

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 10, 1990 at 7:45 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 Clerk/Treasurer
David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held on December 12, 1990 for the purpose of hearing all persons interested in discussing repeal of existing Village code and Enactment of a new Chapter 40 entitled "Sewer Use".

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved to open the public hearing at 7:45 P.M.

Unanimously carried.

Trustee Sweeney stated the Code Review Committee has been through the bulk of the pre-existing Village code, revising, updating, streamlining and improving chapters of the Village code. Tonight's hearings concern 2 chapters in the Village code pertaining to sewers. The first hearing is sanitary and storm sewers, and is entitled "Sanitary Code". The chapter will be retitled "Sewer Use" when revised.

Trustee Sweeney commented on the proposed changes. There are a large number of details within the code that have been reworded and sections changed and reorganized. However, the substance of those changes are not overwhelmingly significant. Some of the highlights of this revised code are to change the requirement for connection to sanitary sewers and storm sewers. Where previously the requirement to connect from a residential building to the storm sewers was left to the discretion of the Village Board, the proposed code includes a requirement that residences within 100' of a storm sewer connect to that storm sewer. The new code requires that all commercial and manufacturing establishments connect to storm sewers where they are available. The requirement for connecting to sanitary sewers has also been changed. Previously, the requirement was to connect to a sanitary sewer if one was within 150' of an owner's lot. Now the requirement will be to connect to a sanitary sewer if it is within 500' of an affected lot. Most of the Village has been sewerred for 40 some years. The connections have been made, but new establishments would have to go a greater length to make a connection.

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That cost of the connection would be borne by the individual owners. In some cases such changes can be quite significant.

Mayor Brenton asked whether existing homes which are not presently utilizing the sanitary sewer, would they be required to tap into the sanitary sewer if their septic system was working properly?

Trustee Sweeney stated that the effects of the new code, he thinks, would be to require that even an existing home with a satisfactorily operating individual septic system located within 500' of the sanitary sewer could now be compelled to make that connection. He's not sure the Village would undertake any effort to compel those connections but this piece of legislation does give the Village Board that authority.

Trustee Kaye stated, if she understands the new code correctly, that upon transfer of property ownership it would be mandated to connect from a septic system to the sanitary sewers?

Trustee Sweeney stated that's correct. The distinction there being someone occupying an existing home with a septic system would continue to use that septic system unless the Village Board were to make an effort to compel connection. Otherwise that person could continue to use the septic system until he sold the property, at which time the code would dictate a connection, which would have to be made to the sanitary sewer.

Bob Krieter, Eagle Street, asked if that holds true for a commercial establishment to a storm sewer? Would they be required to go into a storm sewer then?

Trustee Sweeney stated there would basically be the same requirement for a commercial establishment. A change of operator would not compel but a change of ownership of the building would compel connection. At the same time, he doesn't believe we have any commercial establishments that are operating with septic systems. Trustee Sweeney stated as a practical measure, he thinks the Village would only require a new connection to a storm sewer where a building modification were to be submitted to the Village.

Mayor Brenton commented his recollection is that the New York State Building code requires a tap in where there is new construction or parking lot construction to a storm sewer if the construction is within 500' of an existing storm sewer.

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Trustee Sweeney stated in contrast to the state code, the code we're proposing to enact would set no distance requirement for commercial or manufacturing establishments. It would become, in a measure, discretionary on the Village Board. At the same time, it does identify the Superintendent of Public Works as the responsible party for determining the manner in which the storm water will discharge.

Bob Krieter stated in using the word commercial establishment, does that restrict it only to commercial or is there any other type of industrial or other type of structure this would apply to?

Trustee Sweeney stated he's using the term commercial because the code as proposed sets out criteria for one or two-family or multiple dwellings and then sets a separate set of criteria for all buildings located in a commercial or industrial district. Basically all structures are covered by the proposed code.

Mayor Brenton stated on a further point of clarification, one of the primary reasons we require storm water to be runoff through the storm system, is that otherwise it lays on the ground or finds a lower elevation of the ground and eventually can infiltrate our sanitary sewer system. When it does infiltrate the pipes of the sanitary sewer system, it goes immediately to the sewage treatment plant. The sewage treatment plant then treats the storm water. When the sewage treatment was built for a cost of 130 million dollars, there was a mandate from the federal government that we would clean up our sanitary sewer system and to a degree that we would try to eliminate storm water. This is something the Board should bear in mind too, that we want the storm water to go into storm lines and not sanitary sewers. The only way we can do that is to have runoff go into the storm lines.

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved to close the public hearing at 8:00 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, 5545 Main Street, Williamsville, New York on Monday, December 10, 1990 at 8:01 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 Clerk/Treasurer
David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held December 10, 1990 at 7:40 P.M. for the purpose of hearing all persons interested in discussing the proposed changes to Village Code, Chapter 41, entitled "Sanitary Sewer Rents".

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved to open the public hearing at 8:01 P.M.

Unanimously carried.

Trustee Sweeney stated he thinks, to a certain degree, the notice is somewhat of an understatement since it's a simpler procedure to recind the existing code and adopt a new code in it's entirety, rather than as in the notice it indicates that we would be revising the existing code. That would probably be more precise and a simpler method of affecting the revisions that are the subject of the public hearing. (6)

Trustee Sweeney stated the section of Village Code dealing with sanitary sewer rents is obviously a hand-in-piece of legislation to the sewer use code. It basically specifies the requirement of property owners to pay for connections and the use of sanitary and storm sewers. It provides a specific procedure for the setting of those fees. The main difference between the existing local law and the proposed local law is that it spells out more precisely the fact that we will be assessing sewer rents based on 2 components.

One component for the sewer rent charge is the amount of water used and the second component is the assessed (valuation) of the property. It also specifies that the sewer rents will be set by the Village Board annually after a public hearing. It adds a little greater precision to the method that the Board will follow in adopting those rents.

There was no comment from the public nor the Village Board.

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the Village of Williamsville held in the Williamsville
Village Hall, 5545 Main Street, Williamsville, New York on
Monday, December 10, 1990 at 8:01 P.M.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert,
it was moved to close the public hearing at 8:04 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 10, 1990 at 7:43 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 Clerk/Treasurer
David Laubisch, Supt. of Public Works

Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:43 P.M.

Mayor Brenton issued a proclamation dealing with drunk driving. The week of December 9 -December 15 of this year is proclaimed Drunk and Drugged Driving Awareness Week in the Village of Williamsville. (Copy of proclamation attached).

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the regular meeting of the Board of Trustees held November 26, 1990 were approved.

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved at 7:45 P.M. to open a public hearing on a proposed local law to repeal Sanitary Code & Enact New Chapter 40 - "Sewer Use". (The public hearing was closed at 8:00 P.M.)

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved at 8:01 P.M. to open a public hearing on a proposed local law to amend Chapter 41 - Sanitary Sewer Rents. (The public hearing was closed at 8:04 P.M.)

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Kaye, vouchers in the amount of \$60,984.64 covering 11/24/90-12/6/90 were approved:

payroll fund w/e 12/1/90	\$	17,647.47
General fund		33,899.27
Water fund		1,148.10
Sewer fund		445.00
Trust & Agency fund		7,405.72
Glen Park Joint Activities fund		439.08
Capital fund		-0-
Community Development fund		-0-
Grand Total	\$	<u>60,984.64</u>

Large Vouchers:

Occidental Chemical	\$	9,878.04
Niagara Mohawk	\$	6,982.67
Valley Truck	\$	4,850.00

Unanimously carried.

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

RESOLVED THAT Christine Bevilaqua-Heuser, 94 Reist Street, is hereby appointed Clerk/Typist, P.T., in the Village Clerk's Office, effective December 11, 1990, at the rate of \$5.25 per hour and an increase to \$5.51 per hour upon completion of six months of satisfactory service.

Unanimously carried.

Mayor Brenton stated this individual is being hired to replace a person who has gone on to full-time employment at another location. We are merely filling that position with another part-time person.

Mayor Brenton stated his third resolution deals with the hiring of Nussbaumer and Clarke, Inc., Consulting Engineers for the purpose of designing and developing a water system model for our water department. This model will be a computerized method of determining where our lines are weak and where we may possibly not be required to replace those lines through the use of distributing water from other stronger and larger diameter lines. Through the hiring of this firm, we will be taking a big step toward eventual take over of our lines by the Erie County Water System.

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Should we determine to remain in the water business it would certainly be taking a step forward in upgrading our system.

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

RESOLVED THAT Nussbaumer & Clarke, Inc., Consulting Engineers, are hereby appointed to develop a Village-wide numerical water distribution system model at a cost of \$23,700.00, per their proposals of August 23, 1990 and December 7, 1990.

Unanimously carried.

Mayor Brenton stated his fourth resolution deals with the hiring of an engineering firm to design specifications so that we may go to bid for a lighting system on Cadman Drive where there are basically no lights. This resolution hires the firm of RAM Consulting for the amount of \$11,050 to perform that particular service for us.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, the following resolution was presented.:

RESOLVED THAT RAM Consulting are hereby appointed to provide engineering services regarding the design of a lighting system on Cadman Drive at a fee of \$11,050, per their proposal of December 2, 1990.

Trustee Bindert stated that in light of the fact that it is vague right now as to who would be footing the bill for these lights, the entire Village or Cadman Drive residents, he thinks it might be wise to table this motion and instead hold a public hearing in January or February so the residents of Cadman Street can decide if they really want street lighting if they're going to have to pay for it themselves. That's a big question. When you're looking at a total cost in the neighborhood of \$110,000 and only 100 or so residents this becomes a big question. He thinks we should have a public hearing before we start designating and spending \$10,000 on an engineering firm.

Mayor Brenton stated in that regard, the Village Clerk has received petitions from the residents on Cadman Drive, comprised over 51% of the affected area.

Trustee Bindert stated the petition was based on the fact that there would be no cost incurred to the residents. Judging from new developments that have taken place, they have to pay for the capital portion of the lights.

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Once they're a member of our lighting district, the Village pays the electric bill. That's entirely different than taking an established street and putting in street lighting. This is the same as sidewalks. We don't go and put new sidewalks on an established street. That's part of the cost as it goes in.

Trustee Daniels stated the analogy is not a good analogy because his understanding of the cost of the installation of a sidewalk then would not be part of your tax bill. Whereas, since the Village is only a single lighting district, residents on Cadman Drive are assessed for street lighting every year in their tax bill.

Trustee Bindert stated they're assessed for the cost of paying the electricity of it, not for establishing new streets with one minor exception. The developers of Castle Creek and Bobbie Lane are installing lights under their own cost.

Trustee Bindert stated that lighting is a function of when a development is being constructed. Whether you're going to have sidewalks, whether you're going to have lighting, whether you're going to have connected sewers, that's all part of the package that you pay when that development or an individual house goes in. To come back later and go to the whole Village and say, "Okay, I don't have street lighting and I want it now", is not fair to the rest of the Village.

Trustee Daniels stated since this point is unclear, perhaps we should wait and get a clarification of it. He knows the residents were assuming that there would be no special assessment for street lighting unless they were to get a rebate from all the years that they paid for street lighting and never had it. He agrees with Trustee Bindert that we don't want to get involved with something that was a petition by residents with one understanding and then have it put in and later have the residents realize that this was not what they had signed the petition for. There is one problem with this, of course, and that's if you consider streetlighting, part of the health and safety of the community and it's residents, in which case we as a Village Board, decide arbitrarily without going to the residents for a referendum or any type of approval because it is one of safety and welfare.

Trustee Kaye stated that would be the same analogy as Trustee Bindert's sidewalk code, because within the sidewalk code if we deemed that someone needed new sidewalks or put sidewalks in because of safety reasons, we would then charge them for those sidewalks as well, individually rather than charge the entire Village for the sidewalks in the area.

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Trustee Daniels stated the problem, of course, is that these people haven't paved their sidewalks until that point.

Mayor Brenton stated it's not a question of paying for lighting because you pay for lighting and services in areas of Erie County where you don't use it, road plowing or county plows, etc.

Trustee Daniels stated you're not assessed a special assessment.

Mayor Brenton stated we're not assessed a special assessment as Trustee Daniels pointed out in the Village. It comes out of our general fund. There is no special assessment for lighting. Perhaps the best way to go as Trustee Bindert suggested, would be to have a public hearing so the people affected could voice their opinion on being charged or not being charged.

Trustee Kaye asked Mayor Brenton do we actually need to have this engineering work done to be able to determine the actual cost of it prior to having the public hearing if we chose to do that?

Mayor Brenton stated we could come to a pretty close ballpark without the engineering fees. He is certain that we can go to Castle Creek and he is sure the developer there knows how much each street light is going to cost him on an individual basis and to include the underground conduit and all the pertinences that go with lighting. He is sure that we could come up with a very close estimate without engineering the project.

Trustee Sweeney stated he feels that this is largely a safety and health issue. He doesn't have serious reservations himself whether to try to create a special utility district or charge back only the residents of the street. With that thought in mind he was encouraging proceeding with this resolution and study so that we can further refine the precise cost. He thinks since the other Board members are expressing very great reservations on the likelihood of creating a special utility district or a fee structure, his own recommendation would be for the Board to make up it's mind on how we are going to finance this before proceeding.

Mayor Brenton stated he thinks as it was pointed out it would be unfair to those residents on Cadman Drive who then might be confronted with paying for this, although, he doesn't think the cost would be that great.

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He estimated it would be a \$40.00-\$50.00 per year per household over 20 years. However, he would be hard pressed at this time to make a decision as to who is going to pay for it, so if the Board agrees, he'll entertain a motion to table this resolution:

ON MOTION by Trustee Bindert, seconded by Trustee Daniels, it was moved to table this resolution.

Roll Call:	Trustee Bindert	yes
	Trustee Kaye	yes
	Trustee Daniels	yes
	Trustee Sweeney	yes
	Mayor Brenton	yes

Unanimously carried.

Trustee Bindert stated he wanted to wish everybody a happy holiday season.

Trustee Daniels reported the Glen Park Board met last week and it was a rather special meeting because Marie Wendling, who has been on the Board and active in Glen Park since it's inception when she was 72, 18 years ago, finally retired from that Board. Her comments were that she was finding it increasingly difficult to bend over and pick out all the weeds and didn't want to hold down the Board by just holding down a seat. She was a very wonderful secretary and incredibly devoted to that park. She was one of the founding members, along with alot of the other Village residents, for getting that area to be a park rather than an apartment development or several other plans that had been forwarded at that time. She had a special love of that area and worked very hard through all these many years. We'll miss her. The Glen Park Board presented her with a framed picture, by a local photographer, of a winter scene of the falls. She can hang that in her apartment in the Blocher Home and it will always remind her of the park. She was very thrilled with the picture.

Trustee Daniels reported on an article in last Thursday's paper that the State Thruway Authority would hold it's first meeting in Buffalo when it convenes at 11:00 A.M. in the Mahoney State Office building. The Authority chairman said the meeting will seek comments from local residents. These meetings are normally held in Albany but they're making their way around the state in a public forum. Buffalo is one of those stops. It's an opportunity for any residents that live near the thruway to attend that meeting and address the chairman, who is the top guy in the New York State Thruway Authority.

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We, in the Cadman area, have pushed for sound barriers along the thruway and would like them extended from Union Road to approximately Youngs Road. This would insulate those residents who live on Lehn Springs, on Creek Drive, Cadman Drive, etc from the thruway noise.

Trustee Daniels also reported the Performing Arts concert "I'll be Home for Christmas" this past Friday, Saturday and Sunday was very successful since 2 of the 3 performances were sold out. Next Sunday another Christmas oriented event will be sponsored. A group called Nostalgia will be presenting a collection of vocal renditions and 2, 4 and 6 hand piano music celebrating the music of the 18th, 19th and 20th century.

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

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

Unanimously carried.

Trustee Kaye reported this past weekend a group of volunteers installed a wonderful split rail fence at Lehigh Memory Trail around the parking lot of the South Cayuga end. The fence was a very generous donation by a Village resident who has requested to remain anonymous. She thanked Bob Krieter for coming out in the cold and working all day and also to Mayor Brenton for being out there and working on the holes and digging and installing the fence as well. It really is a pleasure to have all these donations and volunteer help to help with these additional enhancements to our Village that don't have to come out of taxpayers money.

Trustee Kaye reported that the members of NOREC have voted for a new Executive Director for the NOREC facility. He is Gerry Noell who was the DPW supervisor in Hamburg. She believes he will be starting in that position after the first of the year. That should hopefully move things along in that recycling manufacturing recovery facility.

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

RESOLVED THAT Mayor Brenton execute, on behalf of the Village, contracts, as amended, with the Town of Amherst and Hutchinson Hose Company for fire protection for 1991 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 Sweeney stated this evening we held public hearings on sewers and sewer rents. His resolution is to propose basically an adoption of a revised Village code concerning the water system within the Village. At this point, it may be a question in some of the Board member's minds how long the Village will maintain it's own independent water department and control the water lines. He has no pretense as to the longevity of the local law that we may be enacting and at the same time he feels that the existing water department local law has a number of problems which should not be continued regardless of how long the Village remains in the water supply business.

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

RESOLVED THAT the Village Clerk publish notice of public hearing to be held by the Board of Trustees on January 14, 1991 at 7:30 P.M., in the Village Hall, 5565 Main Street, for the purpose of hearing all persons interested in discussing repeal of existing Village Code, Chapter 65, entitled "Water Department," and enactment of a new Chapter 40, entitled "Water".

Unanimously carried.

Mayor Brenton asked for a suspension of rules for the purpose of having the clerk call for a public hearing to allow for citizen input pertaining to the lighting situation on Cadman Drive. There appears to be some confusion as to how we will pay for it on our part and as to what those residents anticipate. He thinks the only fair way for them to adequately express themselves is to do so at a public hearing.

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ON MOTION by Mayor Brenton, seconded by Trustee Bindert, it was moved for a suspension of rules for the purpose of having the clerk call for a public hearing to allow for citizen input pertaining to the lighting situation on Cadman Drive.

Trustee Daniels stated one of the problems of who will bear the expense on this is that there may be legal volumes that are not presently available that may spell out the answer. It may therefore be premature to schedule a public hearing on something that may be a moot point in the end. He would like to wait to rule on a public hearing until we find out from our Village Attorney on whether this would be a single assessing district.

Trustee Bindert stated on the contrary, he feels that something like this would be shared by the people who are benefiting from it. This has been basically the tradition of the Village of Williamsville, except for one minor exception. Attorney Troy can certainly research it but on the same token he doesn't think it would be wrong to hold a public hearing.

Trustee Sweeney stated he has some ambiguity in his own mind as to what we would specifically have a public hearing on. We don't have any text or specific proposal in front of us at which to ask a question on.

Mayor Brenton stated the purpose of a public hearing is not to ask questions of the public but the public to ask questions of the Board pertaining to the subject matter which is lighting on Cadman Drive. Then the question would be, are we going to install it and if so, how are we going to pay for it. At that time, the Village Attorney would input his information, which would be researched and which would then be available for those residents and any other residents who wish to attend that public hearing.

Trustee Daniels stated there seems to be no need for a public hearing if indeed the research can be done and answer gotten without the need for a public hearing. It just seems premature to do that. If you know either way, that's one thing, but we're not sure that's the case.

Trustee Kaye asked Trustee Daniels if he is saying he prefers not to have input from the public about how the lighting should be paid for.

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Attorney Troy stated he thinks what Trustee Daniels is suggesting is to let me first find whether or not we have the authority to create a separate lighting district. If we do not, if the Village is a common lighting district, then any assessment is going to come out of the general fund. It's going to be a general tax that the total community is going to pay. If it is not a separate lighting district, then you will be confronted with a problem of how it will be paid. Will that lighting district pay the full cost itself as if it were a special assessment? He can do the research and have a memorandum before the Mayor and the Trustees whenever they want it.

Mayor Brenton stated he doesn't have a problem with it but to bear in mind when we talk about a selective street, it's only fair if the Attorney comes up with the advice and opinion that it has to be borne by the entire community. Then Mayor Brenton thinks we should have a public hearing for the entire community to see if they want to spend \$100,000.

Attorney Troy stated if this is going to be bonded, as he expects it would be, then there would be a permissive referendum. The public would have an opportunity to speak on the bonding. If the public voted against the bonding, then that would kill it. As the Clerk can tell, any one of these bonding arrangements is always subject to a permissive referendum. So, if it is to be a general obligation, the public will have the opportunity to input into it. He requested a little bit of time to do the research.

Trustee Kaye stated what Attorney Troy is saying is it's just a matter of waiting 2 additional weeks.

Mayor Brenton stated he doesn't think that will be a problem. He will withdraw that motion.

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

Unanimously carried.

Superintendent of Public Works, David Laubisch reported this Friday, December 14 will be the last day the DPW will pick up leaves in the Village of Williamsville. From this point forward if anyone has any leaves remaining, they are to put them in containers and they will be picked up in that fashion. He would strongly encourage to rake out any leaves they have remaining before this Friday. Currently, it costs the Village nothing to dispose or recycle our leaves, if they put them in containers, we will have to pay for them.

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Mayor Brenton congratulated David Laubisch and his men on a job well done on picking up the leaves this year. We have received many compliments regarding that and zero complaints.

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

Unanimously carried.

Sara Mischler, 186 Evans Street complained about the condition of the Evans hill last Monday morning when we received our first snow storm. The hill was not sanded until after 10:00 A.M. and traffic was backed up to Sheridan Drive. She suggested a drum of salt or sand be installed on the hill and chained to a post so motorists could use it when the hill is slippery.

Trustee Kaye thanked Mrs. Mischler for coming in to discuss the problem. She also thanked Carolyn Schlifke for calling last week at 8:30 A.M. She did call the DPW at that time and of course all the forces were out at that time. It is her understanding that our new sander, unfortunately, broke.

Superintendent of Public Works, David Laubisch, stated that about 1 hour 10 minutes into the sanding route our new sander broke. It's something he has no control over. That seems to be commonplace today. When we buy equipment of that nature, we expect it to function properly. He apologized for any inconvenience that occurred but it was something he had no control over. The men that were operating the truck had no control over it. It was something that was rectified in 1 hour and 40 minutes by the person who manufactured the equipment, which he thought was good time. He thinks overall the Village forces do keep the Evans Street hill in good condition. That was the first instance and it was not the fact that equipment wasn't ready, it was in fact ready, it was brand new. It malfunctioned.

Trustee Kaye stated in addition her understanding also was that once it was found that the equipment was malfunctioning, that the Town of Amherst was contacted and asked to salt that hill as well.

David Laubisch stated that is what transpired. He called Mr. Lucey when we realized it would be another hour and 40 minutes before the truck would be ready to go out again. The Town of Amherst was kind enough to send one of their trucks over and do Evans and Garrison Road for us.

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Carolyn Schlifke, 192 Evans Street stated she had brought some pictures of Sarah Mischler sitting in her car for the Board. The cars that are on the hill there are cars ahead of them, they're not moving because they are stuck on the hill. Not only are the Evans residents inconvenienced, it presents a very dangerous situation. When one car is stuck on the hill, other cars then try to maneuver around that car and they go into the oncoming traffic lane and it's a very dangerous situation. Besides that, when people see they can't get up the hill, they start to try to turn around. We had them pulling into Essjay Road, trying to turn around, just making u-turns and all the while with oncoming traffic down the hill. It's a very dangerous situation. Many of these cars, when they are stuck on the hill, they just sit there. They have no way of moving that car. She thinks Sarah's suggestion of something on the hill, with some kind of plastic scoop or something, is a good idea.

Carolyn Schlifke produced a picture of the Centerpointe sign which she addressed to either Trustee Sweeney and Attorney Troy. She has no problem with the sign, but her understanding is the sign was allowed without going to the Planning Board because it is a residential lot. However, it is a commercial sign. She believes Ciminelli Corporation did apply for a sign permit. Did they get one permit or 2 because it is 2 individual signs. It is not the type of sign that Blocher Home has, which is a connecting sign, even though it has 2 sides to it.

Trustee Sweeney stated that to the best of his knowledge a sign permit was not obtained by Ciminelli Corporation. He is somewhat aghast to see it since he hasn't seen it come before the Planning Board to obtain a sign permit.

Carolyn Schlifke stated it has been in construction for over 2 weeks. They put it up, they've taken it down, they've moved it. They've changed the arrangement, this past weekend they landscaped it. She stated signs do not go up without a sign permit or else they must be covered or removed until that sign permit is obtained, she believes. Is she correct?

Trustee Sweeney stated we did modify the code. It wouldn't have to be removed. They would pay an additional fee for erecting it. They would have to cover it, they wouldn't necessarily have to remove it. His own comment is he thinks it may qualify as a billboard, looking at it. He's not too certain this would be allowed.

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Carolyn Schlifke stated she realizes the property it sits on is a residential lot. She was told by the Building department that that is why it did not have go to the Planning Board. In otherwords, a commercial sign would go before the Planning Board. Is she correct? She was told that she could put a sign on her property. She was told on a residential lot you are allowed to put a sign. He is residentially zoned R3M. It's a commercial sign on a residential lot. That's the first question of law. The second is that it is 2 individual signs which is within the Village of Williamsville, and if you have no sign permit, she thinks it's time that the Village took some action.

Trustee Sweeney stated he doesn't know the facts but he would agree with her. If there is not a sign permit that has been obtained, he thinks the Village should do something to compel the sign to be removed or at least an application be made to go through the normal process.

Mayor Brenton stated he asked Mrs. Ames if there was a permit for the sign and she said yes at the time he saw it and so did Trustee Kaye. As to whether or not they need a permit for both signs and to whether or not the signs indeed are applicable to the particular area, he would refer that to Attorney Troy.

Attorney Troy stated he has no knowledge. We had a meeting last Monday night of the Planning Board and it certainly wasn't on the agenda then nor was it on the previous month's agenda. So he has no knowledge of any sign permit ever having been applied for. Next, as he looks at it, we don't allow anymore than one freestanding sign on any premises. He can't imagine why Mrs. Ames took it upon herself to do it. We also had a compliance meeting on Friday morning and the matter was not brought on Friday morning. Since he boycotts Essjay, this is a matter of first impression to him. He has never seen that sign.

Carolyn Schlifke stated it started out as one sign which faced her house, anotherwords, it faced the other side of the street. That stayed up for about a a week and then she guesses it was quite obvious people coming down Evans Street could not see that sign. Since then that sign was removed and placed at an angle facing Sheridan Drive and 2 posts were put in where the second sign is now and a few days later the second sign came back with 2 individual flower beds which this weekend became one with shrubbery. She has no objections to the sign. Her objection is or her request is that anyone doing anything in the Village of Williamsville comply with Village code.

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Trustee Sweeney stated he also agrees and will be certain to verify with the Building department what is the current status and if there is not a permit then some action be taken to notify the Ciminelli Corporation that they have a sign erected improperly. His only reason for believing that Judy Ames may have said a sign permit had been obtained, is his understanding that the previous sign, a real estate sign, which was basically a notification of ongoing construction, was permitted in that area.

Carolyn Schlifke stated that one is also back up again. It is a sign that she believes is allowed to stay until every piece of land in that development is sold. Real estate signs, she believes in the code, are supposed to be removed within a certain period of time after the property is sold. We have a Hunt Real Estate sign on Evans Street for a piece of property that has been sold for over 6 months. The sign is still there. She does not understand why the Village Building Department, or whoever, does not make Hunt Real Estate remove that sign.

Trustee Sweeney commented he would not encourage the Building Department to spend the time that would be required to document the duration of every "for sale" or "sold" sign out there. He thinks we will continue to rely upon citizen observations and complaints for when enforcement is due. He thanked Carolyn Schlifke and this is one that tomorrow morning he will call to the attention to the Building Department. He agrees with Carolyn Schlifke. He doesn't think the Building Department has in the past been reluctant to enforce violations of the sign code.

Frank Mischler, 186 Evans Street presented the Board a check in the amount of \$7545.92 for reimbursement from the Jolly Boys for expenses incurred by the Village of Williamsville Old Home Days this past year. We're looking forward to working for Old Home days next year.

Trustee Sweeney thanked the Jolly Boys for making this a public presentation.

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

Unanimously carried.

Mayor Brenton thanked those Village residents who have donated to the City Mission via the Village and to remind those of you that haven't, that we are creating a food bank for those needy persons at the City Mission. He thanked the Amherst Bee for reporting it in their previous edition.

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We hope that perhaps they mention it again. We will not be
meeting on Christmas eve. Our next meeting will be January
14, 1991. We look forward to seeing you at that time and we
wish you all a very happy holiday season.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was
moved to adjourn the meeting at 9:08 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer