owner of the property, or if one of them cannot be found, by posting in a conspicuous place on the premises and mailing a copy to them in postpaid envelopes. If the owner and applicant shall fail to pay for such expenses within ten days after the bill is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. The costs of such collection or foreclosure shall also be assessed against the land.
- e) As an alternative to the maintenance of the action described in paragraph (d), the Building Inspector may file with the Assessor a certificate of the actual expenses incurred together with a statement identifying the property and the owner thereof. The Assessor shall in the preparation of the next assessment roll assess such amount upon such property. Such amount shall be included in the levy against the property, shall constitute a lien and shall be collected and enforced in the same manner as provided by law for the collection and enforcement of real property taxes in the Village of Williamsville.

16.60 SEVERABILITY

If any section of this Article shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder thereof.

Section 2. The Village Clerk shall file a certified copy of this local law in the principal office of the State Building Code Council, Division of Housing and Community Renewal, Two

World Trade Center, New York, New York, 10047.

Section 3. This local law shall be duly filed in the office of the Secretary of State and in the office of the State Comptroller.

Section 4. The effective date of this local law shall be June 14, 1977.

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ON MOTION by Trustee Walker, seconded by Trustee Kuzon, the following resolution was adopted:

RESOLVED that Trustee Walker take such steps as may be necessary to hire five (5) park guards for both Island Park and Garrison Park on weekends until June 25, 1977 and daily thereafter until September 5, 1977 and weekends thereafter until October 15, 1977, the hours being 7 P.M. until Midnight at \$6.50 per hour, not to exceed \$3,300.00.

APPOINTMENTS

Park Guards -
Island Park

Mayor Sheffer asked where the funds were coming from for this and Trustee Walker stated these were anti-recession funds. He stated we have had guards on the weekends and they are working out fine. Things have been better in the park since they have been there. We hope this is the last year we have to do this.

Mayor Sheffer stated this is federal money and not out of the Village budget. He stated we dealt with the appropriation of the anti-recession funds at our last meeting and are using them for the park guards and for extra Department of Public Works help.

Trustee Miller stated he was still opposed to hiring park guards because we will have a duplication of services. We are already paying for police services with our taxes and should not have to use our own money for this. He stated he was inclined to vote No on this.

Park
Vandalism

Trustee Kuzon stated he agreed with Trustee Miller on the point that we are paying for this with our taxes, but the police cannot be two places at once. He stated he would vote yes.

Trustee Miller asked what the background was on the contacts with the Police Department concerning this problem, and if anyone had any knowledge of arrests or convictions for vandalism or for being in the park after closing.

Mayor Sheffer stated this problem has been with us for a long time. It was present when he first came on the Board. There were contacts by the Village with the Chief and the policy generally at that time was substantially the same as it now. It became clear we needed guards last year. The police could offer us no alternatives. We couldn't ask them to patrol more than once an hour and that is not sufficient. In Garrison Park the patrol cars would shine their light in the park but the kids would hide and know when they were coming.

Trustee Miller asked if the police had been contacted since last year and what their current position was on this. Trustee Walker stated he had talked to the Chief and to Captain Martin and they have said they will do as much as they can and patrol as often as they can. They will get out of the patrol cars and check the pavilions. They have been told to go through the park on their arrival at the station and their departure from it. The department does not have the manpower for foot patrols in the parks. We don't

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like having to hire guards but if we have to do it we will and we hope this is the last year. We have to think of Glen Park which will have almost 10 acres. It will not a restricted park like Island Park. Maybe if the kids learn this year we won't have problems next year.

Trustee Miller asked if any arrests had been made or fines levied under the prior park ordinances. Trustee Walker stated the park ordinances had been revised this year to include restrictions on alcoholic beverages and other things and so the police now have an enforceable local law. If the kids are caught they will be in violation of a local law.

Park Vandalism
(Con't)

Trustee Miller asked Attorney Tisdall about the past history of prosecutions for violations. Attorney Tisdall stated the Recreation Committee has developed substantial new regulations. He stated he was not aware of any prosecutions for violations. For a number of years we have hired guards operating on the theory that you prevent problems from developing rather than relying on police making arrests and getting convictions because by the time the police came by the kids were gone and the damage was done.

Trustee Miller stated he lives across from Garrison Park and when he had occasion to call the police they were there within five minutes and the kids were still there.

Attorney Tisdall stated it was up to the officer to write up the violation. In the past it has been handled by the police themselves. The Village prosecutor started just a year ago and Attorney Tisdall stated he did not know of any prosecutions arising out of arrests. We can only act when the police officers cite the violator. In the past most of the damage has been done in the months of May and June. We have also found out then when we put guards in the parks, the police don't come by as much.

Trustee Miller stated this is federal money we are using for this and he stated he felt it could be put to better use.

Attorney Tisdall stated the Police Chief feels that he is limited to putting car patrols on the parks. Island Park requires foot patrols. Even walking back to the pavilion is not sufficient as they can hide in the bushes while they are there and come out when they leave. He stated the problem is getting the Town to pay for the guards.

Trustee Miller stated he does not think we have expended all of our alternatives to make the police enforce our regulations. He does not think hiring guards is the solution to the problem. The money could be better used elsewhere. He also questioned why we are paying \$6.50 per hour for part time help and asked what the qualifications were for the job.

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Trustee Walker stated the qualifications were set by the Recreation Committee. They wanted Amherst Policemen this year and they got the Chief's permission to use uniformed officers. They want to spend the money they have the best way they can. The civilian park guards in the past had no arrest powers.

Trustee Miller stated he agreed they should use Amherst Policemen but we should not have to pay them extra for the work. He stated he was strongly against the resolution.

Trustee Idzak stated she has discussed this problem of vandalism at the Town Youth Board and Youth Committee meetings and we will do so again. The Town itself has spent \$100,000 in the lighting districts due to vandalism. If we can use \$3,300 to deter vandalism she stated she had no objection to doing it. This will give us time to think about this problem and what will have to be done next year.

Trustee Miller asked if there was any chance to modify the \$6.50 per hour salary and Trustee Walker stated it could not be done at present. If we got civilian guards could probably modify it.

Mayor Sheffer stated he felt very strongly from what had been done in the past that the guards were needed. He stated he does believe that \$6.50 is too high for a part time park guard. He stated that based on the salary, he would have to vote against the resolution.

Vote on Roll Call: Trustee Miller - no; Trustee Kuzon - aye; Trustee Idzak - aye; Trustee Walker - aye; Mayor Sheffer - no. Ayes - 3; Noes - 2.

Carried.

Attorney Dennis Speller stated from the audience that he and his client had come to the meeting tonight in reference to Trustee Walker's resolution No. 2 concerning the transfer of Glen Park land. They were present to answer any questions that might come up about it. He asked when the Glen Park Committee would next be meeting so they could attend the meeting.

Mayor Sheffer stated the Committee was supposed to meet Monday night but that it had been postponed to a week from Monday night since Mr. Ward couldn't be there. It will be at 7:30 P.M. in the park. It will be good meeting to present the transfer at as they will be better able to view the situation. He stated a number of problems have come up pertaining to the recommendations of the park committee and Mr. Ward and flood plain questions that we have to resolve before we can vote on this. Also, the land in question is dedicated park land and you need an act of the State Legislature for the transfer. The Legislature will be adjourning soon.

Attorney Tisdall asked Mr. Speller to call him to discuss the matter.

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ON MOTION by Trustee Walker, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that the Village Clerk be authorized to advertise for sealed bids for 1000 feet of 1½ inch fire hose and 1000 feet of 3 inch fire hose to be opened at the Village Clerk's Office, 5583 Main Street, Williamsville, New York 14221 on July 6, 1977 at 4 P.M. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradein allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR
BIDS

Fire Hose

Mayor Sheffer asked if this had been budgeted under the Fire Department's budget this year and Trustee Walker said it had.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that Chief Edwin Lavery and 2nd Assistant Chief Evor Williams be authorized to attend the New York State Chief's Conference on June 18 to June 22, 1977 and the expenses to be paid by the Village of Williamsville.

ATTEND
CONFERENCE

NY State Fire Chief's
Conference

Trustee Walker stated this resolution replaced an earlier one for the same thing as in the original one the Chief and 1st Assistant Chief were to attend the conference. Since the 1st Assistant Chief is not available, it was necessary to make the resolution concerning the 2nd Assistant Chief.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Idzak, the following resolution was adopted:

RESOLVED that the Village Clerk publish a Notice of Public Hearing to be held in the Municipal Building, 5583 Main Street, Williamsville, New York 14221 at 7:35 P.M. on July 11th for the purpose of hearing all persons interested in the adoption of a Local Law on Environmental Quality Review; Article 8 New York Environmental Conservation Law.

PUBLISH NOTICE
OF PUBLIC
HEARING

Local Law
Environmental Quality
Review Act

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Mayor Sheffer stated there are several amendments pending in the Legislature about this Act and we hope they will be in focus before the hearing is held.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Idzak, the following resolution was adopted:

RESOLVED that Local Law #6, 1977 amending Local Law #3, 1971 be adopted to eliminate age requirements for members of the Environmental Advisory Council and to increase the number appointed by the Board of Trustees from seven (7) to nine (9). (Copy of Local Law attached)

LOCAL LAW ADOPTED
#6 - 1977

Environmental
Advisory Council

Mayor Sheffer asked if the Council had recommended this change and Trustee Walker stated they had.

Unanimously carried.

Trustee Idzak stated she has spent a lot of time with the Youth Committees and there are many different kinds of young people in our community and only about 1% or less of them cause the problems. The Committees propose to do something about this.

There is an organization called YES (Youth Engaged in Service) involved in helping others. There will be picnic in their honor in Island Park. There are many fine young people in our community and we hope we can put some emphasis on them.

Trustee Idzak stated we also have some fine women in the community. Connie Murray and Eleanor Hollis of the Beautification Committee spent several days pruning the new trees that have been planted. To have the nursery do this would have cost \$18.50 per hour.

Trustee Idzak also complimented Joyce Troy on the Walking Tour on Cayuga Street that was held on Sunday. Mrs. Troy stated about 80 people participated in the tour.

Trustee Idzak stated we now have a preliminary draft of a letter to be sent to all residents, on the rental process for the senior citizen housing building. It was prepared by our consultant, Jack Daugherty. The process will be presented to the Senior Citizen Committee in April.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the following resolution was adopted:

RESOLVED that the Park Regulations be amended to provide that no fee or deposit be required of agencies of the Village of Williamsville or Town of Amherst.

Amendment of Park
Regulations
No fee required of
Village agencies

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Williamsville
~~Town~~
Village

Local Law No. 6 of the year 19 ..77....

A local law Amending Local Law #3 of 1971
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Williamsville as follows:
~~Town~~
Village

Section 1. The first paragraph of Section 2(a) of Local Law #3 of 1971,
as amended on 13 May 1975, is hereby amended to read:

The Council shall have nine (9) members at least two (2)
of whom shall be female. They shall be appointed by the
Board of Trustees and shall serve at the pleasure of the
Board of Trustees. Ex-officio members shall also serve as
provided herein.

Section 2. This local law shall take effect immediately upon its filing
with the Secretary of State.

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Unanimously carried.

William Groth, 15 Garden Parkway, asked if the Board had heard anything from Cleveland relative to the new senior citizens building. Mayor Sheffer advised this would be discussed during the suspension of rules later in the meeting.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, the following resolution was adopted:

RESOLVED that the Mayor is authorized to execute on behalf of the Village of Williamsville the New York State Recreation Program for the Elderly.

AUTHORIZATION

Mayor to Execute
Recreation Program
Application form

Trustee Idzak stated this is for filing for our State funds, which are matching funds. Mayor Sheffer stated the Village had participated in this program prior to a year or so ago when we dropped it. We are now rejoining the program. This resolution does not allocate the funds to any specific project. This will be done shortly. We are just authorizing the signing of the application at present.

Unanimously carried.

Trustee Miller stated he wanted to express the condolences of the Department of Public Works and the Board to former Highway Superintendent Arthur Wolf, who lost his son last week.

With respect to the Water Department, Trustee Miller stated he will meet this Thursday morning with contractors regarding getting prices for replacing the pipe on the 10" water line on the north side of Main Street. The new line will be protected with a newly installed guard rail and we are going to do the same thing on the south side and put a rail in front of the 6" line. This was damaged last week. We will be reusing most of the old insulation jacket.

Trustee Miller stated our water testing program is in good condition. One of our men has qualified to do the new testing that is required as of June 24th.

With respect to new employees for the Public Works Department, we are working on job descriptions. Trustee Miller stated the Village employees should be commended for all the work they have done in finishing up the tree planting program. We have a few left to be planted, but that will be done in the fall.

Trustee Miller stated that shortly after taking office and receiving the responsibility of looking into the sewer situation and the pending contract with MSR Engineers we found that there would be a duplication of information with that already compiled by Bissell Merrill & Associates who were formerly the Village engineers. The upset figure on the MSR contract was \$85,000 at that time. In meetings

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with MSR, the Town and Bissell Merrill we found that the information compiled in the past would be very useful to MSR in preparing the study to go along with the Town's sewer funding application. The new contract with MSR calls for a figure of about \$50,000 compared to the original figure of \$85,000. By being able to use the information already compiled, the Village will save some \$35,000. Trustee Miller stated he has a resolution regarding signing the contract with MSR to offer during suspension of rules.

Trustee Miller stated he has recommendations from the Department of Public Works regarding bid specifications for a new dump truck, for which federal funds have been authorized. This resolution will also be offered during suspension of rules.

ON MOTION by Trustee Miller, seconded by Trustee Idzak, it was moved to suspend the rules to consider two resolutions not on the agenda.

Unanimously carried.

ON MOTION by Trustee Miller, seconded by Trustee Idzak, the following resolution was adopted:

RESOLVED that the Village Clerk is authorized to advertise for sealed bids to be opened in the Village Clerk's Office, 5583 Main Street, Williamsville, New York 14221 on July 28, 1977 at 4:00 P.M. for the following items:

ADVERTISE FOR
BIDS

Dump Truck

A dump truck, the specifications of which shall be drawn by Trustee Miller and approved as to form by the Village Attorney prior to such advertisement.

The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade-in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

Trustee Walker asked if the Department of Public Works will be involved in drawing the specifications and Trustee Miller stated he will look to that department for input.

David Laubisch of the Department of Public Works stated the bidding should be expedited as much as possible. It will take about 2½ months for delivery of the truck if there are no problems. On this time schedule you are cutting it very close.

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Attorney Tisdall asked if the funds are already available and Trustee Walker stated these are federal revenue sharing funds. Mayor Sheffer asked if the money had been received as yet and the Deputy Clerk stated she did not believe they had been received. Attorney Tisdall stated this could also cause a problem in awarding the bids.

Unanimously carried.

ON MOTION by Trustee Miller, seconded by Trustee Walker, the following resolution was adopted:

RESOLVED that the Mayor execute a contract for professional engineering services with McPhee, Smith, Rosenstein Engineers, P.C. subject to approval as to form by the Village Attorney.

AUTHORIZATION
Mayor to execute contract with McPhee, Smith, Rosenstein Engineers

Trustee Miller stated this resolution deals with the Phase 2 sewer study he referred to before.

Trustee Kuzon stated he felt he could not responsibly vote yes on this resolution in that he did not have enough information about the contract. Mayor Sheffer stated the Trustees could still voice their objections and that he would not sign the contract if the Village Attorney did not advise him to. Trustee Miller stated the approval as to form by the Village Attorney was included in the resolution to give the Trustees a chance to voice objections. Attorney Tisdall stated the original contract with MSR had been held up pending further studies of the matter. The upset figure in this contract is different. Trustee Miller also stated the work description is different since the data already collected is still valid. Mayor Sheffer stated the Trustees can question him or the Village Attorney if they have any questions on the contract.

Vote on Roll Call: Trustee Kuzon - no; Trustee Idzak - aye; Trustee Walker - aye; Trustee Miller - aye; Mayor Sheffer - aye. Ayes - 4; Noes - 1.

Carried.

ON MOTION by Trustee Walker, seconded by Trustee Miller, it was moved to return to the agenda.

Unanimously carried.

Trustee Kuzon stated he wanted to join with the other Trustees in welcoming Miss Harrigan to the meeting and thank her for the good job she is doing in the absence of the Village Clerk.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the following resolution was adopted:

RESOLVED that Frederick Wood be appointed Chairman of the Board of Appeals for a term expiring at the end of the 1977-78 official Village year.

APPOINTMENT
Board of Appeals
Chairman
Fred Wood

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Mayor Sheffer stated Mr. Wood has been the Chairman of the Board of Appeals for some time.

Unanimously carried.

Trustee Kuzon stated his next resolution dealt with changing the Board meetings to Mondays and changing the time to 7:30 P.M. This is contrary to what has been in the papers which has stated the meeting time to be 8:00 P.M.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, the following resolution was adopted:

RESOLVED that the Regular Village Board Meetings be held at 7:30 P.M. on the second and fourth Monday of each month starting July 11, 1977.

BOARD MEETING TIME
AND DATES CHANGED

Unanimously carried.

Trustee Kuzon stated his third resolution on the agenda has been postponed for the present. It dealt with holding no more than two public hearings at any single Board meeting.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the following resolution was adopted:

RESOLVED that Jack Hewson be appointed Deputy Chairman of the Board of Appeals for a term expiring at the end of the 1977-78 official Village year.

APPOINTMENT
DEPUTY CHAIRMAN
BOARD OF APPEALS
Jack Hewson

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, vouchers in the sum of \$65,057.63 were approved as follows:

Payroll Fund	W/E 5/27/77	\$ 4,831.30
	W/E 6/3/77	2,982.67
	W/E 6/10/77	<u>3,157.28</u>
Total Payroll		\$10,971.25
General Fund	Abstract #394	19,651.66
Water Fund	Abstract #384	33,735.21
Community Development Fund	Abstract #17	<u>699.51</u>
Total Vouchers		\$65,057.63

Unanimously carried.

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David Laubisch of the Department of Public Works had no report.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, it was moved to suspend the rules for public participation.

Unanimously carried.

William Groth, 15 Garden Parkway, asked if the Board has been in contact with Forest City Dillon regarding the Senior Citizens project.

Mayor Sheffer stated the Board has been in contact with them. Most of the time since the Board last considered the project has been taken up with Forest City Dillon finalizing their application to the Department of Housing and Urban Development to have their project approved for funding. In the meantime, we have been in contact with them regarding such things as naming the building, which we wanted to have input into, and particularly regarding the conditions the Board attached to the granting of the application to make sure they are in their application to HUD. A Mr. Reeves at Forest City Dillon deals primarily with the tenant selection for the projects and with matters pertaining to tenants, and the Village has an active concern with the tenant selection process. Our consultant, Mr. Daugherty, has been in contact with him regarding this.

SENIOR CITIZEN
HOUSING
REPORT

Mr. Groth stated several residents have told him they have applied for entrance into the project. Mayor Sheffer stated no formal applications have been accepted. A survey is being taken by sending out forms to every resident in the Village for the purpose of seeing that every resident has a chance to apply for the housing if they desire it. Note everyone is on the list at the Senior Citizens Center. The applications are to be returned by August 1st. By plugging in the answers to those questionnaires to the set of criteria the tenants will be selected. It will be those most qualified who get into the project.

Mr. Groth stated he knows a woman who is going to sell her house and she says she has made an application to get in. Mayor Sheffer advised that no one should take any major steps until they find out if they have been selected or not.

Mr. Groth stated there is a large amount of litter behind 5304 Main Street where Ernie's Tavern used to be. He asked who is responsible for picking it up. Attorney Tisdall stated the Department of Public Works can only pick it up if it is put in containers and placed at the curb. In the past, the Village has contacted the Erie County Department of Public Health. Mayor Sheffer stated the property is in the name of an estate and it can be difficult to deal with the owners. Attorney Tisdall stated the estate can be contacted. Mayor Sheffer stated the County Health Department will be notified regarding this.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:00 P.M.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, it was moved to return to regular session.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the meeting was adjourned at 9:30 P.M.

Unanimously carried.


Mary Harrigan,
Deputy Clerk

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:05 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker
Mary Harrigan, Deputy Clerk
Joseph C. Tisdall, Village Attorney
David Laubisch, Dept. of Public Works
Absent Theresa L. Cummins, Village Clerk
Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 8:05 P.M.

The Deputy Clerk read the notice of public hearing regarding a local law which would amend Section 65.10(12) of the Water Code of the Village of Williamsville to allow charges for tap-ins for fire protection systems into the Village water supply system.

Mayor Sheffer then turned the hearing over to Trustee Miller who stated the present law refers to sprinkler systems and we want to change the wording to fire protection systems. The law also sets the tap-in fees and allows for access by village employees and officials to the premises. Trustee Miller stated several commercial buildings in the Village are thinking of installing fire protection systems in order to get lower insurance rates. We may also be affected by this with respect to the senior citizens housing that is being built. The charges are as follows:

		PUBLIC HEARING
4" connection	- \$216 per year	
6" connection	- \$396 per year	LOCAL LAW AMENDING
8" connection	- \$648 per year	WATER CODE
10" connection	- \$900 per year	
12" connection	- \$1,200 per year.	TAP INS AND FIRE
		PROTECTION SYSTEM

This does not mean that if there is a fire the people would be charged for the water they use to put it out, but this is an annual fee. It parallels the fees of the Erie County Water Authority.

No one appeared to speak in favor of, or in opposition to the law.

ON MOTION by Trustee Miller, seconded by Trustee Idzak, the hearing was closed at 8:08 P.M.

Unanimously carried.

Mary Harrigan
Mary Harrigan,
Deputy Clerk

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:10 P.M.

Roll Call:	Present	John B. Sheffer, II, Mayor
		Lois S. Idzak
		Gordon J. Kuzon Trustees
		Warren D. Miller
		Roger C. Walker
		Mary Harrigan, Deputy Clerk
		Joseph C. Tisdall, Village Attorney
		David Laubisch, Dept. of Public Works
	Absent	Theresa L. Cummins, Village Clerk
		Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 8:10 P.M.

The Deputy Clerk read the notice of public hearing regarding an amendment to Local Law #3 of the year 1971 which would eliminate age requirements and increase the membership to nine (9) on the Environmental Advisory Council.

Mayor Sheffer then turned the hearing over to Trustee Walker who stated the Environmental Advisory Council felt that it was necessary to increase the membership of council to nine so the committee could work better and that the age requirement should be eliminated in order to get more people who are willing to work on the council.

No one appeared to speak in favor of, or in opposition, to the amendment.

PUBLIC HEARING

ON MOTION by Trustee Walker, seconded by Trustee Idzak, the hearing was closed at 8:11 P.M.

LOCAL LAW TO CHANGE
MEMBERSHIP REQUIREMENTS
ON ENVIRONMENTAL
ADVISORY COUNCIL

Unanimously carried.

Mary Harrigan
Mary Harrigan,
Deputy Clerk

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:15 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker
Mary Harrigan, Deputy Clerk
Joseph C. Tisdall, Village Attorney
David Laubisch, Dept. of Public Works
Absent Theresa L. Cummins, Village Clerk
Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 8:15 P.M.

The Deputy Clerk read the notice of public hearing regarding a local law which would amend Section 65.40 of the Water Code of the Village of Williamsville by increasing the water consumption rate from \$1.60/1,000 gallons to \$1.64/1,000 gallons and increasing tap-in rates from \$30.00 to \$40.00 for 3/4", and from \$40.00 to \$55.00 for 1" tap.

Mayor Sheffer then turned the hearing over to Trustee Miller who stated we have received a \$.04 increase in our water rate from our wholesaler, the Erie County Water Authority, and it is fitting that we pass this on to the consumer since the Water Department cannot absorb the increase since it is in debt to the General Fund.

Trustee Miller stated the second part of the law relating to tap-in rates is needed in that we found we were charging less for the materials than they cost at the current rate. We had a stock which was purchased at the old prices but this has to be replenished and the cost has increased.

PUBLIC HEARING

No one appeared to speak in favor of, or in opposition to the law.

Mayor Sheffer stated that \$.04 is not a large increase but the Village cannot absorb it. In the past we had small increases which were absorbed by the Village but it came to a point where it could no longer be absorbed and the increase in the rate at that point was quite large. We don't want to see this happen again.

LOCAL LAW
INCREASE IN WATER CONSUMPTION RATES

Attorney Tisdall advised that under the law you cannot use the General Fund to carry the Water Department since both are charged on an entirely different basis.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:15 P.M.

ON MOTION by Trustee Miller, seconded by Trustee Idzak, the public hearing was closed at 8:19 P.M.

Unanimously carried.

Mary Harrigan
Mary Harrigan,
Deputy Clerk

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 8:25 P.M.

Roll Call:	Present	John B. Sheffer, II, Mayor
		Lois S. Idzak
		Gordon J. Kuzon Trustees
		Warren D. Miller
		Roger C. Walker
		Mary Harrigan, Deputy Clerk
		Joseph C. Tisdall, Village Attorney
		David Laubisch, Dept. of Public Works
	Absent	Theresa L. Cummins, Village Clerk
		Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 8:25 P.M., explaining that this was a continuation of the public hearing which was opened at 8:05 P.M. on May 24, 1977. He turned the hearing over to Trustee Walker who stated the reason for the adjournment at the last meeting was to give the Trustees and people from the Fire Department time to review the State Code further. We want to adopt the New York State Fire Prevention Code for the Village. By adopting the State Code, if any changes are made we will receive copies of the changes automatically.

PUBLIC HEARING

Trustee Miller stated he wanted to go on record as very strongly in favor of the adoption of the Code. He stated it was a very worthwhile step we are taking and he encouraged the other Trustees to vote for it.

CONTINUATION OF HEARING
ON LOCAL LAW

Chief Lavery stated the Fire Department would very much like to see the Code adopted and he thanked all those who had worked so hard on this matter.

ADOPTION OF NEW YORK
STATE FIRE
PREVENTION
CODE FOR
THE VILLAGE OF
WILLIAMSVILLE

Mayor Sheffer stated the Code and the administrative part of it had been worked on a great deal by the Village Attorney and the legal assistant the Village was able to get under a federal grant. The grant for the assistant is up shortly. This was a tremendous boon to the Village to have this help. We are going to pursue having another legal assistant in the future under the same program.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, the hearing was closed at 8:27 P.M.

Unanimously carried.

Mary Harrigan
Mary Harrigan,
Deputy Clerk

Minutes of the Special Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 14, 1977 at 9:30 P.M.

Roll Call: Present: John B. Sheffer, II Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker

Trustee Idzak acted as Clerk of the meeting to take and report the minutes of this meeting.

It was moved by Trustee Miller, Seconded by Trustee Walker:

RESOLVED THAT the Village of Williamsville shall immediately hire two employees, Class one laborer and small equipment operator or water mechanic, at the starting rate of (\$3.88) of the current union contract. Such laborers must be licensed by the Motor Vehicle Bureau of the State of New York to drive trucks under a class one or class three license. Former Village employees Paul McMenemin and James Modaffari shall be qualified to hold such positions providing they have such license or obtain one within six months of the date of reemployment. Any other person hired for such position shall have such license at the time of employment.

HIRING OF
TWO EMPLOYEES
FOR THE
DEPARTMENT OF
PUBLIC WORKS

CLASS ONE
LABORER AND
SMALL
EQUIPMENT
OPERATOR OR WATER
MECHANIC

Vote on Roll Call: Trustee Miller - aye; Trustee Walker - aye; Mayor Sheffer - aye; Trustee Kuzon - aye; Trustee Idzak - aye.

Unanimously carried.

ON MOTION by Trustee Miller, Seconded by Trustee Kuzon to adjourn the meeting.

Unanimously carried.


Lois Idzak
Secretary

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 28, 1977 at 8:05 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works
Absent Roger C. Walker, Trustee

Mayor Sheffer called the meeting to order at 8:05 P.M.

Mayor Sheffer stated Trustee Walker was not present tonight as he is at Reserve Camp.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, the minutes of the regular meeting held June 14, 1977 were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, the minutes of the public hearing held June 14, 1977 regarding a local law amending the Water Code with respect to the fire protection systems and tap ins were approved.

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, the minutes of the public hearing held June 14, 1977 regarding membership on the Environmental Advisory Council were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Miller, the minutes of the public hearing regarding a local law amending the Water Code with respect to water consumption charges held June 14, 1977 were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, the minutes of the public hearings held May 24, 1977 and June 14, 1977 regarding adoption of the Fire Code were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Miller, the minutes of the special meeting held June 14, 1977 regarding appointment of laborers were approved.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, June 28, 1977 at 8:05 P.M.

Mayor Sheffer reported the Glen Park Committee had met last night at the park with Mr. Ward and had inspected the work done so far. A number of problems have come up but none are unsurmountable. Otherwise, progress is good. Within the next week they will begin excavation of the waterways and ponds. There seems to be much more water than they anticipated, coming mainly out of the escarpment.

Mayor Sheffer stated the Village has given the Town the final specifications and plans on the park and the Town has signed the agreement for cooperation between the Town and Village. This involves transfer of title for one-half interest to the Town. The Joint Commission consisting of five people from the Village and four from the Town needs to be appointed within the next thirty days. This will be done before the second meeting in July.

CHRISTIAN CHURCH REPORT

Mayor Sheffer stated the public hearing on the Christian Church was held almost two months ago. The Village has to make a decision on acquiring the Church by the next meeting since the Church Trustees have requested a decision as soon as possible. Apparently the legal problem that came up at the public hearing regarding reversion interest has been resolved and this Board has to decide if it is economically feasible for the Village to acquire the Church. He stated he spoke with the Church Trustees and they will be meeting with the Board to talk about a final agreement based on what the Church and Village expect and then the Board will vote on the agreement at our next meeting on July 11th. July 11th will be our first Monday meeting and it will be held at 7:30 P.M. rather than 8:00 P.M. While we have already held the public hearing on this matter, we would still like to hear from anyone who has any thoughts on this matter.

Mayor Sheffer stated this was the last day for Walter Drag, the legal assistant who worked for us under a federal grant. It has been most advantageous for the Village as for \$160 we got some \$800 worth of work. He has done research on many matters for the Village including the Fire Code and the Christian Church. We have contacted the law school about doing this again in the future.

Mayor Sheffer stated he has heard many people express the opinion that there are not enough recreational opportunities for villagers in the southern end of the Town. We rely almost entirely on the Town rather than have our own program. The opportunities have increased this year. There will be a swimming program, both teaching and recreational, at Williamsville South and this hasn't been done for some time. There will be crafts and other programs at Island and Garrison Parks. We have not as yet had final word from the Town regarding construction of the tennis courts but we hope they will start work on this soon. Mayor Sheffer thanked Dr. Hatch from the school and Town officials for their cooperation on this.

Mayor Sheffer stated the Planning Board is one of our crucial committees, especially this year when we are starting on our master plan program. Money has been provided from Community Development funds for this.