

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, December 11, 1989 at 7:58 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 December 11, 1989 at 7:35 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would repeal the existing Chapter 59 - Swimming Pools, and adopt a new Chapter 59, Sections 59.01 -59.07 entitled Swimming Pools and Hot Tubs.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to open the Public Hearing at 7:58 P.M.

Unanimously carried.

Trustee Sweeney stated we do have an existing section regulating the construction standards and placement of swimming pools. The proposed code does increase the scope of that code to include regulation of what has commonly been called "hot tubs".

Trustee Sweeney read a brief Section 59.02 A of the code which requires a permit. "The installation of any private swimming pool or hot tub having a water depth of greater than 24" and/or having a capacity of 300 cubic feet of water whether wholly or partly above or below finished grade level, shall require a building permit and a separate plumbing permit for all plumbing and drainage connected therewith". Trustee Sweeney stated he is trying to set a threshold for the size of the pool which is subject to this kind of regulation.

Trustee Kaye stated that he may want to consider temporary hot tubs since this section only addresses hot tubs that are permanent structures. We may want to have some regulation on temporary ones to protect residents in the area.

Trustee Sweeney stated the purpose of a public hearing is to provide the public an opportunity to obtain, read and comment on local laws before they go into effect.

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There was a public announcement preceding this hearing. Prior to the
enactment of this code, should anyone in the audience wish to make a
comment, they should feel at liberty to submit a written statement to the
Building Department or to him. He will try to include those comments in
the Village Board discussion of the code for final action.

ON MOTION by Trustee Sweeney seconded by Trustee Kaye, it was moved to
close the public hearing at 8:05 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 in the Williamsville Village Hall, 5565 Main Street,
Williamsville, New York on Monday, December 11, 1989 at 7:44 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 December 11, 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 5-Dogs and adopt
a new Section 5.0-5.06 - Animals.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to
open the public hearing at 7:44 P.M.

Unanimously carried.

Trustee Sweeney explained some of the significant changes from the
previous Chapter 5 - Dogs to the new Chapter 5 - Regulating Animals. This
is part of the continuing process of the Village to review it's local
laws, update, streamline, remove some inconsistencies and obsolete
sections of local law. The public hearing that we are involved with is a
change in the local law concerning domestic animals in the Village. We
are extending the regulation of animals to provide specific conditions for
both dogs and cats in the proposed code whereas previously we
discriminated more against dog owners. The present code identifies a
kennel as any premises that accommodates the boarding, sale or care of
three or more dogs, cats or any domestic animals. It provides that any
person who operates a kennel would have to do so in conformance with the
zoning codes. Any kennel structure, outdoor dog house where the premises
harbors 3 or more animals, all those structures would come under the
zoning regulations.

Another section is a miscellaneous provision - "No person shall harbor,
breed or maintain any chickens, rabbits, turkeys, ducks, geese or any
other fowl, or any horses, mules, goats or any other uncaged animal,
except for a domestic animal within the Village limits".

Trustee Bindert questioned if someone has a dog, cat and rabbit, that's
three animals, that's their limit? If they have 2 cats, a dog and a
rabbit, then are they above their limit?

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Trustee Sweeney stated that prior to this hearing, some of the provisions were discussed in the Board Conference Room. He gave his fellow Board members the clear impression that the code would prohibit an individual or property owner from having more than 3 dogs or 3 cats or any domestic animal. In checking the provisions, the ordinance only specifies that someone with more than 3 dogs, cats, or domestic animals has a kennel. The facilities of maintaining, harboring the animals comes under the Building Code. The code as proposed does not clearly prevent an individual from having more than 3 dogs, cats or other animals.

Trustee Bindert stated maybe we should include the word "or" when designating species such as a cat or a dog.

Trustee Sweeney stated there is some ambiguity in the wording as to whether the ordinance is regulating the situations where someone has 2 dogs and 1 cat. Do you mean 3 animals or only 3 of a given variety?

Trustee Kaye stated in reading Section 5.04 - Miscellaneous, technically we wouldn't be allowing anyone to have a rabbit as a pet.

Trustee Sweeney stated that's correct.

Trustee Daniels stated they are sold by the area pet stores which is a problem.

Bridgette Nylin, 40 Hamlin Square, questioned if the animal is caged, is it okay to keep the animal?

Trustee Sweeney stated a quick reading at this kind of hearing is not fully enlightening. The wording is that "no person shall harbor, breed, or maintain," and then it gives a list of the types of animals, and ends with the phrase, "or other things specifically named, chickens, rabbits, turkeys, ducks, geese, horses, mules, goats", those were all prohibited. Other animals would be allowed as long as they are caged. The would prohibit other unnamed and uncaged animals.

Trustee Kaye questioned then rabbits would be out, caged or uncaged, is that correct?

Trustee Sweeney stated that is correct. He stated the purpose of this local law is to identify those critters which have, in the past, presented problems to the Building Department and/or neighbors. In many cases they represent the types of animals that have been kept by residents in residential districts.

Trustee Daniels asked if people do have rabbits, are they required to get rid of them?

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Trustee Sweeney stated Trustee Daniels was correct. If they had rabbits they would be keeping those animals in violation of the Section of the local law.

Mr. Cliff Horey, 106 Highland Drive, questioned the regulation of cats.

Trustee Sweeney stated the regulation of cats is one of the things that the current code does provide for. The code begins with the definition of domestic animals. "Any animal which is trained or adapted to live with and be of use to human beings". It then, specifically names dogs and cats as domestic animals and then provides certain conditions in the care and keeping of those animals.

Maryanne Avery, 64 Garrison Road, questioned whether this is per dwelling unit or per household. There are many situations where there are 4 families in one building and each one of them has a dog. Does one of them have to get rid of their dog? If so, who will enforce it?

Trustee Sweeney stated the intent here is more than 3 animals per living dwelling unit. For a four-family home, that would be 4 dwellings. The code does specify who will do the enforcement.

Trustee Kaye stated that since there are so many residents in the Village who do have rabbits now as a family pet, she wonders if there might be a way to look at this section so people who have rabbits won't be in violation. She does understand that there have been complaints to the Building Department regarding person's dwellings, but she wonders if they need to abolish them altogether. If we allow them to be caged or limit the number, then maybe it will be more acceptable.

Trustee Sweeney stated that is the point of having a public hearing on this type of local law, to identify what is within the public interest. It would be within the authority of the Village Board to discuss this local law and make changes specific to one or several types of animals which we may want to prohibit or allow. The Board would be obligated to advise the public before passage of the code just how any change had been made.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to close the public hearing at 7:57 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 in the Williamsville Village Hall, 5565 Main Street,
Williamsville, New York on Monday, December 11, 1989 at 7:42 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

Mayor Brenton called the meeting to order with the Pledge of Allegiance at
7:42 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, minutes of the
November 27, 1989 meeting were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, minutes of the
November 27, 1989 public hearing on a proposed local law to adopt a new
Chapter 11 - Public Order were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, minutes of the
November 27, 1989 public hearing on a proposed local law to adopt a new
Chapter 17 - Refuse, were approved.

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to
open a public hearing at 7:44 P.M. being held for the purpose of hearing
all persons interested in discussing a proposed local law which would
repeal the existing Chapter 5 - Dogs, and adopt a new Section 5.0 - 5.06 -
Animals. (The Public Hearing was closed at 7:57 P.M.)

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved at
7:58 P.M. to open a public hearing held for the purpose of hearing all
persons interested in discussing a proposed local law which would repeal
the existing Chapter 59 - Swimming Pools, and adopt a new Chapter 59,
Section 59.01 - 59.07, entitled Swimming Pools and Hot Tubs. (The Public
Hearing was closed at 8:05 P.M.)

Unanimously carried.

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Mayor Brenton stated he has communicated with Town of Amherst
Superintendent Patrick Lucey regarding the proposed gate at the foot of
Rinewalt Street. Highway Superintendent Patrick Lucey has indicated his
approval of installation of breakaway post rather than a chain link fence
at that location as suggested by Trustee Kaye.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the
amount of \$97,094.17 covering 11/25/89 - 12/8/89 were approved.

payroll fund w/e	12/2/89	\$	15,099.13
General Fund			38,074.97
Water Fund			33,301.85
Sewer Fund			236.51
Glen Park Joint Activities Fund			324.00
Water Trust Account			
Capital Fund			6,417.19
Community Development Fund			
Trust & Agency Fund			3,640.52
		Grand Total	97,094.17
Large Vouchers:	Erie County Water		29,737.50
	J & I Disposal		11,965.75

Unanimously carried.

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

RESOLVED THAT Trustee Ronald Daniels and Superintendent of
Public Works David Laubisch are hereby appointed as the
representatives of the Village of Williamsville to the Northeast
Solid Waste Board for the 1990 calendar year.

Unanimously carried.

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Mayor Brenton stated his third resolution is to hire a firm to conduct a leak detection survey within our water system. We have recently done that on our own, however, through negotiations with the Erie County Water Authority it has been found thoroughly complete an evaluation of our system. The necessity of this is prompted by an effort on his part to have the Erie County Water Authority consider and eventually take over our water system. We have had meeting whereby this has been discussed with representatives of the Village, and Engineering Firm, the Superintendent of Public Works, himself, and the highest level of management of the Authority; that is the elected Chairmen of the authority and their representatives. They set forth certain criteria the Village must follow in order to be taken over. The Board is going to appoint this leak detection firm to determine if we do have any further leaks within our system. By appointment of this firm the Village will then comply with the initial request on the part of the Erie County Water Authority.

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

RESOLVED THAT Burwin, Inc., Gowanda, New York, is hereby appointed to conduct a leak detection survey for the Village's water system at a cost not to exceed \$5,200.00, per their proposal of November 29, 1989.

Unanimously carried.

Trustee Sweeney stated that at the last Village Board meeting during suspension of rules there were some questions raised concerning the Village Sign Code and some suggestions for possible revisions. Since that time the Village Code Review Committee has met and drafted some revisions that will be discussed later this evening in a work session. He thinks the Code Review Committee is well on it's way to developing meaningful and practical changes to the existing sign code. The sign code itself is one of the newer sections of the Village Code adopted in the last couple of years. At this point there is no schedule for a specific hearing on those revisions.

Trustee Sweeney stated his resolution is to enact the section of local law concerning public order which was a subject at the hearing on November 27, 1989. There was one significant change as a result of the Public Hearing, which was to delete Old Home Days as an activity that could be authorized by a Mayor's permit. The proposed code does not change the previous practice of the Village Board to require a Board resolution to approve or authorize Old Home Days to occur within the Village Park.

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

WHEREAS the Board of Trustees, as part of a comprehensive review of local laws, held a public hearing on November 27, 1989, concerning the subject changes, and

WHEREAS, the Village Board has determined, in accordance with the requirements of the State Environmental Quality Review Act, that the proposed regulatory changes will not have a significant adverse environmental effect,

NOW, THEREFORE, BE IT RESOLVED that current Chapters 3 - Amusements, 11 - Peace and Good Order, and 21 - Peddlers are hereby repealed and a new Chapter 11 - Public Order is adopted by Local Law #5 -1989.

Unanimously carried.

Trustee Bindert stated that on Sunday, December 17, 1989 at 7:30 P.M., there will be a caroling event which is sponsored by the Williamsville Businessmen's Association and the Williamsville Youth and Recreation Board on Spring Street at the Mill. Hot chocolate, coffee and various refreshments will be served. Santa will appear. A good time will be had by all who attend.

Trustee Daniels stated after hearing Trustee Bindert's announcement of the event at 7:30 P.M. at the Williamsville Water Mill, it would be a good time to insert that the Performing Arts Committee is also having a program at 2:30 P.M. that same day, next Sunday, at the Meeting House on Main Street. We are having a folk singer with 3 accompanying instruments. One is a piano, one is dulcimer, and one is a guitar and some percussion. If you don't know what a dulcimer is, then it is a good reason to go. It's a family type of caroling event held indoors. Santa will be there too. He's got a busy day. Refreshments and Christmas cookies will be served. Regarding the Performing Arts Committee, he had applied for the grant earlier in the year to the New York State Council on the Arts. He received a letter informing him that the Arts Council did approve the grant. He asked for \$1,000.00 grant which is the maximum that an emerging Arts organization can qualify for in Western New York. They have granted the Village \$458.00 which will be used for Professional Artists fees. That means if an event is booked at the Meeting House which is either too expensive for the Artists, in order to keep the ticket prices low, this would supplement their Artist's fees. If we held something that no one showed up for, we could still pay the entertainers. It's a nice little cushion to have. Next year as a second year organization we are eligible for up to \$5,000.00 in grant money. It does make it worthwhile to get into the program.

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Trustee Daniels also stated his report has to deal with the Pfohl
dumpsite. In the paper this week was an announcement by the D.E.C. that
the dumpsite will be fenced off. The history of this is that back in the
Spring, one of the members of the Village Environmental Council had gone
to the North branch of the Cheektowaga library which was the repository
for all their information by the D.E.C. in investigating the Pfohl
dumpsite. There was alot of hazardous chemical waste dumped there in a 40
year period from 1939 -1979. The offshoot of that was that the Mayor
wrote to the D.E. C. as well as several people in the Town Government
which caused a meeting to be held as the Erie Niagara Planning Board where
State Senator John Sheffer was there plus representatives from the D.E.C.
and Department of Health. They assessed the situation and told us not to
worry. The investigation of the Class II site was under way and
progressing very well. At that point in time we asked if fencing should
be considered due to the number of people that go to Aero Lake. Someone
on that panel stated that to put up a fence would be inviting people to
climb over it. Trustee Daniels stated he was really pleased to see that
they had decided to do the fencing around the site. However, it makes you
wonder why they all of a sudden changed their mind on the fencing when
originally they decided it wasn't a requisite and there was no cause for
concern. He does know they have escalated the investigative part of the
remediation of that 120 acre site.

Mayor Brenton stated for further clarification on the D.E.C.'s reason for
determination to fence a portion on Pfohl dumpsite for the benefit of
those who are unaware of it's location, it's generally bisected by Aero
Drive west of Transit Road. He believes their determination was that
dioxins had been found in containers there. Dioxins are extremely health
hazardous.

Trustee Daniels stated his resolution concerns the Fire Department. There
are some districts that are outside the actual Village limits that
Hutchinson Hose protects and we offer the service of our Village Fire
Company to those residents.

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

RESOLVED THAT the Mayor execute, on behalf of the Village,
contracts, as amended, with the Town of Amherst and Hutchinson
Hose Company for fire protection for 1990 in the following
districts:

Autumn Harvest	--	District #1
Lamm Post	--	- #2
Lehn Springs	--	- #3
Mill Street	--	- #4
Park Club Lane	--	- #15
Williamsville	--	- #16

Unanimously carried.

Trustee Kaye stated that the DPW has recently installed the missing panels
of tempered glass in the bus stop on the corner of Main & Union which we
own.

Trustee Kaye stated her first resolution is a renewal of the annual
contract agreement between the Village of Williamsville for the management
of the Meeting House.

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

RESOLVED THAT the agreement between the Village of Williamsville
and the Village of Williamsville Historical Society for the
management of the Village Meeting House is hereby renewed for one
year commencing January 1, 1990.

Unanimously carried.

Trustee Kaye stated her second resolution is for a temporary appointment
of a laborer to the DPW. There are 2 permanent workers out on disability.

We do not yet know when they will be returning.

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

RESOLVED THAT Sean Munzert, 216 N. Ellicott Street, is hereby
appointed Temporary Laborer in the Department of Public Works at
a rate of \$5.00 per hour effective December 6, 1989.

Unanimously carried.

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Trustee Kaye stated her third resolution deals with the selling of a pick-
up truck by the DPW which has been replaced with a new vehicle.

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

RESOLVED THAT the Village Clerk advertise for sealed bids for
the sale of one (1) 1983 Chevrolet 3/4 ton pickup truck with Meyers
electro-touch plow system, which has been declared to be surplus
equipment by the Superintendent of the Department of Public Works.
Bids to be opened at 2:00 P.M. on January 3, 1990, under the
terms of the standard bidding resolution.

Unanimously carried.

Superintendent David Laubisch stated that the leaf pickup throughout the
Village was completed last Friday, December 8, 1989. If any Village
residents have anymore leaves that they would like to dispose of, they
should be containerized and put out to the curb for Monday garbage pick
up. They will be picked up according to the contract we have with our
current vendor. If anyone has trash pickup during the winter months, they
may call the D.P.W. and arrange for a pick up, weather conditions
permitting.

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

Unanimously carried.

Diane Sipel stated she represents "The Floristry" , a flower shop at 5444
Main Street. They wanted an awning which had the name "The Floristry" as
well as the address, 5444 Main Street words into it.

The Building Inspector lead them to believe that they did not have to have
a particular permit for this, what they thought was an awning, which is
now a sign. He told them that as long as it did not protrude, which it
does not, they should file for a regular sign permit. They would have to
pay \$35.00 for a temporary permit and \$50.00, for a regular permit. The
awning sign arrived and was installed. They now find out they are not in
compliance with the sign code. They now understand the law and are not
trying to go against the law. They feel there are extenuating
circumstances since they were told one thing, then they tried to comply.
When they tried to apply for another permit, they were told that if they
covered the sign, they could get the permit, and then they could uncover
the sign. The sign was covered and now they are having a problem trying
to get the permit.

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They don't know where to go from here. It will cost a great deal of money to take the sign down, for the permit and then put it back up again. They are just starting out in the Village and it would cost them alot of their profits. They'd like to get their permit and show their awning that says "The Floristry". They don't know where to go from here.

Trustee Sweeney stated he did meet with her at the last Village Planning Board Meeting. He did try to explain the predicament that the Planning Board was in. The Planning Board cannot act on an application for a sign permit when the sign has already been erected. He also suggested to her that it would be very advisable, in his opinion, to come to the Village Board meeting so the other members of the Village Board had an opportunity to get her perspective on the problems of complying with the Village laws concerning signs.

After a lengthy discussion, Mayor Brenton and Trustee Sweeney suggested that in the Christmas spirit, the applicant be allowed to remove the coverings from her awning. The Village Board will request that the Code Enforcement Office not impose any particular enforcement action in this case pending the Board's further opportunity to discuss and resolve the long term implication of this situation.

Mr. Avery, 75 Rinewalt Street, stated he is inviting the Board, all of the employees of the Village to come and see our Christmas Street this Wednesday. We are serving hot cider and we are lighting the street up with candles. He wished everyone a Merry Christmas.

Craig Fields and Eleanor Weiss submitted a letter to the Board. Mr. Fields lives in Maryland and is a former resident of Williamsville. The letter concerning the Pfohl Brothers dumpsite is attached.

Ms. Weiss stated she is sorry in a way that so many high school students left because it is her understanding that alot of them go over there and hike and fish. They think the looks are wonderful but it's not. The levels of dioxin are alarmingly high. The highest level of radiation is at Aero Lake. She is asking the Village Board, if they are able to attend a meeting tomorrow night at the Cheektowaga Town Hall. The D.E.C. and Department of Health will be there. They are invited to come and ask questions. It will be very informal. She is suggesting that everyone tell their friends and their parents to go to Cheektowaga and also let the D.E.C. know that we want to have the meeting here in Amherst because it's more accessible.

Mayor Brenton stated that Trustee Daniels had indicated that meeting was going to be held. The Village will have one of our representatives there.

He questioned Mr. Fields if he were going to deliver that letter to other municipal governments.

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Mr. Fields stated he will eventually and hopefully very soon.

Trustee Kaye stated to Trustee Daniels that possibly Eleanor could be invited to the next Environmental Committee on December 28, 1989.

Trustee Daniels stated that he would actually like to invite Eleanor to the Amherst Environmental Committee's Meeting which is 7:30 Tuesday night, which conflicts with the meeting at the Cheektowaga Town Hall. There will also be a meeting in January.

Carolyn Schlifke, 192 Evans Street, wondered if any further progress has been made in an additional meeting with Mr. Lucey with the Town of Amherst regarding the Evans Street Cut.

Mayor Brenton stated that still lies within the hands of our attorneys and they were going to schedule a meeting at their convenience. There has been nothing done between our attorneys and the attorneys for the Town to date.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to adjourn the meeting at 9:15 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer