

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 Tuesday, November 12, 1991 at 6:37 P.M.

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

Thomas Troy, Village Attorney  
Elaine Smith Honan, Deputy Village Clerk  
David Laubisch, Supt. of Public Works

Absent: Theresa L. Cummins

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 6:37 P.M.

Mayor Daniels thanked those attending the rescheduled meeting because of the Veterans holiday as well as the members of the board who were able to accommodate this time so that we could deal with some of the Village business.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the regular meeting held by the Board of Trustees on October 28, 1991 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$93,769.66 covering 10/25/91-11/7/91 were approved:

|                                 |             |
|---------------------------------|-------------|
| payroll fund w/e 11/6/91        | \$24,359.95 |
| General fund                    | 33,680.79   |
| Water fund                      | 27,483.79   |
| Sewer fund                      | 817.79      |
| Trust & Agency fund             | 7,023.60    |
| Glen Park Joint Activities fund | 404.08      |
| Capital fund                    | -0-         |
| Community Development fund      | <u>-0-</u>  |
| Grand Total                     | \$93,769.66 |

Large Vouchers:

|                              |              |
|------------------------------|--------------|
| Town of Amherst Highway Dept | \$ 13,525.46 |
| Erie County Water            | \$ 26,751.64 |

Unanimously carried.

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Mayor Daniels stated his second resolution deals with the Village water system, which we are trying to improve. Presently we're looking into the water tank at the end of Rinewalt. The condition of the tank is important to the system and we'd like to have it inspected. It was built about 25 years ago and has not been inspected since it was built. We have requested bids for this inspection and this resolution approves the inspection by a firm based in Pennsylvania.

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

RESOLVED THAT Tank Inspection Services, 47 S. Broad Street, Hughesville, Pennsylvania, is hereby appointed to perform an inspection of the Village of Williamsville's water tank for a fee of \$750.00 per their proposal of September 12, 1991, and follow up letter of November 5, 1991.

Trustee Kaye stated she has had a long discussion with Douglas De Clerck from Tank Inspection Services about whether this inspection would be done according to American Water Works Association standards. In his letter of November 5th to Mr. Laubisch, he stated it does meet those standards but Section A1.4 states that the tank must be drawn down completely and emptied, the slime removed from the wall surfaces and deposits in the tank bottom must be loosened before the inspector arrives. Mr. De Clerck stated this is basically the format that is followed but in this case he didn't feel it is necessary to entirely drain the tank since the floor is well insulated with little corrosion. They would be able to identify how much work the tank needs from the walls where most of the corrosion occurs. The only reason why it might be necessary is if in the water test we had any sediment because of his best guess we probably have 6" - 8" of sediment on the bottom of that tank. Since we have an 8" silt stop that if we haven't already had silt to the water that that shouldn't pose a problem. Also, Trustee Kaye questioned him as to what we would have to do to the tank to put it back on line after the inspection. Basically, there would be nothing if in fact there's an interior ladder in the tank, which is needed so that they wouldn't contaminate the water in the tank. In looking at the specifications of when the tank was built, there doesn't appear to be an interior ladder.

Superintendent David Laubisch stated to the best of his knowledge there is none.

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Trustee Kaye stated if in fact there's no interior ladder they would probably then need to somehow enter the water and we would need to disinfect, chlorinate the water and test it for bacteria before returning the tank to service. Also, we should probably be doing a lead test as well while they're inside the tank. There's the possibility that because of the age of the tank that it was painted with lead as a primer on either the interior or exterior so that it would cost an additional \$150.00. They would sample the paint on the interior and the exterior and tell us whether it contained any lead. He did assure Trustee Kaye that if it did contain lead, there was no harm to the actual drinking water, even if chunks of paint had fallen off into it. However, if in fact it had, we needed to know about it and look at some provisions for dealing with that in the future.

Trustee Kaye asked where the money is going to come from to pay for this inspection since we hadn't budgeted for it.

Mayor Daniels stated he would assume the \$150 would come from the water fund. However, the bill will be more than that because even if there is an interior ladder, he believes we still have to rechlorinate. So there are some expenses involved on top of that \$750.00.

Trustee Kaye stated she did ask Clerk Cummins where the money was going to come from. She said we could advance the funds from the general fund because there isn't any line item in the water fund at this time.

Trustee Lowther stated if that's the case then maybe we shouldn't be passing this resolution at \$750.00 when it looks like we're probably going to be looking at \$900.00 and aren't absolutely sure where the money's coming from in the budget.

Trustee Kaye stated the cost is \$750.00 plus \$150 if we are going to do the lead testing. Also Mr. De Clerck said if there is heavy corrosion on the side walls then they would request that we drain down the tank completely so they could look at the bottom but he didn't think that that would really be probable. However, if it was necessary it would cost an additional \$350.00. In addition, that doesn't include the cost of getting rid of the sludge the bottom of the tank. We would then need to know what to do with that sludge and of course disinfect, chlorinate and test the water. This service would cost an additional \$800.. Trustee Kaye stated she feels that they have good credentials after talking. They have 15 years in the tank inspection service. She was initially a little concerned reading their material but after talking to them she feels very comfortable. Right now she is more concerned about where we are going to get the money. She is not real comfortable about passing a resolution where we don't know how we are going to pay for it.

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Trustee Kaye stated she asked when this could take place if we passed a resolution tonight. Mr. De Clerck said originally he thought near Thanksgiving but now it looks like it will not be until Spring.

Mayor Daniels stated if the bid is turned down at this time then it has to be rebid in the Spring. He doesn't believe the bids hold that long.

Trustee Kaye asked why can't we just wait until we find out where the money is going to come from.

Mayor Daniels stated he thinks this inspection has to be done no matter what. He doesn't see his price going down in the Spring from what it is now. If we pass the resolution and he does it in the Spring, we've accepted his bid here of \$750.00 for the work that he said he would do. Were we to go and rebid it in the Spring we do run a risk of the costs going up.

Trustee Kelly stated at this point in time he'd like to motion to table this resolution. He was originally advised that the funds for this were coming out of the water fund where they rightfully should and apparently there's some misunderstanding as to where the funds are coming from. He's either ready to vote no at this point in time or to table it.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, it was moved to table this resolution.

Unanimously carried.

Mayor Daniels stated the third resolution that he has pertains to the uncollected taxes from Village residents.

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

WHEREAS the Village Clerk has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$38,415.12 (see attached listing) containing description of the land upon which taxes are unpaid as the same were placed upon the tax roll, together with the amount assessed and interest thereon, and

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WHEREAS the said Village Clerk under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

WHEREAS upon receiving such account from the Village Clerk, the Board of Trustees compared the same with the original tax roll of the Village, and

WHEREAS said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct,

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return, and

BE IT FURTHER RESOLVED that a certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$38,415.12 and reciting that the account has been compared and found to be correct; and that the Clerk transmit said account and certificate to the appropriate officer of the County of Erie within 15 days to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Trustee Lowther asked Elaine Smith Honan what are diligent efforts to collect these taxes?

Elaine Smith Honan stated monthly delinquent notices after the collection beginning July 1st.

Trustee Lowther asked these are from when?

Elaine Smith Honan stated those are from July 1st this year. Those are current 1991-1992 taxes.

Trustee Lowther stated looking at the names she has a few questions as to why, are these disputed taxes or parcels that people are not paying?

Elaine Smith Honan stated they're just not paying them. We have sent letters to them notifying them what the penalty fee is, what the tax due is, the penalty fee each month from July 1st.

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Trustee Lowther asked if these are habitual or persistent nonpayers. Elaine Smith Honan stated yes, the majority of them are. Trustee Lowther asked what happens then if they don't pay, then they go to auction and then just before the auction they redo it?

Elaine Smith Honan stated they go to the county for collection for February.

Trustee Lowther asked generally they're paid by the county? Elaine Smith Honan stated yes. Trustee Lowther asked do we pay anything to the county for this service? Elaine Smith Honan stated no.

Mayor Daniels stated there are reasons for them doing that and sometimes only they know why. The bottom line for the Village is we get more interest on the collection and late payment than we would had we gotten the original money in the first place.

Attorney Troy stated the county pays the Village. It's added to the next year's county tax and then it's their problem but the Village is paid in full. The county will issue a check for the total and we're homefree at that point. Attorney Troy thinks many people do this because they find it economically expedient.

Unanimously carried.

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

RESOLVED THAT Village Clerk/Treasurer, Theresa L. Cummins, is hereby authorized to attend a Western State Council Seminar sponsored by the New York State Government Finance Officers Association in Niagara Falls, New York on December, 6, 1991, and the cost of \$50 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye said a special thank you to Hutchinson Hose. She thought it was very interesting Friday night on North Ellicott; she saw them there with one of our pieces of equipment providing light for a film crew from "Unsolved Mysteries" and they were there for many hours. It was interesting to see them involved in such a unique fashion. She understands that on January 15th that episode of "Unsolved Mysteries", which was partially shot here in the Village, will be on television.

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Trustee Kaye reported David Laubisch will be attending Cornell's Waste Reduction Workshop in Rochester this Thursday. David Laubisch and Trustee Kaye will be going to an additional Recycling and Waste Reduction workshop tomorrow which is being held here in Buffalo at the Convention Center to continue in our efforts on recycling and waste reduction.

Trustee Kaye reported she has had conversations with Captain Moslow of the Amherst Police Department regarding truck traffic and also speed enforcement on Evans street. He reassured Trustee Kaye, there was a question that had come up regarding Evans and large truck traffic, whether or not scales were really necessary to be able to enforce the weight restriction sign that's posted on Evans. She has been told that the Amherst Police don't have scales and do not need them. Chief Askey is not purchasing them because of the cost of \$12,000 each and the police department is able under Section 11.10 to ticket these people based on the registration. That's what they have been doing on Wehrle Drive and other areas of the town which are posted and that's what they will do on Evans Street.

