

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, May 14, 1990 at 7:43 P.M.

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

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

The clerk read the notice of public hearing being held May 14, 1990 at 7:40 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Chapter 7, Section 7.03C of the Village Building Code regarding Fire Safety and Code Enforcement Officials.

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

Unanimously carried.

Trustee Sweeney stated this is a minor but important change to allow the Fire Chief the flexibility of designating an official other than himself to fulfill the obligations and duties of Code Enforcement Official. Previously the code spelled out that the Code Enforcement Official would be the Fire Safety Official and the Fire Chief. This gives the Fire Chief the flexibility of appointing a third person rather than himself to act in that role.

Harmon Wipple, 51 Garden Parkway, asked if the appointment of the other person, would have a time limit. Will it come to an end when the Fire Chief position changed or is it something that would go on and on?

Trustee Sweeney stated he believes it would continue until the Fire Chief would choose to redesignate another person. Mr. Wipple asked what if you would change Fire Chief? Trustee Sweeney stated then that new Fire Chief would have the option of recommending another alternative, another individual. There is no automatic expiration date to this appointment.

Mr. Wipple stated it seems like there should be an expiration date.

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Fire Chief James Olivieri stated the appointment is only for one incident. If he chooses to delegate Mr. Williams or one of his Code Enforcement Officers at an incident, as soon as that incident is over with he will have to designate another officer for the next incident. When the next Chief is elected and decides not to delegate anybody, he has the power to do that also.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to close the public hearing at 7:59 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, May 14, 1990 at 7:38 P.M.

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

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

The clerk read the notice of public hearing being held May 14, 1990 at 7:35 P.M. for the purpose of hearing all persons interested in the elimination of the zoning class R-4, reclassification of the properties at 5854 Main Street and (4) East Spring Street from R-4 to R-3M and the rezoning of 5403 Main Street from it's present category of C-2 to a residential category of R-3M and appropriate changes to the Village Zoning map.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to open the public hearing at 7:38 P.M.

Unanimously carried.

Trustee Sweeney stated as is the custom of the Village Board, for our public hearings, we will not be reaching a decision on this public hearing tonight. There will be no vote later this evening concerning the resolution of the proposed change in the Village code. At the soonest this issue would result in a resolution at our next regularly scheduled Village Board meeting. Should there be substantial opposition, comment or a need to revise the proposed text, we would reschedule another public hearing, present the revised text to the public and then as a result of the public hearing, take action on it.

Trustee Sweeney said the basic change in the zoning code as proposed is somewhat involved in that the Village basically has 2 areas that are presently zoned R-4 and they are fully developed. There are no additional R-4 areas that could be developed. This change in the zoning, should it be approved, will not affect those areas that are currently developed as high rise structures. It will allow those high rise structures to continue to be maintained. The change is more a change in the Village comprehensive plan and goals for development. The change will eliminate R-4 as a future option. The Village comprehensive plan provides for a variety of different types of housing and commercial establishments.

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This will remove one option, R-4, for further development or redevelopment within the Village. In addition to 2 areas currently R-4 that are proposed to be rezoned to R-3M, one structure at 5403 Main Street, which is currently given a commercial zoning designation C-2 is proposed to be rezoned to R-3M. This is the senior citizens high rise. This proposed change is compatible or consistent with the other 2 changes to R-3M, a multiple residential development designation.

Harold Reiss, 5854 Main Street, stated presumably the intent of this zoning change is to prevent future high rise residential developments. What about the high rise commercial development at 5820 Main Street, the Caldwell building? Can there still be high rise commercial developments?

Trustee Sweeney stated there could still be a possibility of high rise or more than 30 foot developments through the Village's exceptional development procedure. The purpose of this hearing is specifically to eliminate the high rise residential designation that exists in Village Code, R-4, as well as to rezone what high rise commercial development. It will not affect the specific lot or building Mr. Reiss referred to.

Mr. Reiss stated you're preventing a proliferation of high rise residential buildings and you're doing nothing about a proliferation of high rise commercial buildings.

Trustee Sweeney stated the Village is not attempting to do anything to what already exists. He is changing zoning which will allow both those commercial and/or residential high rise structures to remain. Other sections of the Village Code will prohibit structures greater than 30' from being developed. The intent of this hearing and the change in zoning that are being considered here do not affect the property Mr. Reiss is asking about. Should there be similar properties they will not be affected by the proposed change in the Zoning Code.

Mr. Reiss asked if there is a prohibition against building commercial high rises in the existing code?

Trustee Sweeney stated yes, both in the existing code and other sections of the zoning code that have been subject to public hearing but have not yet been adopted. There are restrictions on the maximum height in commercial and residential districts which would be 30'. Trustee Sweeney stated there is an element of confusion in that this proposed change is not an absolute comprehensive attempt to address all existing structures that would fit a layman's definition of 30'. The subject of the hearing is 3 properties and the existence in the present Village Code of a designation R-4 residential high rise development which would be eliminated.

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Attorney Troy stated under the existing categories of residential R-4, these high rise types of residential districts, if there was such a district in the Village which was undeveloped, the owners would have had an automatic and absolute right to build a high rise there. In Trustee Sweeney's reference to high rise business buildings that are going up in the commercial districts, the Board will have total control over those buildings. The Board can reject any such application. What Trustee Sweeney is trying to do is eliminate an absolute right on the part of any developer to build a residential high rise. Therein lies the difference. The commercial buildings, such as the Caldwell Building, are controlled by exceptional development. This immediately takes it out of the routine, places it in kind of petitioner's situation before this Board. This Board can pretty well do what it wants with those commercial buildings. This Board as a political institution understands very well the feelings in this community about high rise commercial developments. It's unlikely that you will see anymore. However Mr. Reiss' question does raise an opportunity for some scrutiny of the existing commercial development section, especially that including exceptional development.

Trustee Bindert stated it is really consistent with the philosophy of the political party which he and Trustee Sweeney ran on, that is to eliminate residential high rises as best as they possibly can because of the high concentration it affords. There are definite problems with existing code.

Trustee Kaye stated she seconds what has been already been said. She is pleased to see this elimination.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to close the public hearing at 7:42 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 in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, May 14, 1990 at 7:35 P.M.

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

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

Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:35 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of the regular meeting of the Board of Trustees held April 23, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the public hearing of the Board of Trustees on the Proposed Local Law-Amend Chapter 17.00 - Refuse Section of Village Code - April 23, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of the public hearing of the Board of Trustees on Proposed designation of Williamsville Train Station as a historical landmark - April 23, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, the minutes of the public hearing of the Board of Trustees on the Proposed Local Law-Delete various Sections of the Village Code - April 23, 1990.

Unanimously carried.

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ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved at 7:38 P.M. to open a public hearing on a Proposed Rezoning of various properties from R-4 to R-3M and from C-2 to R-3M. (The public hearing was closed at 7:42 P.M.)

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved at 7:43 P.M. to open a public hearing on Proposed Local Law - Amend Chapter 7.00, Section 7.03 (C) regarding Fire Safety and Code Enforcement Officials. (The public hearing was closed at 7:59 P.M.)

Unanimously carried.

Mayor Brenton reported that our new Fire Chief James Olivieri is with us. He will be our Fire Chief for a period of 5 years. Mayor Brenton publicly thanked former Chief Tony Schueckler for all the service that he has contributed to the Village over his term of 5 years. He congratulated Mr. Olivieri on being elected Chief of the Department. We enjoyed the evening last Saturday night in which the department conducted it's installation dinner. Mayor Brenton wished Chief Olivieri the best in his term of office which he knows is going to be very demanding.

Mayor Brenton stated the Fire Prevention Bureau is present to make a report to the Village Board. He thinks the Village has one of the finest Fire Prevention Boards. The Board consists of Joe Greer and Evor Williams and Herb Stoeckl who represents close to 150 years of community service in total with the Hutchinson Hose Company. These men go out in their own time to schools and give presentations. They also give presentations to nursery schools that come to the Fire Hall here, show them the Fire Engines, the equipment, sometimes in full fire fighting regalia. They show movies and slides, anything to try to prevent fires, in particular to those of a young age. They receive our eternal thanks and gratitude for what they do for our community.

Mr. Williams stated this is a report from Hutchinson Hose Fire Department and Fire Prevention Bureau of Williamsville. We are making a report on our activities for the last 2 years. On the back of the report you will see that we had some 5000 people that we contacted with regards to fire prevention. It's not only here in the Village of Williamsville but our program has extended to the point where we now are getting people requesting our program outside the Village of Williamsville. This is a great step. 30 years ago in 1960, our Fire Prevention program was one day in October. At that time we would open our Fire Hall and say "come on in public and look what we've got and this is what we do". Today it is turned around to a point where it is 365 days of the year counting Sunday.

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Any organization or school that requests our presence, we're there to put on a program. An addition to our program is our robot called Freddy who has been with us for the last 3-4 weeks. When the first group of children saw him we knew we had something there. As soon as the doors were opened, Freddy was standing there to greet them. We have found in the past, small ones, are the ones we like to get to since they are the ones that will learn. It's amazing how they remember. We also give programs for the senior citizens. Due to our fire prevention programs as far as the Village of Williamsville is concerned, Mr. Williams stated that fire losses have been cut a good third. He doesn't believe there has been a good working fire in the Village of Williamsville in several years. It makes us feel good that things like that are not happening. He thanked the Village Board for allowing them to get their training to continue their Fire Prevention. They make sure at least once a year they get updated on what's new as far as fire prevention.

Mayor Brenton and the Board thanked the entire Fire Prevention Board for their dedicated work.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, vouchers in the amount of \$79,256.45 covering 4/20/90-5/11/90 were approved:

payroll fund w/e	\$ 14,425.09
General Fund	47,673.55
Water Fund	647.59
Sewer Fund	257.09
Trust & Agency Fund	9,410.32
Glen Park Joint Activities Fund	250.56
Capital Fund	6,312.25
Community Development Fund	280.00
Grand Total	\$ 79,256.45

Large Vouchers:

J & I Disposal	\$ 11,965.75
Occidental Waste	7,187.86
Niagara Mohawk	5,810.78

Unanimously carried.

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

RESOLVED THAT the following transfers are hereby made in the 1989-1990 General Fund Budget:

<u>FROM</u>		<u>TO</u>	
1900-1910-4000	\$ 9,930.00	1000-1010-4010	\$ 10.00
1900-1990-4000	38,000.00	1000-1010-4450	240.00
1990-1991-4000	16,000.00	1100-1110-4030	30.00
		1100-1110-4190	1,550.00
		1200-1210-4450	110.00
		1400-1410-1000	5,000.00
		1400-1410-4040	100.00
		1400-1410-4110	220.00
		1400-1410-4160	3,000.00
		1400-1410-4450	80.00
		1600-1620-2000	170.00
		1600-1620-4071	430.00
		1600-1620-4230	2,310.00
		1600-1620-4260	1,310.00
		1600-1620-4450	160.00
		1600-1640-1000	2,000.00
		1600-1640-4070	10.00
		1600-1640-4071	30.00
		1600-1640-4161	220.00
		3000-3310-4040	90.00
		3000-3310-4450	50.00
		3400-3410-4070	260.00
		3400-3410-4071	430.00
		3400-3410-4220	3,820.00
		3600-3620-4450	310.00
		3600-3620-4620	50.00
		5000-5010-1000	1,000.00
		5000-5010-4450	460.00
		5100-5110-1000	4,000.00
		5100-5110-2000	6,430.00
		5100-5110-4161	1,630.00
		5100-5110-4273	1,200.00
		5100-5110-4450	430.00
		5100-5110-4610	20.00
		5100-5142-4290	5,300.00
		7100-7110-4070	50.00
		7100-7110-4161	260.00
		7100-7110-4162	530.00
		7100-7110-4360	2,880.00
		7100-7110-4430	180.00

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7100-7110-4450	4,780.00
7100-7110-4490	210.00
7500-7530-4230	110.00
7500-7530-4440	10.00
7500-7550-4410	1,820.00
8100-8170-1000	320.00
8500-8510-4450	1,310.00
8500-8510-4671	1,590.00
8500-8560-1000	2,750.00
8700-8745-1000	580.00
8700-8745-4160	220.00
9000-9040-8000	3,000.00
9000-9041-8000	120.00
9000-9060-8000	750.00

\$ 63,930.00

\$ 63,930.00

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the 1989-1990 Water Fund Budget:

<u>FROM</u>		<u>TO</u>	
1900-1920-4000	\$ 200.00	8000-8340-4010	\$ 1,110.00
1900-1990-4000	6,000.00	8000-8340-4070	120.00
1900-1991-4000	1,200.00	8000-8340-4160	3,460.00
8000-8340-1000	5,000.00	8000-8340-4161	960.00
		8000-8340-4164	230.00
		8000-8340-4440	2,140.00
		8000-8340-4450	90.00
		8000-8340-4600	3,180.00
		8000-8340-4610	180.00
		8000-9040-8000	930.00
	12,400.00		12,400.00

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the 1989-1990 Sewer Fund budget:

<u>FROM</u>		<u>TO</u>	
1900-1990-4000	\$1,640.00	8000-8120-4450	\$ 570.00
		9000-9040-8000	880.00
		9000-9060-8000	190.00
	1,640.00		1,640.00

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the 1989-1990 Glen Park Budget:

<u>FROM</u>		<u>TO</u>	
7000-7141-2000	\$1,800.00	7000-7141-1000	\$ 870.00
7000-7141-4101	1,000.00	7000-7141-4162	550.00
7000-7141-4164	2,540.00	7000-7141-4163	750.00
		7000-7141-4351	50.00
		7000-7141-4430	200.00
		7000-7141-4450	2,750.00
		9000-9030-8000	170.00
	5,340.00		5,340.00

Unanimously carried.

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

RESOLVED THAT the Village Clerk/Treasurer is hereby authorized to make additional year-end transfers after all year-end expenses have been paid and adjustments have been placed on the books.

Unanimously carried.

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Mayor Brenton stated the 7th resolution deals with our Main Street Beautification project which was primarily concentrated on the north side of Main Street last year. This year's project will concentrate on the south side of Main Street as well as one property in the north side. This will include the installation of tree grates and brick pavers substantially from Mill Street to approximately Reist Street and by this resolution we will be awarding the contract to the apparent low bidder who will have to meet the bonding requirements of this project prior to being allowed to participate or actually do the work there.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for Beautification of Main Street-Phase II, and

WHEREAS Timberline Landscape/Construction, Inc., 190 Willardshire Road, East Aurora, New York, submitted their low bid of \$116,542.38 meeting all specifications,

NOW, THEREFORE, BE IT RESOLVED that the contract for Beautification of Main Street - Phase II, be awarded to Timberline Landscape/Construction, Inc., for their low bid of \$116,542.38.

Unanimously carried.

Trustee Kaye commented that since we are not awarding this contract with the option of tree guards, she hopes that Mayor Brenton will look at having both sides of the street compliment each other. She is concerned that we make sure that we have uniformity on both sides of the street regarding tree guards so it doesn't look like we accidentally did not place them on the other side of the street.

Mayor Brenton stated the tree guards that were placed last year have begun to rust already. They were painted with a black enamel. It is a concern of his that we install more of these tree guards that would proceed to rust and the Village would have a maintenance problem. The project was advertised in two-fold method-with the tree guards and without the tree guards. We are accepting the low bid without the tree guards and it would be our intention to remove the tree guards on the north side of Main Street entirely so that we have the desired compatibility that Trustee Kaye speaks of or else to relocate some of those tree guards and if necessary, repaint them so they would only protect very small sapling trees throughout the project.

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Trustee Daniels asked if the contract does not obtain the performance bond would he be automatically disqualified and the next highest bidder awarded the contract?

Mayor Brenton said he believes that would be the case. The unfortunate thing is that there will be a time lag before we're sure that they will be bonded. It may be another 2 weeks, it may be over 2 months. So if the contractor can't get the bond, the project will require a greater length of time.

Mayor Brenton stated the next resolution is for hiring an engineering firm to provide the Village with the final input regarding traffic from the proposed Centerpointe development and the connection of that development to Evans Street. The firm will evaluate the studies already completed and suggest possible alternatives to the proposal to connect Essjay to Evans Street.

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

RESOLVED THAT Frandina Engineering, P.C., 3070 Delaware Avenue, Buffalo, New York, be retained for the purpose of reviewing the pending application submitted on behalf of Ciminelli Development Co., Inc., seeking approval of a proposal to construct a road from Evans Street to the existing Centerpointe Development.

Such review shall include:

1. An analysis and report to this Board of the anticipated effect of such proposal on traffic safety and traffic volumes within the Village, and,
2. A review of all available previous studies, private and public, and all public hearings and/or proceedings addressing the substance of the application, to determine if they have adequately addressed the anticipated impact upon the Village, and,
3. If said review reveals any adverse impact, whether viable alternatives exist to proposed design item or items which might eliminate, alleviate, or otherwise modify such anticipated adverse effects.

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The retainer shall be consistent with proposal of May 3, 1990 submitted by Frandina Engineering and such services, as rendered, shall be at a rate of \$50 per hour inclusive, and total cost thereof shall not exceed \$4,000 without further resolution of this Board.

Unanimously carried.

Mayor Brenton stated his ninth resolution deals with what will hopefully be the final year of the sidewalk rehabilitation program and works in conjunction in some areas with the Main Street Beautification program whereby the sidewalk contractor will remove and replace certain sections of the Main Street concrete within the Business District and also remove certain sections of concrete within the Business District that will later be replaced with brick pavers under the Main Street Beautification Program.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for 1990 Sidewalk Repair, and

WHEREAS Mazzini Construction, 131 Meadowlawn, Cheektowaga, New York, submitted their low bid meeting specifications,

NOW, THEREFORE, BE IT RESOLVED, that the 1990 Sidewalk Repair contract is hereby awarded to Mazzini Construction for their low bid as follows:

4" replacement sidewalk	2.28 per sq. ft.
6" replacement sidewalk	2.89 per sq. ft.
4" new sidewalk	1.94 per sq. ft.
6" new sidewalk	2.44 per sq. ft.
sidewalk removal (only)	.44 per sq. ft.

Unanimously carried.

Trustee Daniels reported that the Pfhof Dump issue is still moving along. There was a meeting in Cheektowaga last week at the high school sponsored by Senators Sheffer and Voelker. It was a meeting with the Department of Environmental Conservation and Department of Health and the concerned residents of the Pfhof group. They did bring out more information on this landfill for wastes that were operated around 1938-1970 off of Aero Drive and Transit Road which bordered on Ellicott Creek. Progress from the DEC standpoint has been moving along satisfactorily. They gave a list of priority places that they are going to be testing water and silt samples in Ellicott Creek.

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On one hand, the next real substantive point that will be of interest will be their health analysis which will come out in October. Depending on the firm they retained for that, we will assess the report and it's validity. The Village is represented in all of these meetings by several members of the Environmental Committee. Because we're probably talking millions of dollars, there's nothing of proactive aggressive stands that we can take in so far as doing our own testing. We're basically trying to monitor the situation with the DEC and make sure that they are doing the testing correctly. We will keep you appraised of the developments as they come along.

Trustee Daniels stated one of the main concerns that has drawn political protests and changed directions and caused the general populous of the Village and the Town of Amherst great concerns recently is the traffic situation. There are all sorts of agencies working on that. Unfortunately, the State level and the Federal levels of fundings for improving roads and analyzing traffic flows have been cut, recently quite a bit, causing a greater concern on the local level. Trustee Daniels stated he attended a meeting today with Trustee Kaye at Town Hall sponsored by Amherst Town Councilman, Bill Kindel. He invited representatives of the DOT and Senators and County Legislators asking for more dialogue among them as an informational gathering source to analyze the traffic flows in Amherst and especially the southeastern portion of Amherst. They are trying to come up with some long range possibility and idea studies on where we are going. Even if we stop development today, a lot of the traffic from downtown comes through the Village especially Main Street which is a real problem. It's important for us to keep abreast of this issue. There were several things brought up. Alex Stocker who is the new Chairman of Amherst Traffic and Safety Board mentioned some very long range projects such as the intelligent highway systems which monitor through computers, what it takes to facilitate the expeditious progress from point A to B. On a more practical level the next step is to address it from the standpoint of a simpler procedure as the way Pyramid Corporation, the Galleria Mall area was approached to improve the roads thru their own developmenet. They put in \$4 million of their own dollars to do Galleria Drive as an exit off the thruway and did their own studies to improve the flows. It ended up not costing the taxpayers or the state, the Federal Government and the Town of Cheektowaga any money.

Trustee Daniels also reported that this is the last meeting we will have before the end of the Performing Arts year. We started out the Performing Arts Committee at the beginning of last year in order to bring small plays and concerts to the Meeting House. Through the process of paying rentals, fees and holding 15 separate events there, we raised \$1,150.00 in revenues for the Village. The final 2 events are coming up this Saturday.

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We have a play scheduled "Social Security", which is at the same time playing at Lancaster Open House. We were lucky enough to get the same troop to make a run out to the Village and for \$5.00 ticket including reception, it's a good deal. It's a very funny play. It's next Saturday night. Seniors and students are \$3.00. The last event of the season will be a musical group called In Concert Productions with anything from rag to rap. That will be June 1st and 2nd at the same facility. The reason it's ending is that in the summer months the Meeting House itself does not have any air conditioning and most of the windows don't open so there's no ventilation. If we were able to arrange for some sort of air conditioning or ventilation, we could probably use it successfully during the summer months as well.

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

RESOLVED THAT Eric J. Schrader, 110 Eagle street, is hereby appointed Seasonal Laborer in the Glen Park, effective May 7, 1990, at the rate of \$4.50 per hour. Salary to be paid from the Glen Park Joint Activities Fund.

Unanimously carried.

Trustee Daniels stated his second resolution deals with that Performing Arts Committee that he previously mentioned in that he is appointing additional members to that committee.

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

RESOLVED THAT the following residents are hereby appointed to the Performing Arts Committee until the end of the 1990-1991 official Village year.

NAME	ADDRESS
Mary Ann Piazza	186 N. Long Street
Helen Barie	58 Arlington
Marie Olczak	185 N. Long Street

Unanimously carried.

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Trustee Daniels stated his third resolution has to do with the Village Beautification Committee. That's the committee that's responsible for planting all of the flowers, taking care of the gardens that the Village owns, one at the triangle at Evans and Main, in front of Village Hall, in front of Meeting House and Memory Garden at Garrison Park. They will be planting in the spring the annuals starting this weekend so they will be looking good for the Memorial Day Parade. With more help there will be a total of 14 members planting and weeding away.

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

RESOLVED THAT Mary Ann Dudek, 169 N. Long Street, is hereby appointed to the Beautification Committee until the end of the 1990-1991 official Village year.

Unanimously carried.

Trustee Kaya stated she wanted to welcome Fire Chief Jim Olivieri. Since she is liaison to the Fire Department, she is honored to be working with him. She is glad to have him aboard and gave a special thanks to Tony Schueckler for all his hard work. A special thanks also to Evor, Joseph and Herbert have already left for their tremendous activities in fire prevention. She has a tremendous amount of respect for the Fire Department and the Firemen being a lifelong fire brat growing up in fire houses she has a special place in her heart for firemen.

Trustee Kaya stated she has had several calls from residents asking about the traffic counters on Evans. The Village has placed 3 out of the 4 traffic counters. The fourth one was put out by EMS Consulting for the Town of Amherst. This afternoon she attended a meeting in the Town of Amherst that Councilman Kindel has sponsored and was pleased to see that the Town is looking at the southeast section, in terms of traffic but was disappointed that Evans St. had not been included in the Southeast section. The Town considers the southeast section ending at Youngs Road. The planning had only taken into account items that were in the planning process or were approved in the planning process from 1/89-5/90. That does not include Centerpointe traffic at all in those projected items for the year 2,000, in terms of traffic. She was sorry to see that that had not been included and that Evans Street had not been included in that southeast corridor sections. We know what a critical street that is for north/south traffic.

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

RESOLVED THAT Evor Williams and Joseph Greer, Williamsville Firemen, are hereby authorized to attend the Public Fire Prevention Education Conference in Montour Falls, New York, on June 2 & 3, 1990, and the cost, not to exceed \$125.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

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

NAME	ADDRESS
Todd Anderson	78 <u>Olney</u> Drive, Amherst, NY
Mark Tudor	225 N. Linden Ave., Wmsville, NY
Michael Kiebala	139 Cadman Drive, Wmsville, NY

Unanimously carried.

Trustee Kaye stated the next resolution deals with the creation of two laborers' positions who will be collecting Village garbage as of June 1st.

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

RESOLVED THAT two (2) additional laborers' positions are hereby created in the Department of Public Works effective May 21, 1990.

Unanimously carried.

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

RESOLVED THAT Christopher R. Chase, 89 Milton Street, and Timothy M. Phalen, 15 Hedwig Avenue, Cheektowaga, New York, are hereby appointed Laborers in the Department of Public Works, effective May 21, 1990 at the rate of \$7.62 per hour.

Unanimously carried.

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

RESOLVED THAT the Williamsville Railroad Station, 86 S. Long Street, is hereby designated a historical landmark in the Village of Williamsville, effective immediately.

Unanimously carried.

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 execute, on behalf of the Village, Worksite Agreement with the Erie County Human Resource Corporation in order to provide employment and/or job training activities to eligible youth during the summer months under the Job Training Partnership Act of 1982.

Unanimously carried.

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

RESOLVED THAT existing Chapter 17.00 of the Village Code entitled "Refuse," Sections 17.01 thru 17.10 are hereby repealed, and

FURTHER, RESOLVED that Chapter 17.00, Sections 17.01 through 17.10, entitled "Refuse," which was the subject of a public hearing on April 23, 1990, is hereby adopted as amended by Local Law #10 -1990.

Unanimously carried.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for 2,750 Recycling Containers, and

WHEREAS Integrated Waste Systems, Inc., 100 Corporate Parkway, Amherst, New York, submitted a low bid which did not vary materially from the published specifications, and,

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WHEREAS the Superintendent of Public Works has stated that the I.W.S. variation from specifications was not a material deviation, the specifications used did not place the other bidders at a competitive disadvantage, and that it is in the best interest of the Village to accept this bid,

NOW, THEREFORE, BE IT RESOLVED that the contract for 2,750 Recycling Containers is hereby awarded to Integrated Waste Systems, Inc. for their bid of \$4.29 per container.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Bindert, it was moved for a suspension of rules for a resolution not on the agenda.

Unanimously carried.

Trustee Kaye stated this resolution deals with the Northeast Solid Waste Board and our agreement as a member with this Board. This resolution gives the Mayor the right to sign an intermunicipal agreement with them that ties us to a lease in the planning stage of this project.

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

WHEREAS, the Northeast Communities Solid Waste Management Board, created by a joint municipal agreement of June 7, 1982, as amended, has given long and careful consideration to a project for the joint acquisition and development of a solid waste materials recycling facility (the "Recycling Facility"); and

WHEREAS, the Towns of Alden, Cheektowaga, Lancaster, and West Seneca, the Villages of Alden, Depew, Sloan, and Williamsville have adopted resolution committing funds for the leasing of property for the Recycling Facility; and

WHEREAS, the Towns of Clarence, Marilla, and Newstead, and the Village of Akron have decided not to participate at this time; and

WHEREAS, the Town of Elma is in the process of making it's decision on participating in the project and is under a Northeast Communities Solid Waste Management Board imposed deadline of May 17, 1990 to make its commitment; and

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WHEREAS, in view of the foregoing, a new inter-municipal agreement is necessary for the project, at least for the initial planning phase, and, accordingly, a proposed "Agreement for Organization of Northern Recycling," a copy of which is attached to this Resolution as Exhibit "A", has been proposed (such agreement to be referred to as "Agreement", and the Northern Recycling Council to be referred to as "NOREC"); and

WHEREAS, the Erie County Industrial Development Agency (the "ECIDA") intends to acquire the property at 3327 Walden Avenue, Depew, New York, for the establishment of the Recycling Facility, and to offer to lease it to the Village of Depew, on behalf of the municipalities participating in the project (the "Participating Municipalities"), subject to options on the part of the ECIDA to sell the property to NOREC or to NOREC to purchase the property, at the termination of the lease, on terms set forth in the proposed lease agreement attached to this Resolution as Exhibit "B" (the "Lease"); and

WHEREAS, the Agreement requires the Village of Williamsville to authorize the execution of the Lease by the Village of Depew on its behalf, and to pay its proportionate share of the rents and expenses in relation to the Lease (including interest on funds borrowed by the ECIDA to acquire the property), and to pay its proportionate share of the purchase price of the property and acquisition costs in the event of exercise of the sale or purchase option; and

WHEREAS, the ECIDA has offered to maintain the Recycling Facility property during the planning phase of the project, the expenses of maintenance to be reflected in rentals under the Lease; and

WHEREAS, the Agreement imposes certain other obligations and risks upon the Participating Municipalities, including the Village of Williamsville and upon NOREC;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Village of Williamsville is authorized and directed to sign the Agreement; and

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BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be sent to the Treasurer of the ECIDA, the Mayor of the Village of Depew, Magavern and Magavern, attorneys for the Northern Recycling Council, and the Treasurer of the Northeast Communities Solid Waste Management Board.

Unanimously carried.

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

Unanimously carried.

Trustee Sweeney reported that at the last Village Planning Board meeting the forum of the Planning Board meeting was opened up to allow the public some input on the proposal by the Ciminelli Corporation for the extension of a roadway from Centerpointe Development, on to Evans Street. This was an unusual situation for the Village Planning Board to be faced with a large, potentially hostile or unknown audience. Overall, it was handled very well. The presenters were given ample opportunity to make their statement and to present their case. The Planning Board was able to maintain order and see that the process was performed in an orderly and professional manner. As stated at that Planning Board meeting, the Board expects as part of their preliminary discussions at the beginning of their next regularly scheduled meeting to debate amongst themselves the issues with the idea of coming forward with their recommendations to the Village Board. It's one of those procedures that's unusual and an item of great general public interest and extreme concern to this Board.

Trustee Sweeney stated his first resolution involves a proposed change in our local law concerning landscaping which was the subject of a previous public hearing some months ago. There are several areas of minor adjustment. One such area of adjustment was in response to a written concern of the Village Business Association that the proposed ordinance did not set any ceiling on the requirement that a landscape plan be submitted to the Planning Board. We have revised the code by reinserting a \$35,000 threshold, such that building modification plans or new plans for construction where the total cost would be less than \$35,000 would not have to prepare a landscape plan. There were numerous concerns voiced by the Environmental Committee, since as a result of the revised code the Environmental Committee does not have final approval over landscape plans. As presented at the last public hearing, final approval authority for landscape plans does change from the Environmental Committee to the Planning Board with the Environmental Committee acting as the advisory group that will review and make recommendations to the Planning Board.

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

RESOLVED THAT existing Section 24.00 of the Village Code entitled "Landscape Law," including Sections 24.01 through 24.05 is hereby repealed, and,

FURTHER, RESOLVED, that Chapter 24.00 entitled "Landscaping", including Sections 24.01 through 24.05 which was the subject of a public hearing on March 12, 1990, is hereby adopted as amended by Local Law #8-1990.

Unanimously carried.

Trustee Sweeney stated his second resolution covers all sections of the existing Village Code that are going to be repealed. The hearing on this proposal was held April 23, 1990.

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

RESOLVED THAT existing sections of the Village Codes, listed below, which were the subject of a Public Hearing on April 23, 1990, are hereby repealed by Local Law #9-1990:

1. Section 2.10 - Aircraft
2. Section 12.00 - Environmental Quality Review -12.01 thru 12.12.
3. Section 13.00 - Explosives
4. Section 15.00 - Fire Dept., Fire Apparatus and Fire Alarm 15.10 thru 15.50
5. Section 16.00 - Fire Prevention -16.10 thru 16.60.
6. Section 19.00 - Gasoline and Filling Stations - 19.10 thru 19.90
7. Section 22.00 - Junkyards - 22.10 thru 22.60
8. Section 23.00 - Indemnity Bonds - 23.10 thru 23.40
9. Section 28.10 - Railroads
10. Section 30.10 - Smoke Abatement.
11. Section 80.10 - Time.

Unanimously carried.

Trustee Bindert stated the Traffic and Safety Committee will be hearing the proposed cut from Essjay to Evans Street on Thursday, May 17th at 7:30 P.M. Those who are interested in attending are invited to do so. The committee will make a recommendation to the Board of Trustees.

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Trustee Bindert stated his first resolution is to take care of an oversight. It seems that Rita Andrews' name was eliminated from the list of committee members of the Youth and Recreation Committee. He stated publicly that Rita Andrews has been one of the longest serving and hardest working individuals that he knows of on any of the committees.

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

RESOLVED THAT Rita Andrews, 128 S. Union Road, is hereby appointed to the Youth Committee until the end of the 1990-1991 official Village year.

Unanimously carried.

Trustee Bindert stated his second resolution deals with granting the Old Home Days Committee a permit to operate their annual festivities. For this year Old Home Days will be held from July 17-July 20. Because it is longer than one day the Board must approve the permit by resolution.

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

WHEREAS a resolution is required by the Village Board approving the use of Island Park when an activity is held for more than one day in the park, and,

WHEREAS the Old Home Day Committee has requested a permit for the 1990 Old Home Days, July 17 through July 20, 1990, and have otherwise complied with requirements preliminary to granting of a permit,

NOW, THEREFORE, BE IT RESOLVED that the Village Board grants a permit for the Old Home Days Committee to use Island Park for their annual celebration from July 17 through July 20, 1990.

Unanimously carried.

Superintendent David Laubisch stated his first item coincides with the sidewalk rehabilitation program and the work that's been done on the Main Street area in the Village. The fire hydrants in the immediate area of the rehabilitation project are in drastic need of rehabilitation themselves. They've been painted numerous times. One more coat of paint is not the answer.

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She requests the Village Board contact the elected officials of Amherst about the traffic problems.

Mayor Brenton stated the Town did conduct a meeting today under the auspice of Councilman Kindel even though the Centerpointe Development is not reflected in the southeast portion of the Town of Amherst. Because of the potential impact perhaps, the Town should consider moratoriums in the area. The Town of Orchard Park did that and he sees no reason why the Town of Amherst cannot do it.

Harmon Wipple, 51 Garden Parkway, stated that at Main and Youngs Road the County has a responsibility there too. Erie Community College has alot of students exiting all at the same time at that intersection. He thinks the county has a responsibility not only to enlarge the intersection but to put a road that goes south from there.

Mayor Brenton stated it is a county road, New York state intersection. Some consideration should be given to widening it rather than widening streets that are in the Village of Williamsville which due to the varied nature of housing on those streets are almost impossible to widen. His suggestions would be that our own Traffic and Safety Committee should explore these 2 areas and come up with recommendations that would be beneficial to the Village of Williamsville such as a need to widen Youngs Road or Main Street in an easterly direction or whatever suggestion they can make. Maybe that's something that we should look at in order to help us in the future which is rapidly becoming the present.

Trustee Kaye stated she spoke to Gene Knapp during his presentation who is from the Department of Transportation, stated they would be doing their own independent analysis of Youngs Road and of Main/Youngs intersection to see how they might alleviate some of the congestion there. He is not fully convinced that the intersection is right now functioning at an "F" level of service. So the state Department of Transportation is doing their independent analysis.

Trustee Daniels stated you made reference to Youngs and Sheridan intersection has already been done. There are areas that need to be improved. The real problem is the money. The Federal and State levels have had a big cut the last few years. There are priorities. It could very well be even something is scheduled for 1993, if the money is not there at that point in time, it has to be pushed back and that's been the problem. The idea is to coordinate all groups to come up with some kind of lobbying group to get more money into this pot. Otherwise nothing is going to be done. The New York State Thruway Authority is a prime example of that. They generate \$300 million in tolls a year on the thruway. This exchange right here is the busiest one. In 1996 those tolls are supposed to go off.

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They have to be stripped down to bare metal, reprimed and painted so that they coincide with the efforts on Main Street in the area of beautification. The second item is that starting the first week in June, 1990, the Village will be picking up resident's garbage and the information that is going to be handled out to the residents has been finalized and will be going to the printers. This will be passed out to all the residents in the Village. A copy of that will also be sent out with the Village tax bills so that everyone has a copy of the schedule and the basic rules that govern the pick up of garbage within the corporate limits of the Village of Williamsville. This information will be going out next week. Extra copies will be available at the Village Clerk's office.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved for a suspension of rules for public participation.

Unanimously carried.

Maryanne Avery, 64 Garrison Road, asked Trustee Sweeney in regards to the Planning Board, does the Planning Board have a coordination with the Amherst Planning Board or Planning Department in regards to developments.

Trustee Sweeney stated he knows there have been efforts in the past to coordinate through the Village Building Department any developments that would occur immediately adjoining the Village in the Town of Amherst. He's not really prepared to say that consistently we get ample notice. He knows that there have been sporadic occasions on which there has been a development for which plans and a notice have gone to Village Building Department and been presented in time for Planning Board meetings. Where there are occasions of the Town rezoning such that they would need by law to provide those, they do so.

Ms. Avery asked the Board if they were aware that there is extensive building proposed on both sides of Youngs Road and also at Youngs Road/Werhle. Charlie Brown is estimating 7,000 extra trips per day for Main Street, Werhle and Youngs Road. How much of that would travel directly to the Village is hard to say. She thinks it's safe to say a good many thousands more cars will go down Garrison and Evans everyday. She thinks it would help if the Village would put a little pressure on the Town. Everyone agrees traffic is terrible. But they wouldn't think of asking developers to slow down. How many more thousands of cars can the Village and Town stand? In April, 1980, she came to the Board about traffic on her road because of Garrison Park which is across the street. There are more kids in the park now than there were ever before. They come in through here like it's a state highway. It doesn't seem to dawn on the Town, this is a Village, people live here. This is our residence.

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The odds are that they won't go off. They will continue to generate the money. At that point in time there will be \$100 million surplus because their bond issues will have been paid off which is why they have the tolls in the first place. In 1996, there's going to be a scramble for that money. That's one of the windows of opportunity that we have to be aware of. It also bothers him that everyday when he goes down the Youngman highway there are miles of sound barriers on either side of that and it's not even a toll road. We have asked the thruway to put barriers up and they say they can't afford it. They have \$300 million in revenue a year. It's that type of thinking that's so difficult on a local level. The way they have it on the Youngman is pork barrel legislation and a 17 year fight with the Senate. Finally there was money allocated to those sound barriers. He doesn't want to wait 17 years for sound barriers on the thruway. They never put up 1" of sound barrier on any of the 500 miles of Main line. The minute they put up 1" of it, they open themselves up to having to put them up on every area that has been infiltrated or environmentally downgraded because of the sound and pollution of the thruway. If that thruway were built today, the sound barriers would be figured right into the specs as they are in the 990 as you see that progressing. It's all of these things that are very difficult and frustrating. The Town is not totally to blame. Pressure must also be put on the State and Federal governments.

Carolyn Schlifke, 192 Evans Street, stated perhaps Mayor Brenton could tell her whether the Village requested a supplement budget grant to help pay for the Main Street revitalization on the south side of Main Street and if it was in the amount of about \$75,000. Her understanding is that the grant is obtained and then the work is done in the following fiscal year.

Mayor Brenton stated yes. He explained to the Board and how it works. The Village made a similar request for this year and expects to hear as soon as the State budget is adopted.

Carolyn Schlifke stated she is very happy to hear that the property owner who did not want to be a part of last year's program has changed his mind and he is also going to become a part of the beautification on the south side of Main Street this year.

Mayor Brenton stated this is their verbal intention. They are awaiting the cost of the concrete and he will relay that information to them. It's not to say that they are going to do it.

Ms. Schlifke stated she believes Trustee Daniels is involved with the Main Street trees. She is concerned that we will lose some of the trees.

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She did work with that program a few years ago and was advised that when a tree is planted, it should be fertilized the first year it is planted. At least for the next 2 years after that, those trees should be fertilized. She doesn't know if anything has been done. All of Main Street trees were fertilized about 4 years ago at a cost of about \$700.00. At that time she noticed a remarkable improvement in the trees and suggested the Village look into something like that again.

Ms. Schlifke stated she is very pleased to see the Train Station designated as a historical landmark. It's a worthy project by the railroad society and certainly deserves designation. She wondered whether the Christian Academy had ever received its plaque.

Trustee Kaye stated we just received it in the past 2 weeks.

Mary Lowther, 122 Chalmers Street asked what is the status on the sign request at Main & Union with the McDonalds?

Trustee Sweeney stated it has been an ongoing discussion that he has had with the operator, Mr. Frieman, of McDonalds. There has been no official action since the sign application first was put on the agenda of the Planning Board. It was determined at that first meeting that the Planning Board could not approve that particular sign. There have been a number of discussions between himself and Mr. Frieman about the possibility of changing the existing sign code but this Village Board has indicated that they did not feel that this was a pressing need or desirable change in the ordinance, so that that option has ended. A further option that he pursued with Mr. Frieman and the Planning Board was discussed at the last Planning Board meeting but the Planning Board indicated they did not feel there were exceptional circumstances to merit some type of accommodations to a changeable text sign. Mr. Frieman subsequently indicated that he will be pursuing an application with the Town of Amherst to erect a changeable text sign in the Town of Amherst. There is nothing current with either the Village Board or the Planning Board on that sign.

Mr. Wipple stated the diamonds on South Long Street need alot of work and asked who maintains them.

Superintendent Laubisch stated the diamonds are maintained by the Town of Amherst. They cut the grass there today. They were just waiting for it to dry out.

Carolyn Schlifke asked if both diamonds on S. Long Street are being used.

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Trustee Kaye stated that right now the Parks Committee had made a decision to use, as they did last year, the diamond near the Senior Center for Little League softball, CYO kinds of activities, and the other diamond to continue as it had been in the past. In this past budget that's just been passed we have allocated money to do a survey and possibly realign the ball diamonds so they would have better effective play. We've had no complaints last year at all from the Senior Center with softball play from youths. This year we are continuing to analyze them and possibly realign the ball diamonds.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to close the meeting at 9:20 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer