

Minutes of the Public Hearing of the Board of Trustees of the Village of
Williamsville held in the Williamsville Village Hall, 5565 Main Street,
Williamsville, New York on Monday, November 27, 1989 at 7:32 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert Trustees
Ronald Daniels
Yvonne Kaye
Richard P. Sweeney

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

The Clerk read the notice of public hearing on November 27, 1989 at 7:35 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would repeal the current Chapter 17-Refuse, and adopt a new Chapter 17-Refuse.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to open the public hearing at 7:43 P.M.

Trustee Sweeney stated that the existing Refuse code is only a few years old and it's only being changed in a few limited categories. We had hoped to be able to incorporate additional standards to help implement source separation and a recycling program in this round of recodification. We are not doing so at this time. The main changes in this proposed ordinance versus the existing Section 17-Refuse are to add on additional definition for debris, change slightly the definition of refuse and a possibility of segregating yard wastes as a further category of waste material. The substantive changes are to require portable transfer containers, that is dumpsters, which are required for any premises in a commercial or R3M district that routinely places more than 10 bags or containers of refuse at the curb, to have that dumpster equipped with a tight fitting lid so as to prevent dispersal of the contents about the premises. The dumpster shall be screened from public view. The additional change would be to require that all containers, including portable transfer containers, shall be stored in a fashion as to be screened from public view.

Maryanne Avery, 64 Garrison Road, stated she's been walking around the Village lately and has noticed lots of bags of garbage outside doctor's offices. She wonders what they have sitting in the bags at the curb. Do they have another pickup besides the garbage they put out in front, or do they dispose of all their wastes at the curb?

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Trustee Sweeney stated there are new state standards that regulate infectious or medical waste such that they need to be picked up separately from the public collection. Our code provides that hazardous or toxic materials cannot be placed in the trash or rubbish for curbside pickup in the Village. What you see in front of a doctor's office should be non-contaminated material such as wastepapers, food scraps and non-medical material. Anything contaminated by blood, byproducts of human tissues or pathological waste would have to be segregated and disposed of separately.

Our code does not specifically set any additional standards for the handling of those wastes. They are excluded from curbside pickup.

Mr. Mischler questioned that on the source separation, could that be handled in such a way that the Superintendent of the Department of Public Works could designate certain items to be segregated? We are talking of going into recycling June 1, 1990. Is there time to come back and add that section later or could it be done in a general manner that the Superintendent could designate certain items to be segregated?

Trustee Sweeney stated that the Village had hoped to include standards for the recycling program in this round of Code Review but we were not able to do that. Section 17.10 has been designated as the section where source separation standards will go. In order to adopt this section at a later date, a hearing will have to be convened and the local law will have to be amended to implement source separation and recycling.

Mayor Brenton stated that all source separation will all be mandated by the policies and laws of the State of New York. At the time that we implement source separation, the Village will publish information on the manner of separation.

Trustee Bindert stated he is concerned with the problem of the portable transfer containers or dumpsters. It was his neighbors who circulated a petition asking for more stringent control. The new code states they shall be equipped with a tight fitting lid and they shall be screened from public view. They should be required to be at least 10' from a building lot line. Right now there are many that are at the street 7 days a week, 24 hours a day. A resident can put his trash out no earlier than 6:00 P.M. or the night before trash pickup. He thinks the dumpsters need to be screened and covered and a distance of at least 10' from the line. It would keep the dumpsters out of the Village right of way and not in the neighbors backyard.

Mayor Brenton questioned when the Code refers to 10 or more containers in a C or R3M district, is that cumulative to one commercial complex or retail establishment? If the complex has more than 10 bags of trash, will that situation be required to have a dumpster?

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Trustee Sweeney stated that is his interpretation. The way the Code is written, it reads from a premises rather than distinguishing a number of businesses within the establishment or building. It would be a single standard, easily enforceable by the Village or Refuse Collectors. If there are routinely more than 10 bags, a dumpster would be required for that premises.

Mayor Brenton stated a residency being a single family home is allowed 10 containers or bags. It seems unfair that a commercial building which housed more than one establishment is also allowed only one bag each.

Trustee Sweeney stated the Code is largely written from the prospective of practical enforceability. A premise is being a single building so that one tenant does not add his refuse to the next and somehow make it very difficult for the Refuse Collector or Department of Public Works. The standard is uniform whether it's a two-apartment complex or a commercial structure with several tenants, and is that 10 bags or more require a dumpster.

Trustee Sweeney commented that there will be a further change in the Code. The proposed Zoning Code eliminates the R4 Zoning category. In writing this code, no attempt was made to require dumpsters or portable transfer conveyers for refuse in R4 districts. If the R-4 zoning is not eliminated, the requirement that transfer containers be required in any R4 zoning districts would have to be inserted.

Trustee Daniels questioned the Monday collection inasmuch as many businesses are not open Saturday or Sunday and cannot place their refuse at the curb after 6:00 P.M. the evening before. There have been problems with commercial putting their garbage out Friday night when they close and leaving it there until the Monday collection.

Mayor Brenton stated that in reality that problem has been addressed. The Board has arranged for a contractor to come down Main Street on a Monday morning at approximately 9:00 A.M. which allows the enterprises on Main Street to place their garbage prior to that time. Very few open later than 10:00 A.M. and very few close on Friday night and don't reopen for some purpose over the weekend. They have been taken care of. He would hope now that once we restructure a local law that we would strictly enforce this law. The Village has probably been remiss that we have continued to allow these business owners to violate our local law. We will have to educate them once we have adopted these various codes.

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ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, the Public
Hearing was closed at 8:10 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer

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The Clerk read the notice of public hearing on November 27, 1989 at 7:30
P.M. for the purpose of hearing all persons interested in discussing a
proposed local law which would repeal the current Chapter 3-Amusements,
Chapter 11-Peace and Good Order, Chapter 21-Peddlers; and adopt a new
Chapter 11-Sections 11.01 to 11.05 entitled Public Order.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to
open the public hearing at 7:40 P.M.

Unanimously carried.

Trustee Sweeney stated this Chapter of our proposed local codes is
intended to streamline and it focuses on 3 specific areas: standards to
reduce noise, sections that provide for specific approvals to be given by
the Mayor and focuses additional criteria standards for the approval and
the regulation of street peddlers and vendors. As read in the notice, the
code itself is a significant rewrite of 3 sections of existing code,
Chapter 3-Amusements; Chapter 11-Peace and Good Order and Chapter 21-
Peddlers. This new proposal results in a significant reduction and
eliminates a great deal of obsolete language and obsolete regulation of
activity that are no longer characteristic of the Village. Previous code
sections talked at length about classifying different categories of
amusements, public dances, which are not, at this time, felt to be of
concern in protecting public order.

Trustee Sweeney read Section 11.01 from the proposed local ordinance: "The
purpose of this chapter is to provide for the regulation and control of
activity favorable to the peace, quiet, good order and safety to the
inhabitants of the Village of Williamsville". Section 11.03 identifies
prohibitive noises and regulates the hours of operations of certain types
of equipment and activities, that is running a chainsaw or lawn mower,
basically between the hours of 8 A.M. and 9 P.M. Section 11.04 talks
about permits that would be issued by the Mayor. The next section
provides some standards for issuance of those Mayor's permits.

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The identified permits under Section 11.04(A) are Old Home Days, Winter Fest, foot or bike races, block parties, outdoor exhibitions, sidewalk sales, bonfires, or other open fires, operation of 4 or more coin operated amusement devices on one premises, street vending or peddling, distribution of printed matter on a public street for the purpose of commercial solicitation and any activity that involves a sound amplification device, such as sound trucks, and bull horn. Section 11.05 provides additional standards for the regulation of street vendors or peddlers.

Frank Mischler, 186 Evans Street, questioned if the time frames would be the same as what was in the old code.

Trustee Sweeney stated generally they are similar. The effort was made to make uniform the hours where activity would be allowed or prohibited. He thinks there are some distinctions, some activities that can be allowed beginning at 7:00 A.M. and other activities that would not be allowed until 8:00 A.M.

Mr. Mischler commented regarding Section 11.03 which addresses prohibitive noise except for emergency removal of trees on a street, he thinks the code should just state emergency removal of trees and limbs. If a resident had to remove a dangerous tree at night against the house or the car, he could do it. He would like to have "on the street" eliminated.

Elroy Avery, 75 Rinewalt, questioned if there was any difference as far as block parties and the use of dead end streets between the new proposal and the old proposal.

Trustee Sweeney stated he is not positive what the specifics are in regards to block parties. He believes block parties were regulated previously. He does not know the standards that would apply. The requirement now for a block party is that a Mayor's permit would have to be obtained. In obtaining that permit, there would be a requirement that the applicant provide some assurance of public safety, limit the accumulation of refuse, maintain good order and decorum and control noise levels.

Trustee Bindert stated he is concerned with how the code states "operate any amusement ride, outdoor show, outdoor exhibition or performance between the hours of 11 P.M. and 8 A.M. Does that mean if the Mayor issues a permit for Old Home Days, a foot or bike race, that if it runs past those hours it is then permitted?

Attorney Troy stated he thinks the Mayor's permit has to be consistent with the code. If the code said: No operation between the hours of 11:00 P.M. and 8:00 A.M. it means exactly that. His permit must remain within the perimeters of that code.

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Trustee Bindert stated that Attorney Troy is saying that Old Home Days must shut down all rides or amusements or side shows after 8 P.M.

Trustee Kaye stated no, they have to close down by 11:00 P.M.

Trustee Daniels discussed the possibilities of involving the Board in permits which are more significant and involve the use of the park extending beyond a 24 hour period rather than a Mayor's permit. It could very well happen that in the future there would not only be an Old Home Days, there may be a craft event in the park or an art exhibit extending more than one day which would make a significant impact on the Village. It would appear that Board approval would be a better way to go. Complaints regarding events approved by the Mayor are usually addressed to the Board as a whole. The Board becomes aware of permitting after it occurs and it becomes incumbent upon us to come up with solutions for the situation after it has been approved. These are more significant areas that he would like to see removed from the list of Mayor permits.

Trustee Bindert stated he agrees with Trustee Daniels. The Board are from time to time buffeted by the residents in regards to a particular race or Old Home Days. These events are not a spur of the moment type of thing. They are planned months, sometimes a year or so in advance, and believes the Board should have some say in their approval or disapproval.

Mayor Brenton stated that the purpose of having a Mayor is to be responsible for the function of government. Of course the Mayor does make mistakes and if he does make a mistake then he is held responsible along with the rest of the Board. He or she has the overall obligation to assure the community of the type of government that they've involved themselves in through the electoral process. He thinks the question here is that the present manner of operating should be changed. He thinks the system functions very well. That's not to say there cannot be room for improvement, however, he thinks things have proceeded quite well over many years and certainly during the years he has been on the Board. He is reluctant to see powers that are generally given to the Mayor utilized for the purpose of discussion which can become blurred by those who might have a cause that is in conjunction with one particular neighborhood group. Probably the present function of the Mayor issuing permits for one-day affairs is the way to continue.

Trustee Sweeney stated that his understanding is that should the Board decide to remove a specific category of activity from this proposed ordinance included as a Mayor's permit, such as sidewalk sales, that could be done without coming back at a further hearing. However, if the Board were to set up a further category of permits that could only be issued only by the Board, rather than the Mayor, or make some other substantive changes in the way that we regulate these activities, we would come back and reopen the hearing providing further public input on these questions.

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ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to
close the public hearing at 7:42 P.M.

Theresa L. Cummins
Village Clerk/Treasurer

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Mayor Brenton called the meeting to order with the Pledge of Allegiance at
7:30 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, minutes of the
November 13, 1989 meeting were approved. Trustee Sweeney abstains since
he did not read minutes.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, minutes of the
November 13, 1989 public hearing were approved. Trustee Sweeney abstains
since he did not read minutes.

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved at
7:32 P.M. to open a public hearing being held for the purpose of hearing
all persons interested in discussing a proposed local law which would
repeal the current Chapter 3-Amusements; Chapter 11-Peace and Good Order;
Chapter 21-Peddlers; and adopt a new Chapter 11-Sections 11.01 to 11.05
entitled Public Order. (The public hearing was closed at 7:42 P.M.)

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved at
7:43 P.M. to open a public hearing being held for the purpose of hearing
all persons interested in discussing a proposed local law which would
repeal the current Chapter 17-Refuse and adopt a new Chapter 17-Refuse.
(The public hearing was closed at 8:10 P.M.)

Unanimously carried.

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Mayor Brenton stated that their Water Department has been very busy. They
 have found several leaks in our system and this should result in
 considerable savings as far as our water is concerned. In that regard we
 still continue to work and we will have a meeting tomorrow towards the end
 of having the Erie County Water Authority take over the Village Water
 System.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the
 amount of \$178,454.77 covering 11/10/89 - 11/24/89 were approved:

payroll fund w/e 11/22/89	\$	17,291.52
General Fund	\$	116,953.88
Water Fund		8,216.47
Sewer Fund		2,319.96
Glen Park Joint Activities Fund		29.87
Water Trust Account		--
Capital Fund		26,744.60
Community Development Fund		--
Trust & Agency Fund		6,898.47
	Grand Total	\$ 178,454.77

Large Vouchers:

Great Lakes Landscaping	26,744.60
New York State Retirement	53,000.00
Lancaster Stone Products	42,723.54

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the following
 resolution was hereby adopted:

RESOLVED that the Village of Williamsville hereby accepts the
 collective bargaining agreement as negotiated between the
 American Federation of State, County and Municipal Employees
 AFL-CIO, New York, State Council #66, and its affiliate, Local
 #1783C and the Village for three years, beginning June 1, 1989
 and ending May 31, 1992 and

FURTHER that the Mayor is hereby authorized, on behalf of the
 Board of Trustees, to enter into such agreement, which agreement
 is hereby interpreted to include all employees of the Department
 of Public Works during the life of said agreement.

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Mayor Brenton stated his second resolution deals with the acceptance of
the contract that has been negotiated through the Village negotiator and
the representative from the AFSCME our Union bargaining agent. This
contract has been under negotiation for quite sometime and this resolution
will allow for acceptance of that contract.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, the following
resolution was hereby adopted:

RESOLVED that the salary increases and the benefits extended
to the Union members through the above contract are hereby
extended to the Non-Union employees, officers and elected officials.

Mayor Brenton stated his third resolution in effect passes the conditions
that were granted in the previous resolution to the employees, officers,
and elected officials that are not covered by the Union contract.

Unanimously carried.

Trustee Kaye reported that at this past Monday's meeting the Williamsville
Historical Preservation Commission met at the Railroad Station on South
Long with Trustees of the Western New York Railroad Historical Society
regarding their application for preservation status within the Village.
The Railroad Historical Society Trustees were kind enough to give us the 2
1/2 hour tour in 19 degrees weather. There is no heat in the building,
but the Commission members did enjoy looking at it and having the Trustees
of the Railroad Historical Society share with us their plans for the
building and what will be happening in the future. They are completing an
application for Historical designation so that it can come to the Board
and we can have a public hearing on their application.

Trustee Kaye also reported that there is an opening on the Preservation
Commission. If anyone is interested or knows anyone in the Village who is
interested in serving on that commission they can call her or the Village
Clerk. You will be advised of the next meeting so that you can attend and
see how you enjoy it and see if your interested in becoming a member. We
will not be having a December meeting but will be having a January meeting
at the regular time.

Trustee Kaye reported she wanted to make the people aware that the Village
is accepting applications for the Department of Public Works. There is an
advertisement in the Amherst Bee. Presently there are 2 men out with
medical injuries, so we are looking to temporarily fill those positions
until those employees can return to work. If anyone in the Village is
interested, contact her or the Village Clerk.

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

RESOLVED that Mayor Lawrence R. Brenton is hereby authorized
to sign Snow Removal Contract for 1989-1990 with the County of
Erie covering snow removal on County roads at the rate of
\$1,100.00 per lane mile.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Bindert, it was moved to
suspend the rules to consider a resolution not on the agenda.

Unanimously carried.

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

RESOLVED that Vicky Hayes, 33 Brookside Drive, is hereby
appointed to the Parks Committee until the end of the 1989-1990
official Village year.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Daniels, it was moved to
return to the regular agenda.

Unanimously carried.

Trustee Sweeney reported that he has received a follow-up comment both
from the Village Attorney and one citizen on the proposed zoning ordinance
which was the subject of the Public Hearing at our last Regular Board
meeting. The Code Review Committee will be working on trying to work out
those concerns that were voiced at the hearing. He expects it to be a
somewhat lengthy process and that we would not be reconvening or having an
additional hearing on the changes to the Zoning Code until next year
because of the holidays and the number of comments that were made on the
proposed Zoning Code. At the last regular Village Board meeting we did
call for 2 public hearings on 2 additional Chapters - one dealing with
domestic animals (Chapter 5) and one dealing with swimming pools and hot
tubs (Chapter 59). Those will be held at our next regular meeting -
December 11, 1989.

Trustee Sweeney commented that there is a scheduled Board of Appeals
meeting, this Thursday, November 30th, 1989 at 7:30 P.M. in the Village
Hall concerning a requested variance for constructing a detached garage
closer to property lines than the existing Zoning Code set back
requirements would allow.

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Trustee Bindert had no report and no resolution.

Trustee Daniels reported the Snow White and Rose Red production last
Friday by the Performing Arts Committee was sold out and was a great
success. He thanked the Village of Williamsville Businessman's
Professional Association for donating about 50 door prizes. A drawing was
held at the end of the performance for all the children. This Friday and
Saturday the Williamsville South High School Drama Club is going to stage
3 one-act plays. The students are actually running the advertising and
making the flyers. On December 17, Nan Hoffman, a folk singer and a
number of other musicians will be doing a Christmas oriented family type
concert at the Meeting House at 2:30 P.M. The idea is to involve the
whole family in a sing a long and Santa Claus will make an appearance.

Trustee Daniels stated that the Village Beautification Committee finished
planting about 400 bulbs in the triangle. Before they did that they took
advantage of Amherst's composting experiment that seems to be quite
successful. The Town took a good portion of the leaves generated last
Fall and composted them. The Committee picked up a trailer of these
leaves and covered them with 5 cubic yards of top soil and then planted
tulips. If anyone is interested in planting in the Spring or has a green
thumb, please call Trustee Daniels.

Superintendent David Laubisch reported that the Department of Public Works
will conclude leaf pickup on Friday, December 8th. They are also in the
process of hanging the Christmas decorations on Main Street. With weather
permitting, this should be completed by Wednesday.

Mr. Laubisch also stated that the refuse separation would not begin June
1, 1990 as mentioned concerning recycling. Because of siting problems
with the source separation facility in Cheektowaga, the earliest date
projected now for the Resource Recovery Facility is September of 1990. He
doesn't believe a program could be started this June since the Resource
Separation Facility must first be in place.

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

Unanimously carried.

Ms. Carolyn Schlifke, 192 Evans Street, commented regarding Trustee Kaye's
remark about the vacancy on the Williamsville Historical Preservation
Commission. She pointed out that this is a structured committee;
therefore, persons to be appointed must meet certain criteria. One of the
members must be a Mayor or a designated Trustee, one must be a Historian
and the other one from the Williamsville Historical Society. One must
represent the Environmental Committee, one must represent the Planning
Board and one represent the Business Community.

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She doesn't know who the Board has on that committee, but if you have a
vacancy, just any resident in the Village cannot fill it.

Trustee Kaye thanked Ms. Schlifke for making that clarification.
Actually, they are looking for someone within the Business Community and
someone from the Environmental Committee.

Mr. Chase, 157 Highland Drive, stated he wondered what the Village Board's
feelings were on the neon sign at "Kids Cuts R US". Some people feel it
is garish.

Trustee Sweeney stated that clarification, that it is not a sign, caught
some of Trustees off guard. A neon illustration or depiction without
words under our code is not a sign. It is not something that is regulated
by our sign code, unless we were to further "tighten up" that code.

Mr. Chase stated that that caricature does in fact say what it's all
about. It has a comb and scissors. Perhaps we should look into it and do
something about it or we are going to have a very garish Village.

Trustee Sweeney commented that it is his intent to reopen the sign code
with the expressed purpose of allowing some types of neon signs but
limiting the size. When he does that, he would want that neon sign
section written so that a symbol, logo or caricature would be regulated
and perhaps prohibited.

Trustee Daniels questioned if existing neon signs would be grandfathered
or eliminated when the new code is written? He asked Mr. Chase if he
feels all neon signs should be eliminated?

Mr. Chase stated that personally he doesn't feel that neon is
objectionable if it is used in some decorum. The current sign takes up
80% or more of the store window. He thinks they should be done
tastefully. He would submit to whatever law the Board sees fit to pass.

Mayor Brenton stated that the author of that local law wanted to eliminate
the neon in it's entirety. Trustee Sweeney and Attorney Troy will be
working on the neon signs and your comments are well taken.

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

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to
close the meeting at 8:40 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer