

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held at the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 25, 1988 at 7:33 P.M.

Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Supt. of Public Works

The Clerk read the notice of the public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 1.01 through 1.12 of the Village Sign Code.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, it was moved to open the public hearing at 7:33 P.M.

Unanimously carried.

Trustee Kibby opened the meeting by stating the Board is very interested in the businessmen's input. They will listen to all comments and take their ideas back to the drawing board if necessary.

Debbie Hanny from Jenny's Ice Cream, 78 Spring Street discussed the "Projecting Sign", page 3, Item 1.04(B)(3e). She objected to the fact that only an oval sign would be permitted. She has a logo which is partly oval and partly straight which she would like to put on her sign. Ms. Hanny also objected to #4 which states that the sign shall contain not more than the name, a brief description of the enterprise or both. She has a little girl she would like to have painted on the sign because that is how her business is known. Her third objection is to #3 which states the letters shall be routed. This is an extremely expensive process and would be a hardship on many business people. Letters can be painted on by competent sign people and can be as attractive as a routed letter.

Roger Long, the owner of Canvas World, stated he had submitted a letter to the Board regarding the proposed sign code. He objected to Section 1.04(B)(3c) referring to Awning Signs - page 3 - shall contain only the name of the enterprise, street number or both; the lettering shall not exceed 6" in height. He feels many times when an awning is being designed, the size of the lettering is not determined until the entire project is measured up. Many customers will want their sign on their awning and this is the only sign they will have and to limit letters to only 6" and provide for no logo would

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not allow the businesses design ideas. This is quite a restrictive code. If a business is allowed so many square feet, why not allow so many square feet of lettering on that awning. Trustee Kibby said assuming a person is allowed three signs, the intent of this one was "something extra". What Mr. Long is saying, is assuming someone wants to forego a wall sign, why not let them and they could have a sign on their awning but give up their wall sign.

Trey Measer, 90 South Ellicott had several questions:

- (1) Page 2 - #7 — What is the definition of "General Sign Expiration Date"? Trustee Kibby stated it was the first day of July 1989 and the first day of July 1994, 1999, 2004, etc. That is the way it is now. Every five years every business comes up for renewal. All expire on the same date.
- (2) Page 2 - #9 — It says a "Mansard Roof" has four sides. He wanted an example of a "mansard roof" in the Village. The "Point of View" where they have their sign, is that a mansard roof? The roof around the Caldwell Building, is that a mansard roof? Attorney Troy stated the Caldwell Building is a mansard roof, but the roof where the Point of View has its sign is not a mansard roof. The sign at that location is on an artistic piece going around the building.
- (3) Page 2 - #13 — Refers to window glass on the same floor. Does that mean all around the building on the first floor? Or, does that mean just in the front of the building?
- (4) In 1.03(C) it states no sign can be altered or changed. What about painting the sign to clean it up? Attorney Troy stated this refers to an alteration in the lettering, etc. Mr. Measer stated some of the members of the businessmen's association would like this spelled out in the code.
- (5) On page 2 - #1.03(G) — If a businessman accidentally puts up a sign, must he take it down and store it before he can come to the Planning Board for approval? He felt the Planning Board hasn't had that many cases where they haven't worked around it. This causes a hardship on the businesses and is not being friendly to the businesses in the Village. Trustee Kibby stated that as liaison to the Planning Board for a number of years, it is his observation that the Planning Board is put under undo stress to approve a sign they would rather not approve because it is already there and he thinks the Planning Board supports it. Mr. Measer asked it be taken to the Planning Board for a vote because he thinks they would not be in favor if it.

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- (6) Page 3 - Projecting Signs — He agrees with Debbie Hanny that the oval sign and the wooden sign and the routing is unnecessary. He thinks that thru the Architectural Review Section, the Planning Board can keep in good taste, signs that are made of metal or any other structure and if the Planning Board doesn't like it under that section of the code, they can say "no".
- (7) Under "Free Standing Signs" - page 3 - #1(b) — the Planning Board has a lot of problems defining what the "right of way" is on some of the streets. Is there any other way of saying "two feet back from the sidewalk"? What we are trying to do is keep the signs back so someone doesn't walk into them or the sidewalk plow doesn't hit them. It is easier telling businessmen "two feet back from the sidewalk" than "two feet back from the right of way". Attorney Troy stated that sidewalks in the Village are not standardly located. Sometimes they are in the right of way, sometimes they are not. The sign should be kept as far back so it is not in the public right of way and so it prevents injury to any person. Since it is difficult to define public right of way, it was decided the code should be changed to read - "No part of the sign shall be located closer than two feet to the inner edge of the sidewalk but in no case shall it be located in the public right of way."
- (8) Also under "Free Standing Signs" - #2 - the maximum square footage of a sign — for a property of 200 square feet of frontage, with four tenants, is that 80 square feet per side? Trustee Kibby said it was. Mr. Measer requested that it be written into the code that it is per side.
- (9) Page 3 - #1.05 regarding address numbers — Why do we talk about address numbers in the sign code? Are we going to consider addresses as a sign? Trustee Kibby stated that all addresses are signs but permits are not required for them. Mr. Measer suggested this reference to addresses be placed in another section of the code unless the Village intends to treat addresses as a sign.
- (10) Page 4 - #1.08 - Non-conforming signs - #1(b) — Mr. Measer stated his sign was installed January 5, 1987. The sign was not changed at that time except for the verbage of the sign. This was permitted under the old code. When would this sign have to come down under this section of the code? It is a legal non-conforming sign now. Trustee Kibby stated it would be July 1, 1994. That is presuming the new code is passed by July 1, 1989. If it is voted on after July 1989, then that section would probably be changed to a date further in the future. Mr. Measer then referred to "Projecting Signs" on page 3 - #7 states "any projecting sign not constructed in accordance with this

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- (10) section, shall be removed or replaced on the general sign expiration date". If that is July 1989 there is a conflict with the other date for non-conforming signs. Trustee Kibby stated it is not the intention to have non-conforming removed prior to 1994.

Mr. Measer stated overall it will help the businesses by changing and clearing up the law. He would like to see the Village work closer with the Business Association to perhaps twice a year notify them that there is a procedure for getting a sign permit or a building permit. Also to work up a check list which is in the preliminary stages right now to be handed out with the permit so there is a clear easy checklist for them to follow. A booklet showing what the Village considers a "good" sign and also a "bad" sign would also be helpful.

Trustee Kibby thanked Trey Measer on behalf of the Village for taking the time and effort, not only in coming tonight, but also for putting the proposed code into a very readable format at a very nominal cost.

Dave Schneeweiss spoke on behalf of Mr. Donut, 5530 Main Street. He also has an overhead legal non-conforming sign. He is concerned with what Mr. Measer has already referred to, and is also concerned about Page 2; #1.03G - "No application for a sign permit for an already erected sign, placed without a legal permit may be considered by the Planning Board until the illegal sign has been removed." — If he has a sign which becomes an illegal sign, does he have to remove that sign before he comes in for approval for a new sign? Trustee Kibby stated that was not the intent of this section and the committee will have to work on the wording. The intent of this section is not to have businesses take down their non-conforming sign before coming in for approval of another sign. This section is aimed at an entirely different problem.

Mr. Schneeweiss stated that his sign is very important to his business. Most people who come to his store, do so on impulse. It is not like an insurance business or someone who goes outside the area to do their business and then brings it back in as a form of revenue. He applauds the general view of what the Village is trying to do but too much standardizing might hurt the community because the Village will only attract businesses that are not impulse businesses. These businesses need a distinctive sign for people to take notice of where the businesses are located. He asked the Village to take this into account when drafting the final code.

Mr. Schneeweiss stated they also have temporary sales throughout the year and he presently advertises for these in the store window. He asked what the requirements are

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under the new law to have a poster in the window? Trustee Kibby stated that the prohibitions will be no different than they are now. You are allowed up to 20% of window space on the first floor for temporary signs. The new part of the code refers to permanent window signs. If a business places a permanent sign in the window, they will now have to obtain a sign permit. This is only for a permanent sign which will remain for a long period of time. It was pointed out there did not seem to be a section of the code which addressed "temporary window signs". Trustee Kibby stated that Section 1.11 "Temporary Signs" on page 4 refers to new businesses who come into town and can apply for a temporary sign prior to applying for a permanent sign. Trustee Kibby stated the Committee will have to review the code regarding the temporary window signs.

Mr. Schneeweiss asked the Board when they are redefining the "temporary window signs", they consider a "reasonable" size rather than 10% or 20% of the window area since many windows are small and 10% or 20% would not be effective. Trustee Kibby stated that in the past, the Village Board and Planning Board were not interested in increasing the area of these signs, but the proposal would be taken under advisement.

Warren Miller, 169 South Cayuga Road, spoke on behalf of historical sites, in particular, the Williamsville Water Mill. His concern is that the new code does not conflict with the intent of the historical site and the character of its operation. A business that has been in continuous operation since 1811 has a certain operational standard and style which does not fit in with 1988, including the signage. He hopes there would be some consideration given to not having these businesses take down signs which had been up for many years.

Mr. Miller commented on other sections of the code as follows:

- (1) #1.04(B)(2) - "Each separate enterprise shall be permitted to erect one wall sign or one roof sign." — He stated that a location on a corner would like to have exposure on both streets and in some cases, such as the Water Mill, a sign on the rear of the building, so there may in fact be two wall signs. Some of his tenants located on a corner could have two signs, one on the front of the building and one on the side of the building. Examples of these would be Flora Hatch and Georgetown Realty. He would like to see that change made in the code.
- (2) Page 3 - #1.05 Use and Design of Signs - #5; "No sign, banner or material of any sort shall be suspended across any public street, sidewalk or parking lot or any driveway without a special permit issued by the Mayor." — He would like to see some reference to where the Mayor or Deputy Mayor would go to get some guidance and so that someone applying for a permit would know what criteria

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- (2) were going to be applied. There should be mechanism where it can be discussed. Trustee Kibby suggested the Planning Board might be the group to provide guidance in this situation.
- (3) Projecting signs #1.04(3a) — It was mentioned about the shape before. He would also like the Board to consider a more lenient view of the style, especially with regard to routing of letters which would probably be done in wood. A blacksmith might want a very distinctive sign made out of wrought iron. The Board might want to consider this.
- (4) Section #1.05 #4 - page 3 - which discusses the exception for holiday decorations placed between Thanksgiving and January — He felt there may be businesses who celebrate holidays which fall at other times than those mentioned, and he feels this section is too restrictive.
- (5) Mr. Miller also voiced his concerns about the temporary window signs which was brought up previously.
- (6) He asked to whom someone would go for relief from this code. Trustee Kibby stated it would be the Board of Appeals through the normal appeals process.

Mr. Miller requested that another public hearing be held for additional input after modifications made after this meeting.

Jack Kohler from Kohler Awning stated that his firm builds awning signs. Referring to page 3 #1.04(B)(3c) stating an awning shall contain only the name of the enterprise, street number or both. The word "awning" has changed considerably during the last few years. They can be made in all different shapes and sizes and configurations. The old awnings had a valance in front which was about 12" in height and 6" letters would fit on it very nicely. By restricting a customer today to 6" letters and not allowing a logo on it is being quite restrictive. Trustee Kibby stated when this part of the code was written, the committee was not aware of the types of canopies and awnings which are now being put up. What Mr. Kohler talked about originally was what the committee envisioned the awnings to be — the old fashioned type awnings with the small valance. What they were trying to avoid were the large logos in the middle of a roll-down awning. Trustee Kibby asked the gentlemen from the awning companies to comment on 1.02C(1) - the definition of awning on the first page and also on 1.02C(3) of canopy on the next page. They stated the awning definition was correct. As for canopy — what is a canopy to them is perhaps something different to a carpenter. They have a canopy which can be made of fabric rather than being a wood structure with a roof over the top. They are architecturally changing all the time. They thought the definition of a canopy was a little too general because they are changing all the time. An awning is a temporary structure attached to a building to architecturally enhance a building, to give sun protection and

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and to change the appearance. A canopy is used more for designating an entranceway in the awning business. Trustee Kibby stated that the committee will review the awning and canopy section again.

Dan Chase, 157 Highland Drive, stated he feels the permanent window sign section limiting these signs to 10% of the window size is somewhat restrictive. Some of the windows are small and hidden by trees during a part of the year. He has a sign in his window now that is visible and covers about 20% of his window. He thinks the sign should be in good taste, but be allowed to cover more than 10% of the window.

Trustee Schlifke stated she also has some concerns regarding the awning signs. We now have the soft awnings that roll up and the rigid ones that stay in one position. She feels this should be addressed. She requested clarification in the difference in the measurement from the bottom of the valance on the awning sign that shall be not less than seven feet above the sidewalk as opposed to the projecting sign which shall be eight feet from the finished grade level. The awning sign is no longer a soft valance if it were walked into; it is often built of a rigid frame so if it is walked into would pose the same safety hazard as a projecting sign. Trustee Kibby stated the 7 feet will probably be changed to 8 feet like the projecting sign. The gentlemen from the awning companies stated the soft valances have been 7 feet and the rigid frames have historically been 8 feet. Also many times, the soft awnings have been used for shade and you would need the extra foot to provide that shading.

Harmon Whipple, 51 Garden Parkway, stated perhaps the extra foot is used for protection from the rain. If the business wanted to protect the entranceway from rain, they wouldn't want the awning too high.

Mayor Brenton spoke on the matter of logos. The one presented by Mrs. Hanny is attractive and would look nice. However, it has historically been the opinion of the Planning Board that the Village atmosphere did not call for logos. Many times attractive logos have been presented. A decision would have to be made as to whether we would permit logos and let the Planning Board determine what is an attractive logo and what is nor or just not allow them as has been the case in the past.

Warren Miller asked about the various plaques which have been presented to the Mill. Where would they be classified? These would include historic markers such as one just received from the Civil Engineers Society which is customarily affixed to the Building. Trustee Kibby stated this had not been addressed by the committee and should not be considered as one of the signs.

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Trustee Kibby stated he appreciated all the comments. These will be taken back to the committee which has been working on them, address these issues, and for about 90% of the issues, adjust them as requested. These changes to the proposed code will then be discussed at another public meeting and he suggested the discussion be tabled so it can be brought up at a future time.

ON MOTION by Trustee Kibby, seconded by Trustee Bindert, it was moved to recess the public hearing at 8:40 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held at the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 25, 1988 at 8:43 P.M.

Roll Call Present Lawrence R. Brenton, Mayor

Robert V. Bindert
Michael W. Kibby Trustees
Carolyn M. Schlifke
Richard P. Sweeney

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(26)(F) to the Traffic Code and which would provide for a stop sign on South Ellicott at Oakgrove.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved to open the public hearing at 8:43 P.M.

Unanimously carried.

Trustee Bindert stated he has a letter from Paulette Likoudis, 151 South Ellicott Street, which is dated November 20, 1987 requesting a stop sign be erected on South Ellicott at Oakgrove because cars habitually drive over the sidewalk when making right turns from South Ellicott into Oakgrove. This creates messy holes of mud nearly year around. In addition, several accidents have nearly occurred at this intersection.

No one from the audience appeared to speak in favor of or in opposition to this proposal.

ON MOTION by Trustee Bindert, seconded by Trustee Schlifke, the public hearing was closed at 8:45 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held at the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 25, 1988 at 8:41 P.M.

Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(26)(E) to the Traffic Code and which would provide for a stop sign on Pine Acres at Oakgrove.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved to open the public hearing at 8:41 P.M.

Unanimously carried.

Trustee Bindert stated that this public hearing and the following one (stop sign at South Ellicott and Oakgrove) were brought up together. The corner of Pine Acres and Oakgrove is a "blind corner" and it is very difficult for anyone exiting from Pine Acres to see traffic on Oakgrove. Therefore, the stop sign was proposed.

No one appeared to speak in favor of or opposed to this proposal.

ON MOTION by Trustee Bindert, seconded by Trustee Kibby, the public hearing was closed at 8:42 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held at the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 25, 1988 at 7:31 P.M.

Roll Call Present Lawrence R. Brenton, Mayor

Robert V. Bindert
Michael W. Kibby Trustees
Carolyn M. Schlifke
Richard P. Sweeney

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
David Laubisch, Supt. of Public Works

Mayor Brenton called the meeting to order with the pledge of allegiance at 7:31 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, the minutes of the regular meeting held January 11, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, the minutes of the public hearing held on a proposed repeal of the Exceptional Development Permit for the Little White House Restaurant held January 11, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert it was moved at 7:33 P.M. to open the public hearing being held for the purpose of amending Section 1.01 through 1.12 of the Village Sign Code. (The public hearing was recessed at 8:40 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved at 8:41 P.M. to open the public hearing being held for the purpose of adding Section 60.40(26)(E) to the Traffic Code which would provide for a stop sign on Pine Acres at Oakgrove. (The public hearing was closed at 8:42 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved at 8:43 P.M. to open the public hearing being held for the purpose of hearing all persons interested in discussing a local law which would add Section 60.40(26)(F) to the Traffic Code and would provide for a stop sign on South Ellicott at Oakgrove. (The public hearing was closed at 8:45 P.M.)

Unanimously carried.

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Mayor Brenton stated that Assemblyman Sheffer is going to have a meeting on the Ellicott Creek Project which he is pushing for at a state level. The meeting will be in his new office in the Century Mall on Wednesday, January 27th at 7:00 P.M. Trustee Sweeney will be attending this meeting on behalf of the Village.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the amount of \$62,327.40 covering January 12, 1988 thru January 25, 1988 were approved:

payroll fund w/e 1/20/88		\$17,173.73
	* subtotal *	17,173.73
General Fund	#648	11,130.12
Sewer & Water Fund	#228	28,548.43
Trust & Agency fund	#265	5,338.89
Glen Park Jt. Activities	#165	136.23
	* Grand Total *	\$62,327.40

Large vouchers were for Erie County Water Authority and William Shoemaker Assoc.

Unanimously carried.

ON MOTION BY Mayor Brenton, seconded by Trustee Schlifke, the following resolution was adopted:

RESOLVED that Bond Resolution in the amount of \$60,000 for the purchase of one (1) 1988 Ford Braun Ambulance is hereby adopted.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby,

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "AMHERST BEE", a newspaper published in Williamsville, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice covering said resolution.

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Section 2. After said bond and capital note resolution shall take effect, the Village Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York

Section 3. This resolution shall take effect immediately.

Unanimously carried.

Trustee Sweeney reported the Williamsville Senior Citizen Committee will be held on the fourth Wednesday. However, he, as liaison, will not be there as he will be attending the Ellicott Creek project meeting.

ON MOTION by Trustee Sweeney, seconded by Trustee Schlifke, the following resolution was adopted:

RESOLVED that Jeffrey Hahn, residing at: 99 North Ellicott Street, Williamsville, New York is hereby appointed to the Williamsville Environmental Advisory Committee until the end of the 1987-88 official Village year.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Schlifke, the following resolution was adopted:

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, February 8, 1988 at 7:30 P.M. for the purpose of hearing all persons interested in discussing the proposed use of the 1988-89 Community Development Funds which are estimated to be \$37,000.00.

Unanimously carried.

Trustee Kibby stated he will not move the first resolution which appears on the agenda. The resolution concerned repealing an Exceptional Development Permit granted to the owners of the Little White House. The Board of Trustees, the Environmental Committee and the Building Inspector have seen what the Little White House has done. Everything seems to be fine now and

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there does not appear to be any reason to push further on this issue and will not offer the resolution on the agenda.

Trustee Sweeney pointed out there are benefits and problems associated with Exceptional Development. Had this project not been Exceptional Development, the whole matter might have been handled more simply because there are checks and balances built into the normal procedures. The Board should, when considering Exceptional Development, attempt to provide some alternatives for the owners to follow.

ON MOTION by Trustee Kibby, seconded by Trustee Bindert, the following resolution was adopted:

RESOLVED that the Village Clerk publish notice of joint public hearing to be held by the Board of Trustees of the Village of Williamsville and the Town Board of the Town of Amherst on February 22, 1988 at 7:30 P.M. in the Council Chambers of the Town of Amherst Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the proposed annexation of the following described territory situated in the Town of Amherst to the Village of Williamsville, briefly described as Section 69.13, Block 4, Lot 24 of the Town of Amherst Tax Map.

Unanimously carried.

Trustee Schlifke reported Al Naish has resigned from the Parks Committee after more than 9 years. Therefore, there is an opening on that committee which will now be filled.

ON MOTION by Trustee Schlifke, seconded by Trustee Bindert, the following resolution was adopted:

RESOLVED that Harmon Whipple, 51 Garden Parkway, is hereby appointed to the Parks Committee until the end of the 1987-88 official Village year.

Unanimously carried.

Trustee Schlifke stated that the Parks Committee has been working on a revision to the parks permit which is rather antiquated in comparison to permits from other municipalities. The actual park regulations will therefore have some changes, streamlining and clarifying some sections where there have been problems in the past.

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ON MOTION by Trustee Schlifke, seconded by Trustee Bindert, the following resolution was adopted:

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on Monday, February 8, 1988 at 7:35 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would revise Section 25.00 of the Parks and Public Areas Code.

Unanimously carried.

Superintendent of Public Works Laubisch had no report tonight.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to suspend rules for public participation.

Unanimously carried.

Harmon Whipple, 51 Garden Parkway, requested the reason for the annexation of the piece of property on Mill Street to the Village. Trustee Kibby stated that the owners have requested it since 99% of the property is presently in the Village. They are also making application for the addition of four racquetball courts to that side of the building. Without the annexation they would be in two municipalities. They will also use part for parking.

Trey Measer, 90 South Ellicott Street, asked about the status of the Pavilion on the Island as well as the status of garbage cans on Main Street. Trustee Schlifke stated she has received the plan for the Pavilion from the design architect. They have been sent on to the Department of Labor in Albany because that department must review them if there is to be any public assembly in the structure. They have certain guidelines they want us to follow for this assembly which could mean any type of activity put on by a not for profit organization or the Village. State regulations call for sanitary facilities in the structure. We do have sanitary facilities on the Island; however, we have no sanitary lines on the Island. The Village feels it would place a tremendous hardship on us inasmuch as the closest point to run a sanitary line to the pavilion would be under the creek and out to Cayuga which would be very expensive. The plans are now in Albany for a variance. The plans are reviewed in the order they are received and they could not give us a timetable for review. Mr. Measer asked if the old pavilion would still be used this year if the plans were not approved in time for summer construction. Trustee Schlifke stated the present pavilion would remain until the new one was built just south of the current one and then the present one would be demolished. That is the best area determined from the topographical survey on the island.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held at the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 25, 1988 at 7:31 P.M.

Mayor Brenton stated that the Village will have to check with the Department of Labor as to whether the existing pavilion can be used this year because last year some variances were granted on the supposition that a new pavilion would be built this year so this will still have to be checked out.

Regarding waste receptacles on Main Street, Trustee Schlifke stated she requested from the Board last year at budget time some funds for this project. Part of our problem on Main Street is that the Village does not offer the public enough places to put their trash. She has now been trying to determine the type we will purchase. She will be calling a member of the Williamsville Business Association and ask for her input in determining an acceptable style. Hopefully at least twelve will be placed on each side of Main Street from Union Road to Hirschfield and this would place at least one in each block, either at corners or in no-parking areas. These should be installed by spring.

Tom Miller, 323 Evans Street, spoke regarding use of the pavilion and possible return of Upstage New York. He would like the Board to consider this within the next several weeks. Mayor Brenton stated his request would be taken under advisement after we determine whether we can use the pavilion for another season.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved to return to the regular agenda.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, the meeting was adjourned at 9:10 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer

EXTRACT OF MINUTES

Meeting of the Board of Trustees
of the Village of Williamsville,
in the County of Erie, New York
January 25, 1988

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A regular meeting of the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, was held at the Village Hall, 5565 Main Street, Williamsville, New York, on January 25, 1988 at 7:30 o'clock p.M. (Prevailing Time).

There were present: Honorable Lawrence R. Brenton, Mayor;
and

Trustees: Robert V. Bindert
Michael W. Kibby
Carolyn M. Schlifke
Richard P. Sweeney

There were absent:

Also present: Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney

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Mayor Brenton offered the following resolution
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE
VILLAGE OF WILLIAMSVILLE, NEW YORK, ADOPTED
JANUARY 25, 1988, AUTHORIZING THE PURCHASE OF
AN AMBULANCE FOR USE BY SAID VILLAGE, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$60,000,
APPROPRIATING SAID AMOUNT THEREFOR,
AUTHORIZING THE ISSUANCE OF \$3,000 CAPITAL
NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT,
AND AUTHORIZING THE ISSUANCE OF \$57,000 SERIAL
BONDS OF SAID VILLAGE TO FINANCE THE BALANCE
OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE,
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the
favorable vote of not less than two-thirds of all the members of
said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Williamsville, in the County
of Erie, New York (herein called "Village"), is hereby authorized
to purchase a 1988 Ford Braun Ambulance for use by said Village,
including equipment or furnishings used in connection with such
vehicle. The estimated maximum cost of said specific object or
purpose, including preliminary costs and costs incidental thereto
and the financing thereof, is \$60,000 and said amount is hereby
appropriated therefor. The plan of financing includes the
issuance of \$3,000 capital notes to provide the down payment
required by the Law, as hereinafter defined, and the issuance of
\$57,000 serial bonds of the Village to finance the balance of

said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Village in the principal amount of \$3,000 to pay the required down payment, and serial bonds of the Village in the principal amount of \$57,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$57,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 27-a of the Law, is ten (10) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Village Treasurer is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the capital notes and each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said notes and bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said notes and bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the notes and bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes

issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the notes and bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond and capital note resolution is subject to permissive referendum.

* * *

The adoption of the foregoing resolution was seconded by Trustee Schlifke and duly put to a vote on roll call, which resulted as follows:

AYES: 5

NOES: 0

The resolution was declared adopted.

Mayor Brenton offered the following resolution and moved its adoption:

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE,
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of
Williamsville, shall within ten (10) days after the adoption of
this resolution cause to be published, in full, in the "AMHERST
BEE," a newspaper published in Williamsville, New York, having a
general circulation within said Village and hereby designated the
official newspaper of the Village for such publication and posted
in at least six (6) public places in the Village, a Notice in
substantially the following form:

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on January 25, 1988, the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Village of Williamsville, New York, adopted January 25, 1988, authorizing the purchase of an ambulance for use by said Village, stating the estimated maximum cost thereof is \$60,000, appropriating said amount therefor, authorizing the issuance of \$3,000 capital notes to provide the required down payment, and authorizing the issuance of \$57,000 serial bonds of said Village to finance the balance of said appropriation,"

an abstract of which bond and capital note resolution concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Village to purchase a 1988 Ford Braun Ambulance for use by said Village, including equipment or furnishings used in connection with such vehicle; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$60,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$3,000 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$57,000 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$3,000 capital notes to provide the required down payment and \$57,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose for which said \$57,000 serial bonds are to be issued is ten (10) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object

or purpose; and the proposed maturity of said \$57,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said notes and bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said notes and bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: January 25, 1988

Theresa L. Cummins
Village Clerk

Section 2. After said bond and capital note resolution shall take effect, the Village Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by
Trustee Kibby and duly put to a vote on roll call, which
resulted as follows:

AYES: 5

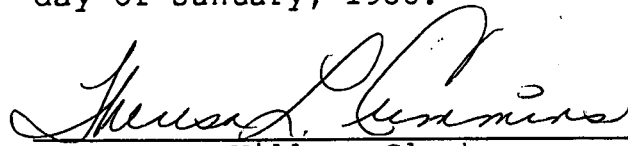
NOES: 0

The resolution was declared adopted.

CERTIFICATE

I, THERESA L. CUMMINS, Village Clerk of the Village of
Williamsville, in the County of Erie, State of New York, HEREBY
CERTIFY that the foregoing annexed extract from the minutes of a
meeting of the Board of Trustees of said Village of Williamsville
duly called and held on January 25, 1988, has been compared by me
with the original minutes as officially recorded in my office in
the Minute Book of said Board of Trustees and is a true, complete
and correct copy thereof and of the whole of said original
minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Village of Williamsville this 25th
day of January, 1988.



Village Clerk