Trustee Kaye reported she's also had conversation with Al Stocker, Chairman of the Amherst Traffic and Safety Committee, about getting the signs posted on the other end of Evans Street.

Trustee Kaye stated her first resolution deals with PROREC which is an off shoot of NOREC. This resolution authorizes the Mayor to join the Progressive Recycling Council (PROREC). Since Amherst has not come into a second round of NOREC as we anticipated, that caused the population to be lower than required to move forward with how the project was scaled. The authorization for PROREC would continue the intermunicipal agreement at a cost of 30 cents per capita. This would cost the Village \$1,650 versus dissolving NOREC, which would be a cost of about \$1.50 to \$1.55 per capita. That's if NOREC sold the building for what we paid for it; however, there is a concern about the market and if in fact we could do that. Also, we are anticipating opening bids on November 18th for collection, hauling and disposing of the recyclable material. When these are opened we may see, in fact, that there is a better way to go but the likelihood of that doesn't seem favorable. There's been a variety of options for the building which NOREC and now PROREC are contemplating using as a MRF. That is, that we have had some interest from Waste Management Corporation to join into a partnership with PROREC. That possibly either PROREC runs it and they help in some way. PROREC outfits it, they run it, we take advantage of it. It becomes a 50/50 split. They buy the building, we lease the building. There's a variety of those options out there that the Implementation Committee is working on.

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This agreement would cost the same or less than the bonding that we initially anticipated. Our original NOREC bonding rounded out to \$135,000. The second resolution when we looked at additional populations and changing and downscaling the operation, it was about 98,000. The cost under the original bonding agreement was about \$24.07 per capita, \$17.50 tipping fee.

Superintending David Laubisch stated he doesn't know what we really have to lose by staying in NOREC. We are committed up to this point. He still believes that the membership currently in NOREC or PROREC is about 126,000. He knows that the Village has profited from the contract that NOREC negotiated, the garbage contract at Occidental. We still have one of the lowest rates for garbage disposal, about \$43.92 a ton presently. He thinks to drop out now or not continue to pursue this, at least in the immediate future, would not be a smart move after all this time.

Trustee Hayes stated he was interested to read the materials that were set forth by Clerk Cummins. In following up on some of them, he was most interested in the letter by Mr. Nosenchuck. His biggest concern is the reliability of the grant application and the substitution of the PROREC group in being supplemented for the NOREC group. What feedback have we had from him on it?

Trustee Kaye stated the feedback is that we are still on the top of the list. Mr. Nosenchuck is very committed to see this happen, whether it's called NOREC or PROREC. We continue to be first on the list but we do need to move forward with it so that we could be operational by September 1992.

Trustee Hayes stated there is no discussion presently coming back to us or other members of the NOREC/PROREC group that this would be a very convenient excuse for the state to opt out of awarding the grant to this county based on the difficulties that this group has had getting off the ground.

Trustee Kaye stated no, not at all. Regarding the difficulties, there's been a core group of very committed municipalities. They've actually just been juggling on a consistent basis. Two of them opted out in the first round. The third one said they were in it all the way up until the actual vote and that's really where the big problem came in. If they would have told us up front that they were not going to continue and if they had not verbally committed and then pulled back out, we wouldn't have been looking at PROREC right now. We would have been in the second phase of NOREC. Mr. Nosenchuck is still very committed to make this happen and has relayed that to us.

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Trustee Hayes stated it seems to him that if the deadline is the 19th and all the members then sign an agreement to move ahead in their own municipalities then the next step certainly is to choose one of the 3 options. Would that be the Implementation Committee's duty to make a recommendation? Trustee Kaye stated yes. Trustee Hayes asked Trustee Kaye of the 3 options, which one is the one that she favors or is most interested in for the Village of Williamsville?

Trustee Kaye stated what she would really like to do first is to see on the 18th where we stand on the collection, hauling and the disposal bids that come in and what options and possibilities Waste Management has to offer us at the meeting on the 19th. We've had so many ups and downs with this that it's really hard to say at this point which plan really works out the best. There's some numbers that we really need to still have.

Trustee Hayes stated in just reviewing the letter he has serious concerns about each one of the options and is not certain that any of the options presented here might be in the best interest and that is why he is interested to know from a standpoint of someone who has participated in the meetings what we may be leaning toward given all the data.

Trustee Hayes stated he is concerned about the cost effectiveness of a facility that's operating below capacity and that seems to be the key issue in the first option. The second and third options seem to indicate that there is some kind of partnership with independent business in this enterprise. He's wondering at what point does the Village bring in independent business again under a newly constituted plan and say it's time to reopen the option of independent business or if we discontinue and say we've closed the door on that forever when it was matched part for part against the NOREC proposal. He knows that needs some more discussion but he would be very interested in Trustee Kaye's opinions as to which way the Village would be leaning in any of these options and maybe Trustee Kaye is not prepared to present that at this time but that is his concern for the future before the board votes on it. His other concern is what is the status of the PROREC group and how will it be affected with the defeat of Supervisor Keysa in Lancaster.

Trustee Kaye stated they will be appointing a new president for PROREC when it is formed. Supervisor DiJoseph of Elma will probably be the president and Theresa Cummins will become the secretary for the organization.

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Trustee Hayes asked if the urgency for the communities now to vote on this is based on getting the grant application.

Trustee Kaye stated that Norm Nosenchuck would really like to know whether or not we're going to use the money. They're continuing to hold it for us and have us first on the list for receiving those funds. We also must know how to proceed and move forward with it so we can look at which options to pursue in greater detail. When we know which municipalities are continuing we can move forward rather than spin our wheels to look at everything and delve into everything if we're not sure who's in or out.

Trustee Hayes asked what's the ramification if the board does not move ahead this evening? Is there a middle position or does our inaction automatically disqualify us from continuing?

Trustee Kaye stated our inaction would probably mean that we would be out and if we are out that we could be involved in a dissolving at \$1.50 per capita versus moving forward at \$.30 per capita.

Trustee Hayes stated his concern is best summed up by saying he's frustrated that we're in a position of having to dribble along with this situation. It seems that there's a resolution on the table here at these meetings just about every other meeting. It's unclear to him at this point whether there is strong and decisive leadership that's guiding us. He certainly doesn't want to be in a position to have us opt out and lose money, but he is also not comfortable about voting to move us ahead in what seems to be a directionless ship of state.

Trustee Kaye stated it's not a directionless ship at all. There's been very strong leadership. There's been lots of cooperation by municipalities. You can imagine with dealing with this many municipalities, if the Village Board can't agree then when you get 11, 12 or 14 municipalities, we have to go back to their boards all to agree, it's not an easy task. There have been lots of changes and it is frustrating that there are so many. This is really caused without question by Amherst dropping out at the very last minute and that doesn't really have to do with a lack of leadership on NOREC necessarily. The people are really very committed.

Trustee Lowther asked isn't it a fact that Keysa will continue until the end of his term, which is December 30?

Trustee Kaye stated yes and he has also been asked to stay on as a legal advisor to provide continuity as well.

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Trustee Kelly stated one of the major concerns he has is that all we've ever done is look at NOREC or PROREC and it seems that many other municipalities including Amherst, Tonawanda and Cheektowaga have looked to other alternatives and found them better. In the 7 months he's been on the board he's never been given any other alternatives.

He asked if Trustee Kaye has sat down with the people from Amherst to see if we can be part of their bid. Maybe we could have been part of something good there. He wonders why we aren't exploring other alternatives. Why isn't there at least some communication with some of the other municipalities.

Trustee Kelly stated if we're only looking at one option instead of all possibilities available, how do we know if we are getting the best deal. Obviously, Amherst, Tonawanda and Cheektowaga felt they were getting a better deal by going elsewhere. Why aren't we at least exploring it? He's not saying they might be better for us, he's saying why aren't we exploring it?

Trustee Kaye stated we are exploring it. When we started recycling in April, we did go out to bid. It's not that we have ignored that option at all. We have not made a decision. We continue to move in the direction to see what was best. At that time it was best to join BFI and to, as our contract stands right now, use them for collection and disposal. It was also felt by the board to continue NOREC because, at the end of our current contract, that it would be more cost effective to be part of an intermunicipal agreement rather than be with a private hauler.

Trustee Kelly stated he understands that since we started picking up in March a lot of things have changed. Since then it's become mandatory. Everyone is going to have to join up within a certain period of time. In the last 5 or 6 months Amherst, Tonawanda Cheektowaga have all found it better to go private and we have had no discussions whatsoever, or at least he is not getting feedback on any discussions that we've had with any of those municipalities as to whether we could be a player in their bid. All we've done is focus on NOREC-absolutely no discussions have taken place with anybody else as to whether something would be more beneficial to us. He's just very concerned that all of a sudden we're going to get into this PROREC group, all the larger players are going to get out and then we're going to have a smaller group of municipalities stuck with those large, huge costs and everyone else is going to be going their own way. We're going to be stuck with this big elephant that we can't afford. He's very concerned about it and doesn't really know if he's going to vote for PROREC at this time. He wishes he was at least given some or that we've had discussions with other alternatives.

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Trustee Hayes commented that this board has an obligation to the citizens of the Village of Williamsville to participate fully in a recycling effort that serves our citizens, that are putting out their recyclables every week. We have a fiscal responsibility to make sure that we do absolutely everything we can to conduct a recycling program on a fiscally responsible basis. He does not think, in reading the scaled down PROREC program, that this village is in the recycling business and should be involved in leasing and buying and trying to make a go through juggling circumstances. He asked Trustee Kaye to take back the concerns that this board has to the NOREC group.

Trustee Kaye stated she agrees and appreciates Trustee Haye's input. It's been very frustrating to everyone.

Mayor Daniels stated until now we have had Jerry Knoll as Executive Director in a paid position. With the downsizing of facility, Mayor Daniels assumes that the paid position will no longer be available. Mayor Daniels knows he took a leave from Hamburg and assumes he will be going to try to go back to Hamburg Village. So the NOREC group will no longer have an Executive Director.

Trustee Kaye stated the status of Jerry Knoll is that he is probably going back to the Village of Hamburg. He is going to continue to work on NOREC or PROREC on a part-time basis. It is suggested that PROREC pay a proportion of his salary based on the hours he puts in for PROREC. This was the determination of the Implementation Committee as the way to best use his services and the monies that we have in this situation.

Trustee Hayes asked Trustee Kaye for her prediction on the municipalities that will pass the resolution. He read in the paper today that the Village of Sloan has endorsed it but what are some of the other communities thinking? How many villages can opt out and still allow this to continue? If Depew goes out then are we going to have a new option 1, option 2, option 3 for a differently named organization?

Trustee Kaye stated if we don't get a 100,000 population then the program is over.

Mayor Daniels stated each of these options discussed obviously would net different numbers. If we're only responsible for 1/2 the facility and some recycler was going to lease out the other half obviously our costs are going to be adjusted. So we don't know what this is going to cost us. It would be nice to have some figures plugged in here. It would then be advantageous for us to talk to the Town of Amherst and even Cheektowaga to see what their agreements and their numbers look like. It's just unfortunate that we don't have another meeting before the 19th of November.

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He's only wondering if that's cut and stone. He also wonders if other municipalities are in the dark as to other options.

Trustee Kaye stated as she said earlier, it's not a matter of being in the dark with other options but that Clerk Cummin's recommendation to Trustee Kaye has been that still it would be more cost effective for the Village to continue with PROREC than to join an outside firm.

Mayor Daniels stated then it's Trustee Kaye's recommendation basically as liaison to PROREC that we approve this resolution to continue.

Trustee Kaye said yes.

Trustee Lowther asked if this resolution is going to cost the Village any more money at this point?

Trustee Kaye stated it is going to cost us \$.30 per capita, \$1,650 to continue.

Trustee Lowther stated this is just a continuation of what we've done only basically they've changed the name and they have introduced a few more options.

Trustee Kaye stated if we would have known Amherst was going to drop out we wouldn't be in this situation because Amherst dropping out cost NOREC about \$100,000.

Trustee Hayes stated his concern is the cost of \$1,650. He's asked if Trustee Kaye's position is based on what she knows from other communities, that the only real question is one community at this point, not even taking into consideration that the Town and the Village of Lancaster account for a population of 25,000 and they have a new supervisor and a new board majority. Trustee Kaye is then willing to pay the \$1,650 in insurance money to prolong this a few more weeks. That's all he needs a clarification on and if that's her position then he is prepared to vote for it based on that recommendation.

Trustee Kaye stated that if PROREC or NOREC is dissolved right now it would cost each of the municipalities a minimum of \$1.55 per capital versus the \$.30 we're talking about. She continues to believe that this is a viable option for us, that it makes sense. We've heard it from our superintendent, we've heard it from our Treasurer, who is part of the Implementation Committee that this makes sense for the Village of Williamsville. From Trustee Kaye's knowledge and the recommendation of those people, she's saying yes, we should go forward with the \$.30 per capita, insurance of \$1,650 and she hopes that PROREC continues. We don't have a clear cut answer in terms of the options right now and she wishes we did have a clear cut option.

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Trustee Hayes asked Trustee Kaye if the cost to terminate would be the same to us if we terminated now as opposed to in 3 weeks if another community opted out and caused the termination. We all, as members in the original NOREC, will be assessed that cost. Is that right?

Trustee Kaye stated that is her understanding; however, she thinks it's going to move forward based on the input from the municipalities that were present. There's a commitment to continue to move forward. At the last meeting everyone wanted to move forward. An election adds different twists and turns to this but however, if we continue to move forward, it's her understanding from the consensus of the municipalities there and from her discussion as late as just a couple of hours ago with Clerk Cummins, that it's a go. There's always a slim chance that it might not. But, however, the recommendation is that we should move forward with the \$1,650.

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

RESOLVED THAT Mayor Daniels is hereby authorized to sign Agreement for Organization and Operation of Progressive Recycling Council dated November 1, 1991.

|            |                 |     |
|------------|-----------------|-----|
| Roll Call: | Trustee Kaye    | yes |
|            | Trustee Hayes   | yes |
|            | Trustee Lowther | yes |
|            | Trustee Kelly   | no  |
|            | Mayor Daniels   | no  |

Motion carried.

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

Unanimously carried.

Trustee Kaye stated she would like to introduce a resolution that deals with a request from Charlie Brown, Assistant Planning Director of the Town of Amherst to move some money from one portion of our Community Development Block Grant to another and to pay for \$2,000 worth of housing rehabilitation work. We would take these funds from the infrastructure account in community development and move it to the housing rehabilitation loan account so that a homeowner that we have in the Village who does qualify for community funds would be allowed to put a new boiler in their home, which is desperately needed.

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Trustee Kaye stated just for the board's information, that we also have another individual in the Village who has requested about \$8,000 worth of work on their home that does not fall under this resolution or the monies that have been paid out to date. She just wants to apprise the board. Richard Leimbach has stated that they do meet the qualifications and have received an application. Their repairs include a roof, exterior paint, siding, gutters and storm windows. The estimated cost is over \$8,000 but this person has not come back with their application completed for processing. So if they don't come back then no monies would be expended but if they do they would qualify.

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

WHEREAS, providing essential financial resources to aid low and moderate income residents to rehabilitate their homes is an objective of the community development program of the Town of Amherst and Village of Williamsville; and

WHEREAS, 1991 community development funds budgeted for housing rehabilitation loans have been depleted;

NOW, THEREFORE, does the Board of Trustees of the Village of Williamsville hereby resolve that \$2,000 in Community Development Block Grant funds budgeted for infrastructure work in 1991-92 be transferred from account 15-91-63 to account 15-91-62 ("housing rehabilitation loans").

Trustee Hayes asked why is it that the Town of Amherst is the one that informs us of the balances in our Community Block Grant Development Fund accounts and why is it we are spurred to action based on their recommendation? Do we keep this as a separate matter and do people apply for this to the Village or the Town?

Trustee Kaye stated they apply to the Town. Her understanding is that the Town has always taken care of it for the Village and kept the accounting for the Village in terms of giving out the applications, taking them back in. They send their Building Inspectors out to inspect to see in fact if the work does qualify, how much work has to be done. The Town deals with the estimate situation, then they gather the information and see if the people qualify financially. They've done that since at least 1981.

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Trustee Hayes asked is this the request that comes forward something that comes on a as needed basis or is there a deadline cut off for people who are applying for these grants. We have a resolution here to transfer \$2,000 and certainly it's a noble and correct purpose to do this and he supports that. He just wonders if this is something that will happen periodically and if it is, isn't it something that we should address in terms of raising the budget figure which we allot to residential reconstruction?

Trustee Kaye stated that will be her recommendation in February when we hold the public hearing, that we look at raising that level. In the past, the Village residents have really received loans much greater than the \$8,000 that has been appropriated by the Village Board. Those funds have come out of the Town of Amherst surplus housing rehabilitation monies that Town residents haven't used. Since 1981 Village residents have received over \$196,000 of Community Development Block Grant loans and of course we've only appropriated about \$8,000 a year. In 1991 we already expended almost \$12,000. In 1990 the Town of Amherst contributed about \$25,000 of their housing rehabilitation monies for Village residents. The Town doesn't have that surplus anymore. Also, these loans are eventually repaid usually when the property is sold. Since 1981 there have been \$12,000 of loans that have been repaid. That money goes back into the Village account. That's why in some cases there is actually more in there than the \$8,000 that we've allotted. The Town takes care of putting the funds back into the Village account and then our Village residents have the continued benefit of those funds.

Unanimously carried.

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

Unanimously carried.

Trustee Lowther reported that the Glen Park Joint Board Committee is meeting tonight. They started about 10 minutes ago and she is hoping to get there for the tail end of the meeting since she has some business to discuss with them.

Trustee Lowther reported that the Environmental Advisory Council has decided to combine the November and December meetings since their normal meeting is the fourth Thursday of the month which is Thanksgiving. The meeting will be held December 5th at 7:30 P.M. We have 2 students from the last meeting who are both very interested in becoming members. As we have an opening for a student on our committee, she is very happy to see the students from the high school really coming forward to work with us. She is looking forward to working with them.

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Trustee Lowther mentioned even though the snow is on the ground now, she really thinks that the Beautification Committee did a lovely job this year. Flowers on Evans Street were great and the ones around Village Hall, the Meeting House and at Garrison Park all looked very nice. Many times people don't understand how much work goes into this landscaping. Certain members of this audience and other member of this board have been involved and they know how much work it is, how dirty you get and how sore your knees get. It really pays off however, people do comment and notice. It's a very positive image for the Village.

Trustee Lowther reported our Performing Arts group is trying something new and it's going to happen tomorrow. They are sponsoring a dinner/theatre at the Little White House. It's going to be a musical performance presented by Summerfare starring Mary Kate O'Connell and several other musical actors. They will be doing selections from Broadway, theatre musicals, movie and television. It will start at 6:30 P.M. tomorrow and includes a dinner at the Little White House and a show. The cost is only \$18.00 a person. She thinks it's going to be a wonderful evening and looks forward to hopefully seeing all the members of this board there tomorrow night too.

Trustee Kelly reported that on December 8th the Youth Board will hold the annual Christmas Caroling party in Island Park and he strongly encourages all to attend. It's a very worthwhile cause and a lot of fun.

Trustee Kelly reported regarding his insurance liaisonship, we belong to a mutual insurance company so as members we sometimes receive rebates. He doesn't have the exact figure but somewhere about \$1,500 was returned to the Village as part of our dividend for belonging to that group. It's his understanding that it's a little bit lower than in past years but it's something that's shared by a number of municipalities and some of the other municipalities had some higher costs involved so there wasn't as big of a rebate this year. We are continuing to look into avenues and ways of saving money. We're doing a study right now as to whether we are going to switch from the state fund for workers compensation to another group that may provide us with not only a cheaper cost but has a better record of making sure employees get back to work on time and work with rehabilitation injured employees. He will keep everyone updated on that as we go along.

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Trustee Kelly stated his first resolution is regarding the Fire Service Award Program. It doesn't actually implement the plan itself but allows the Mayor to sign the service award setup Agreement with the Actuary.

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

RESOLVED THAT Mayor Daniels is hereby authorized to sign **Service Award Program Setup and Administration Agreement** with Edward J. Holohan, ASA, President of EJH, for setup and administration services for the Service Award Program for the Volunteer Firemen. The fee for the setup services is \$700 plus \$10 per eligible firefighter. The fee for administration services will be \$700 plus \$6 for each Service Award Program participant, payable each year when the certified listing of firefighters who earned fifty or more points is submitted to EJH.

Trustee Lowther asked if the set up services are a one-time-only charge for the initial beginning of the program and if we have any guarantee that the \$700. plus \$6. will remain a constant for a certain period of time.

Trustee Kelly stated the set up services are a one-time charge. It's to get everything in place and on the computer. It is his understanding that there is no guarantee in the other costs.

Trustee Lowther stated that's something we might want to look into, like trying to get a contract with him for 3 years or 5 years or something because that's going to be a considerable cost too.

Trustee Kelly stated he agrees. That's something we had talked about at length in previous discussions. If he gets too high we can get **bids** from other companies to come in and take it over. There's no problem with changing as time goes on.

Trustee Hayes abstains from the vote on the advice of the Village Attorney as he abstains in all matters regarding the Service Award Program.

Motion Carried.

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Trustee Kelly stated his second resolution finally puts to rest the Herbert Darling property matter over by Lehigh Memory Trail. We have entered into an informal agreement which we are going to finalize today. This agreement deeded a very small triangular shaped parcel with approximately 200 square feet to even off the property line along Mr. Darlings property and Lehigh Memory Trail. In return for Mr. Darling purchasing that property to us he has agreed to reimburse us for half the cost of building a wooden stockade fence along the property line. This 1/2 share is approximately \$2,700.

Motion Carried.

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

RESOLVED THAT Mayor Daniels is hereby authorized to execute all documents necessary to convey title of Surplus Village property All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Williamsville, Town of Amherst, County of Erie and State of New York, being part of Lot 25, Township 12, Range 7 of the Holland Land Survey, more particularly described as follows:

Beginning at a point on the easterly line of lot 25 at a distance of 229.58 feet south of the south line of Milton Street (60 feet wide); thence northwesterly a distance of 196.20 feet to a point of curvature; thence along a curve to the left with a radius of 1266.43 feet, an arc distance of 92.80 feet to a point; thence southeasterly 93.74 feet to a point which is also the westerly corner of a single story metal building; thence continuing southeasterly at an interior angle of 182 47'31" along a line which is also the exterior southwest wall of said metal building, a distance of 196.92 feet to a point on the east line of said lot 25; thence northerly along said line of lot 25 a distance of 1.52 feet to the point or place of beginning-to HERBERT F. DARLING, INC , together with a license over existing Village property said license to be drawn up by Village Attorney.

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Trustee Lowther asked if that boils down to 154'x5'. What about the land under his building?

Trustee Kelly stated the 154'x5' is the easement which were not going to do. We're going to give him a license. In actuality, we're deeding him a pie shaped piece of property with the width being a maximum of 1.52' and the length being somewhere in the neighborhood of 90' going to a point. We've talked about the land under his building before and didn't do anything with it since he owns it by adverse possession. This agreement goes from the edge of his building out southeasterly to a point away from it. A wedge piece that will just even up the lot line a little bit better. A very small parcel.

Trustee Lowther asked if Mr. Darling owns up to the edge of his building at this point?

Trustee Kelly stated yes, to the edge of his building.

Trustee Lowther said everyone on this board has been involved with this for months and months and she's happy to see this finally happen. She's especially happy to see the fencing going up. She thinks it certainly improves the looks of the trail.

Trustee Kaye stated she is pleased to see the fence going up and wonders what account are the monies going to come from to pay for it.

Trustee Kelly stated at this point in time we are authorizing the Village to receive money from Mr. Darling. Trustee Kaye is talking about the second part which is not on the resolution but which will be brought up at the next meeting as to how we are going to pay for the fence. That's not before us today.

Trustee Kaye questioned the change from an easement to a license. She asked Trustee Kelly or Attorney Troy to explain the real difference benefits for it being a license versus an easement.

Attorney Troy stated an easement has more permanency to it and would give Mr. Darling an exclusive right in the area whereas a license is simply a terminable right which the Village extends to him, a right of passage for the purpose of painting or maintaining the side of the shed. It can be revoked at any time or if the Village wants to give him a license for a term it would be revoked at the end of the term. The difference is significant. It's to the advantage of the Village. We're giving him less if we're giving him a license.

Trustee Kaye asked if that is alright with him.

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Attorney Troy stated he hasn't discussed it with Mr. Darling but after looking at the fence last night he realized that an easement has no purpose for it. Mr. Darling can't get at the easement, so the best way is to give him a license. This simplifies it for the Village as well.

Trustee Kelly stated the only thing that everyone is concerned about is the availability for Mr. Darling to get to the side of his building to do repairs when necessary. The second he moves an inch off his building he's on Village property. In essence, we allow him to come on to do repairs. The language used for the license is solely for making repairs and not for any other purpose.

Attorney Troy stated when he sells the building he gets no legal rights in the license. An easement would burden the Village, the license does not. He has no legal rights of any kind.

Trustee Kaye asked if the property was sold, would the new owner have to come to the Village and request a license to be able to maintain that building?

Attorney Troy asked if she means could we compel them to renegotiate with the Village? Sure we could. We could revoke the license at any time.

Unanimously carried.

Trustee Hayes reported the Local Government Advisory Board will next meet on Thursday, November 21st and at that time they will make a formal recommendation on changing the position and duties of the Clerk/Treasurer to that of Village Administrator. He wants to re-emphasize again that the study, conclusion and recommendations are strictly advisory in nature to the Village Board. It's his hope, as the liaison to the Local Government Advisory Board, that the Trustees set a future date after receiving this recommendation for a public information session before taking action.

Trustee Hayes reported the Parks Committee and the Seniors Committee will both be meeting on the 20th of November. They have not met since our last board meeting so he has nothing new to report except to say that we had a successful tree planting. Mayor Daniels, Trustee Hayes, the Tree Warden and representatives of the Boy Scouts were out planting trees on Sunday morning on Evans Street. We planted 9 of them and hopefully come late Spring, they will begin to flower and people will begin to notice the beautification in that area.

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Trustee Hayes also reported he did attend a meeting of the Town Traffic and Safety Committee relative to the issue of the truck traffic on Evans Street. He has continued to communicate his interest to Trustee Kaye and to the members of the Village Traffic and Safety Committee on this issue. He, along with Cliff Horey, who is the representative of the Village to that committee, spoke in favor of increased signage on Evans Street and got a commitment from the Town Traffic and Safety Committee that they would have some kind after studying the matter further this month. He looks forward to attending their December meeting and working with them to see that accomplished.

David Laubisch, Superintendent of Public Works, reported that the recent early November snowfall put us approximately 8 working days behind in leaf pickup. We had to switch over from the leaf vacuum trucks to open trucks due to the snow that's currently on the leaf piles at curbside. If that changes and weather permits, we will switch back to the vacuum trucks for a more expedient way of picking up leaves.

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

Unanimously carried.

Carolyn Schlifke, 192 Evans Street, stated she wants to thank the board for the action that they have taken on returning a piece of Village property to the Village. It's been a long time. You've taken the proper steps. She'd like to commend the board on that. As she stated earlier this year to Trustee Kelly, you start at the top and you work down and with that advice she thinks the board got the best package they possibly could in returning this land to the Village. If you haven't been over to see the new fence, she thinks they should. It certainly is a beauty and it will do a lot to help us turn that particular piece into a most attractive addition to the Village. Many years ago, a previous board made a commitment to the residents of that area to try to do something to make their residential area more attractive. Past boards have worked towards that effort. She is glad the board is continuing in that effort and she thinks that the people over in that area should be very happy with what has been done. As chairman of the Parks Committee, she is looking forward and anxious to get started on doing something over there whether it be to make it more park or whatever, but certainly make it usable land for the Village of Williamsville.

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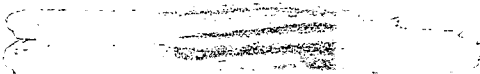
Mayor Daniels stated that land will tempt a lot of different ideas and we're anxious to see them come from the Parks Committee as well as anyone else who has any ideas for it. Many thanks to Bob Krieter sitting in the rear for facilitating the installation and suggesting ideas that made it even more esthetically pleasing.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, 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 8:00 P.M.

Unanimously carried.

  
Elaine Smith-Honan  
Deputy Village Clerk