

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, June 24, 1991 at 7:43 P.M.

Present: Ronald Daniels, Mayor
James Hayes Trustees
Yvonne Kaye
Patrick Kelly
Mary Lowther

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

Mayor Daniels called the meeting to order with the Pledge of Allegiance and the Star Spangled Banner at 7:43 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, the minutes of the regular meeting of the Board of Trustees held June 10, 1991 were approved.

Unanimously carried.

Mayor Daniels announced the passing of Henry Smith, who was a long time member of the Traffic and Safety Committee in the Village. Mayor Daniels asked for a moment of silence to note his passing after a lengthy illness.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$271,111.79 covering 6/7/91-6/20/91 were approved:

payroll fund w/e 6/19/91	\$	25,152.63
General fund		178,406.78
Water fund		36,372.88
Sewer fund		22,930.00
Glen Park Joint Activities fund		733.78
Trust & Agency fund		7,515.72
Grand Total		271,111.79

Large Vouchers:

Key Trust	\$	142,700.00
Erie County Water		29,362.88

Unanimously carried.

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Trustee Kaye reported this upcoming November 12 & 13 will be the third annual Recycling conference in New York. The New York Recycle Exposition is holding a special poster contest for schools within our area for K-12. If there are any schools out there interested in participating, Debbie Jackson from the New York State DEC can be contacted for information.

Trustee Kaye reported regarding the Traffic and Safety Committee meeting last Thursday, she will be calling for a public hearing at our next meeting to discuss no parking on the east side of Reist Street from Main Street to 30' north of West Spring Street. This has been an area of continuing concern. It's of a parking hazard and safety. We've had many people complain about it. It's been a topic of discussion at our last Traffic and Safety Committee meeting.

Trustee Kaye stated also regarding Traffic and Safety we've been discussing the Scoff law program and how the Village may participate more fully in that program and how to actually have someone's name put in the New York state computer. If someone has 3 or more parking violations which have not been paid, the state would hold the registration from your vehicle. Trustee Kaye has been speaking with Justice Townsend and she will be speaking more with her about that program in terms of how we might act upon it as the Village of Williamsville to collect additional revenues for the Village based on our parking tickets.

Trustee Kaye stated she did have 3 resolutions for this evening that all revolved around NOREC. We had Gerry Knoll who is the Executive Director of NOREC at our pre-meeting session talking about the Village's continuing involvement in NOREC. Basically, it was to authorize a commitment to NOREC and other bonding resolutions needed. After that meeting with Mr. Knoll, we decided to table these resolutions and act on them at our July 8th meeting because we are looking for further discussion by the Board on it. We've also received from BFI, who does pick up our recyclables, some initial information in regards to our calculations on how much tonnage of recyclables we are collecting. We are exceeding the 15% that we initially anticipated. Everyone is doing such a phenomenal job. We will be acting on July 8th on whether or not to join NOREC and continue that commitment.

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Trustee Kelly reported the Youth and Recreation Committee has 3 events scheduled in July. On July 11th there's a folk sing-a-long in Garrison Park at 7:00 P.M. On July 16th at Old Home Days there's going to be a bike rodeo with a number of prizes given out to participants. On July 25th there's a family night in Island Park. At 7:30 P.M. the Amherst Jazz ensemble will play. At 8:45 P.M. Disney's "The Black Cauldron" will be presented. There is a rain date scheduled for the next day. There's also a number of items scheduled for August.

ON MOTION by Trustee Kelly, seconded by Trustee Hayes, the following resolution was hereby adopted:

RESOLVED THAT Deborah Habes, 401 Cadman Drive, is hereby appointed Clerk/Typist, PT in the Building Department at the rate of \$6.00 per hour, effective June 13, 1991.

Unanimously carried.

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

RESOLVED THAT Local Law #5 - 1991, Amending Section 7.03 (C) of the Building Code, which was the subject of a public hearing on June 10, 1991 is hereby adopted.

Unanimously carried.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, the following resolution was hereby adopted:

RESOLVED THAT Sanitary Sewer Specifications and Brick Paver Specifications, as attached, are adopted for use by the Village of Williamsville.

Unanimously carried.

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

Unanimously carried.

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

RESOLVED THAT Jeffrey Schieder, 44 Highland Drive, and Joel Lanphear, 88 Highland Drive, are hereby named Flower Caretakers from June 25, 1991 until September 2, 1991 at the rate of \$4.25 per hour.

Unanimously carried.

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

RESOLVED THAT M. Cory Mesler, 94 Cadman Drive, is hereby appointed Seasonal Laborer in the Department of Public Works at the rate of \$4.50 per hour, effective June 20, 1991.

Unanimously carried.

Trustee Hayes stated his resolution involves the appointment of pool attendants this summer. We conducted a very thorough search and had an outstanding number of applications this year. It is a bit discouraging that there weren't more Williamsville residents that applied but we did get a good group after running an advertisement in the Amherst Bee and posting notices throughout the community.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT the following are appointed Pool Attendants for the Island Park and Garrison Park wading pools from June 22, 1991 until September 2, 1991:

NAME	ADDRESS	RATE OF PAY
Amy Barbarossa	50 Deer Run Rd, Wmsville	4.50
Karen Cavaliere	337 Countryside Lane Wmsv	4.50
(Julie Ely)	111 Farmington Rd Wmsv.	4.50
Adina Garfinkel	230 Bentham East, Amherst	4.75
Robin Gugino	156 Garrison Rd, Wmsv	4.50
Gayle Hayes	191 Columbia Dr., Wmsv	4.75
Elizabeth Mooradian	233 Bridle Path, Wmsv	4.50
Joseph Vastola	25 Harwood Dr, Snyder	4.50
Michele Woodward	272 Countryside Lane, Wmsv	4.50

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Trustee Hayes stated all with the exception of Adina Garfinkel and Gayle Hayes are to be paid at the rate of \$4.50 per hour. Adina Garfinkel and Gayle Hayes will be paid at the rate of \$4.75 per hour because they are returning for a second year of service as pool attendants. Given their experience in the field, the Board felt it was appropriate to pay them a slightly higher rate.

Unanimously carried.

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

Unanimously carried.

Trustee Hayes reported the Parks Committee had a very productive meeting on June 19th and discussed several issues including the placement of new equipment that's going into Island Park. Several horses for young children and several benches and a swing will be installed within the next week.

Trustee Hayes also stated members of the Parks Committee recently met on Sunday morning to put plantings in around the Island Park Pavilion, all under the auspices of continuing the beautification efforts that are going on in all of our Village Parks. Trustee Hayes said a special thank you to all the members of the Parks Committee who took time out on an early Sunday morning to come over and plant the flowers.

Trustee Hayes also mentioned several projects that are being approached and discussed by the Parks Committee including the installation of a sidewalk alongside Garrison Park. This is an issue that has come up in the past. There have been some recommendations from the previous Parks Committees to pursue this project. Trustee Hayes said a special thank you to Bob Krieter, who has identified a resident in the community who is willing to donate some concrete for this project so we could keep the cost of the installation of the sidewalk to an absolute minimum.

Trustee Hayes stated the committee continued to express concern about the ongoing negotiations and discussions with regard to the Darling lease. A motion was passed. For information purposes for the other members of the Board, the committee would hope, as discussions continue on this lease with Mr. Darling, that the information be made available to the committee and to the general public.

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Trustee Hayes stated in terms of ongoing projects, the committee is discussing the installation of new roofing on the Island Park lavatory building, the pool and the power houses. We have an estimate (from one contractor and are negotiating with him. We hope to be able to bring forward a more specific plan in the very near future.

Trustee Hayes stated the Local Government Advisory Board had an informal organizational meeting to plan a schedule of meeting dates and agenda items for the coming year. He anticipates the Board will have a number of important issues on the agenda for discussion.

Trustee Hayes stated his resolution involves an appointment to the Local Government Advisory Board. This appointee is someone who is a Village resident and very knowledgeable in the area of grants and grant applications. He is currently the Executive Assistant to the President of Erie Community College. He's experienced in grant writing and also in community organizing. Trustee Hayes is very pleased that he agreed to serve on this Advisory Board and donate some his time to the efforts that this Board is undertaking for the Village.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT Eric Alcott, 46 Stanton Street, is hereby appointed to the Local Government Advisory Board until the end of the 1991-1992 official Village year.

Unanimously carried.

Superintendent David Laubisch reported since our last Village Board meeting the DPW has been rather busy. We repaired 2 water breaks on Chalmers Street. They were located between Gordon Street and Mill Street. The Village forces repaired those in a very expeditious fashion. Also we've been busy preparing the pools in the parks which opened on June 22nd. Superintendent David Laubisch explained how trash pickup is conducted in Williamsville and he complimented the Village forces for their work in the trash pickup.

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

Unanimously carried.

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Clare Schimke, 230 Oakgrove Drive, stated she is a member of the Amherst Youth Consortium against Substance Use and Abuse. Two of the goals for our group are to diminish the accessibility of tobacco products to underage youths and secondly to discourage youths from beginning to use tobacco products. We are asking the Board to help us accomplish our goal and consider passing legislation that would ban tobacco vending machines in the Village of Williamsville. We think this would effectively diminish accessibility and therefore prevent youths from starting to use tobacco products. Trustee Kelly stated he would be happy to look into that type of legislation. He's testified both before the County of Erie and the City of Buffalo regarding tobacco. He's vice president of the American Cancer Society locally and it's one of his goals.

Mayor Daniels asked Trustee Kelly if it is possible to pass local legislation banning vending machines?

Trustee Kelly stated yes.

Trustee Lowther asked if we get revenues on vending machines in the Village. Is there a license fee?

Mayor Daniels stated no.

Carolyn Schlifke, 192 Evans Street stated approximately 8-9 years ago the Village of Williamsville entered into a contract to purchase a piece of property that was previously owned by the conrail. At that particular time then Mayor Gordon Kuzon established a Conrail Citizens Advisory Committee to study the layout of the property and make suggestions to the Board as to what they felt would be the best use for that particular piece of property. She mentioned the names of the people who served. Richard Metz, who was a former Mayor of the Village and very active in the acquisition of Glen Park; Al Ryan, who served on the Board as a Trustee and was very active in Traffic and Safety; Elroy Avery who you see week after week sitting here who has always taken a very active interest in the Village of Williamsville; Rita Andrews who has served for many years on the Youth Committee and also Traffic and Safety; Edna Cope who was a resident from Mill Street who was very active in the Glen Park acquisition; Harmon Whipple who also attends many of these meetings, a resident of Garden Parkway, which is the area where the park has been built; Loretta Babin who is no longer a resident in the Village but was very active with Youth and also the Glen Park; Trey Measer who has been a member of the Planning Board and is connected to the Amherst Bee; Bill Brunskill who at one time served as a Trustee; Lois Idzak who also filled a position as Trustee and is employed by the Amherst Bee; Philip Eyre, long time resident who served on the Parks Committee for many years;

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Dick Baer who also was a former Trustee and very active in Parks; Bob Krieter who has been connected with the Environmental Committee for many years and herself. At that particular time she was serving on the Traffic and Safety Committee. We were all appointed to come up with some recommendations as to what would be the best use for this particular strip of land. We were under the direction of the former Trustee Michael Kibby. We held 3 meetings at which time we were presented with surveys and suggestions and met with a real estate person and also a park developer. At the end of the meetings we came up with the recommendation that the strip of land between South Long Street and South Union be sold to commercial interests. This would return to the Village some of the funds that were spent in order to obtain the whole strip of land. The other piece of the land between Cayuga and South Long was recommended to be preserved by the Village in some type of green passive manner. This was to protect the residents of the area against the infringement of the manufacturing area. Two of the items we had to address were the railroad station which was not owned by the Village but sat on Village land. We did not go into too much detail on this because it was not owned by the Village of Williamsville. The other area of concern were 2 leases, with International Chimney and with the Darling Corporation. Since that time the lease with the International Chimney has been terminated and that land has been returned to the Village of Williamsville. The railroad station has been sold for a minimal cost to the Railroad Historical Society and even though it sits on Village property, it is being restored by this private organization. She doesn't exactly know the status of the lease with the Darling Company, although she is aware that an offer has been made by the Darling Corporation regarding an exchange of lands. She knows that the Board has a written recommendation from the Parks Committee recommending to this Board that these properties be returned to the Village of Williamsville. She also recalls Trustee Lowther mentioning at the last meeting that there is also a recommendation from the Environmental Committee to the same effect. What concerns her the most is knowing how Village government does work, that at any future meeting this Board can bring forth a resolution, vote on it with no public hearing and with no public input. If the resolution were to pass, that there be an exchange of property, the public and the Advisory Committees would have no recourse. We then are locked into the fact that the Village will be trading away some of this land. Ms. Schlifke stated the Board may wonder why she would object to something of that manner when she was a member of the Board that voted to sell the piece of land between South Long and South Union and was duly criticized for it. If you look at the two, one does not compare to the other. \$60,000 was obtained by the Village for the piece of land between South Long and South Union. This helped offset the \$80,000 that was paid for the entire strip and it also improved the land and brought in tax dollars.

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The people who criticized that sale were projecting perhaps a public parking lot. If you follow the construction of the building that's on that property now, you will see that a tremendous amount of site improvement had to be done before the land could even be used because of the Town of Amherst drainage ditch that runs under it. Even though she was criticized, she feels that the Village benefited from it fiscally. If you look at selling the small pieces that the Darling Corporation is now using, you must realize that this land is contiguous to the park land and while you are not held by a recommendation of an Advisory Committee 9 years ago, she would hope that the Board will look at the people that served on that committee; people who have shown in their past their continuous dedication to the Village of Williamsville and study their recommendations before the Board does make a resolution to do anything about it. If it comes down to something where you must make a decision, do not sell the land or any portion of it. If necessary, in order to allow the Darling Corporation to exist, allow easements with keeping the property as Village property or an exchange of easements, because somewhere down the road the Darling Corporation may decide that they have outgrown the Village of Williamsville and then they will be gone and the Village will have it's land back. She hopes the Board takes this all into consideration before they bring forth any type of resolutions to vote on.

Trustee Kelly asked Ms. Schlifke how she would feel personally about the swap, if there was a swap, and if it resulted in more land coming to the Village than the Village was giving away? Part of what had been discussed previously was rejected immediately because it was not to the Village benefit at all, but what if the swap, if there was one, resulted in joining the 2 parks together? Presently, right now you don't have any access from S. Long.

Ms. Schlifke stated what he is referring to is the strip behind the tennis courts connecting to the parking lot where the railroad station is located. That, she believes, is in the original.

Trustee Kelly stated one of the reasons it was rejected was that it was a two for one swap. They were getting twice as much land as the Village was. How do you feel, obviously you're liaison to the parks also, if we eventually got a proposal that saw us getting more land than what we're giving up?

Ms. Schlifke stated she wouldn't make a decision right now. She would have to see it first.

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Trustee Kelly stated Ms. Schlifke is not saying that she is completely closed minded on the deal but that she would look at each proposal as they be given out.

Ms. Schlifke stated that's true. The first proposal was certainly not to the Village's benefit. We would like to see land that is usable even if it's only to make more park. She certainly does not want to hurt Mr. Darling but she wants to convince the Board not to hurt the Village of Williamsville. She knows there were many suggestions made that day. Some of them may be acceptable to the Parks Committee. It's just that she believes it's time after 9 years that some decisions are made and the land comes back to the Village because that's the way it was originally set up that it would. Everybody didn't know it was going to take 7 or 8 years by the time all the monies were obtained and the park was built. It was a very slow process. It is now done and she thinks it's a credit to the Village of Williamsville. You have to go back to when it was purchased with tax payers dollars and what the people expected to get and this is what you have to look at and at least get compatible acreage.

Trustee Kelly stated his concern when he saw the various resolutions coming in is they just wanted us to point blank stop, take all the property back and not talk at all. Trustee Kelly asked Ms. Schlifke if she was not foreclosing the possibility of different deals?

Ms. Schlifke stated she is only the chairman. She can't speak for the whole committee. It was discussed. It was a unanimous vote that was the recommendation that we wanted to make at that particular time to this Board. You always start at the highest point and then you negotiate down.

Trustee Kelly stated he's hoping that that's what Darling did also because this is obviously not acceptable.

Trustee Lowther stated she would really hope that we would have a public hearing, even though we aren't required to, if we have a proposal before us that seemed amenable to everyone. She would certainly want to see a public hearing held to let the residents of the community have some input on this decision because she thinks something that was decided 9 years ago, even at this point, may not be the most viable alternative. She thinks especially the residents who are impacted by this park should certainly be able to come here and have some say. She would hate to see this be some sort of a deal where we get an offer and go ahead and take it and there's really no opportunity for any input. She doesn't think that's the proper way to do this.

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Ms. Schlifke stated people are not aware of the way Village government works. You as a Board have a right to issue a resolution, pass it with 3 votes and the public sits here at suspension of rules and are speaking after the fact. This happens many times. That is why she wanted to make it public now.

Trustee Lowther stated she would hope to see a public hearing on this. She would certainly be in favor of that. She really thinks the other Board members would feel that way too.

Trustee Kaye stated she agrees whole heartily. She would like the Board to hear what they feel on this wonderful park. It is difficult to know what people think unless the Board gives them the opportunity and she doesn't want to see it happen after the fact.

Trustee Kaye stated as a point of information, URS consultants, who are the Engineering firm, recently won a technical service award nationwide for that park and for the development of it.

Trustee Hayes stated he appreciates Ms. Schlifke's comments here like he does at the Parks Committee meetings because not only is it input but it's a valuable history lesson for many of us. Thanks for the history.

Mayor Daniels stated, as our next step, it is on our work session agenda tonight to discuss the Darling proposal, now that we have the accurate surveys, and come up with a counter offer to him. It's by no means anywhere close to resolution. There was some back lease money owed by Darling. The Village has sent him a bill for the 2 years back rent. That at least will be out of the way before we offer the next proposal.

Clifford Horey, 106 Highland Drive, thanked Trustee Kaye for giving a nice report for the Traffic and Safety Committee. He's been on that Board for about 2-3 years now and it seems good to have a Trustee say something what the Traffic and Safety Board is doing. Mr. Horey asked Superintendent David Laubisch if he still cuts the grass on the east side of the creek behind the houses on Oakgrove.

Superintendent David Laubisch stated he does not.

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Mr. Horey stated he doesn't know how many people know it, but that is part of Island Park. As far as he's known it's been locked up for 10 years. There's a gate at the end by Youngs Building and nobody can ever get back there. He would like to see it open to the public especially on fishing days and during the raft race. He was a policeman for many years and one of his details was riding a cycle back there chasing the kids out. That was in the 60's and 70's and all of a sudden a fence went up across the end and all the people took their fences down. He guesses they think they have creek frontage now and he doesn't think it's right. It's a Village park but after 10 years maybe they own it.

Trustee Kelly stated he agrees with him about opening it up.

Bob Krieter, 62 Eagle Street thanked Superintendent David Laubisch for paving the alley behind Eagle and Franklin. It's got to be the first time it's actually been paved since he's been a kid. He would now like to see a sign there for excess weight limits on vehicles.

Superintendent David Laubisch thinks that probably is covered under the current Village codes.

Bob Krieter spoke about not turning any more land over to the Darling Corporation. He feels they are getting bigger. They own property in Lancaster where they can store their machinery and he feels we should get our property back.

Mayor Daniels stated he thinks we see it as an opportunity to connect the 2 parks in a tradeoff. We're not going to lose any net land. It's simply trading some of the land that he's on that we own for something we'd like to have. We could get it back but the parks wouldn't be connect. There was value in the idea connecting the diamond area of the Long Street park with the Memory Trail and the depot. It looked like if we could trade whatever we're deeding to him for some of the land which he owns, that he doesn't really need, especially in the area around the tennis courts, that would connect the Village parks. So it was not a case of giving away any land, it was a case of trading some that he already owns in exchange for some that we already own.

Mr. Krieter stated Ms. Schlifke raised a question with regarding the possibility of the Board making a resolution aborting the 1984 resolution. Does the Board have a right to do that? There was a resolution made in September of 1984 saying that this was to be held for more restrictive use. After a resolution is already passed stating that this was to be acquired for that purpose, can a Board say we're going to do something else?

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Attorney Troy stated he would have to look at it. By principal, resolutions can be made and unmade. If this is created by a resolution a subsequent Board can undo a resolution. A resolution is essentially a concensus of an existing body. When the character of that body changes the resolution can change unless you have embedded it somehow in some other law. Attorney Troy hasn't looked at that in a long time and he doesn't want to get himself involved in anything that he's not familiar with.

Mayor Daniels suggested that discussion on this matter would be continued at the work session that all were welcome to attend after the regular meeting.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, it was moved to adjourn the meeting at 8:40 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer