

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 23, 1991 at 7:36 P.M.

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

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 at 7:36 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, the minutes of the regular meeting held by the Board of Trustees on December 9, 1991 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the public hearing of the Board of Trustees for a proposed local law to amend Section 103-15 to provide a stop sign on Oakgrove at Hirschfield held December 9, 1991 was approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$167,233.01 covering 12/06/91-12/19/91 were approved:

payroll fund w/e 12/14/91	\$17,980.86
General fund	92,679.85
Water fund	29,928.65
Sewer fund	9,356.70
Trust & Agency fund	17,196.95
Grand Total	167,233.01

Large Vouchers:

Erie County Water Authority	\$24,979.06
Perma	16,977.53
Key Trust	39,650.00

Unanimously carried.

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Mayor Daniels stated his second resolution transfers money from several different areas of our budget to provide funding for a position of part-time clerk that's been created in the DPW. We will fund this position from January until our new budget in June. During that time we will fine tune that position by observing how it works and how it functions. Then we can address it accordingly in the new budget. \$430.00 of the funds will come from the Board of Trustees Travel account. That will leave them with just enough to attend a Village Association Meeting that's being hosted in Williamsville in January. A \$50.00 transfer from the Board of Trustees Miscellaneous Account will leave \$5.00 in that account. The Mayor has contributed \$450.00 from his Travel account and \$200.00 from the Miscellaneous account. Three other accounts have funds transferred from them. Assessment travel & expense \$200.00; \$120.00 from sewer charges; and \$650.00 from insurance. These all total the \$2,100 for this new position.

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

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

FROM		
1000-1010-4040	Board of Trustees -Travel	430.00
1000-1010-4450	Board of Trustees -Misc.	50.00
1200-1210-4040	Mayor -Expense & Travel	450.00
1200-1210-4450	Mayor - Miscellaneous	200.00
1300-1355-4040	Assessment -Expense & Travel	200.00
1600-1620-4071	Buildings -Sewer Charges	120.00
1900-1910-4000	Special Items -Insurance	<u>650.00</u>
	TOTAL	\$2,100.00
TO		
5000-5010-1000	Street Administration Personnel	<u>\$2,100.00</u>

Unanimously carried.

Mayor Daniels stated his third resolution has to do with the lighting of Cadman Drive. There are only a few places in the Village without street lighting and Cadman is one of them. There are 3 or 4 lights at the beginning of the street, and nothing around the rest of the street. There are possibly 3 other small locations in the Village that do not have street lighting, one is Creek Road, an extension of Columbia Drive between Wehrle and Brookside. This project was put out to bid and the low bidder was American Paving and Excavating.

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

WHEREAS the Village of Williamsville has requested sealed bids for the Installation of Lighting on Cadman Drive, and

WHEREAS, American Paving and Excavating submitted the low bid for the lighting, including the poles,

NOW THEREFORE, be it resolved that the contract for the Installation of lighting on Cadman Drive is hereby awarded to American Paving and Excavating, for their low bid of \$104,950.

Unanimously carried.

Trustee Kaye asked if these poles are the same price as the standard light poles?

Mayor Daniels stated they are. The lights we will be getting on Cadman Drive are an architectural copy of the green gas light poles that are in that area on Monroe, Columbia, Highland, Hirschfield, Oakgrove and Scott Drive. There are companies now that produce copies of those old poles and in keeping with the area surrounding it and also to add a Village atmosphere in the Cadman Drive area, we selected that style pole. Fortunately, the low bidder, who was quite a bit lower than the others, offered a pole in that style which is the same cost as a standard pole that is generally installed by Niagara Mohawk. The replacement poles that Niagara Mohawk installs are a black style with sort of a black hat type on top. They contrast rather abruptly with other style of poles in the Village so we're trying to return to what was originally in the community.

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

RESOLVED THAT Theresa L. Cummins, Village Clerk/ Treasurer is hereby authorized to attend the New York State Government Finance Officers Association Conference in Albany, New York from March 18th - 20th, 1992 and the cost, not to exceed \$400.00 - to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Lowther stated she had no report or resolutions this evening.

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Trustee Kaye reported that we are collecting food for the needy again this year. When she spoke to the News Neediest Fund to find a needy family in the Village of Williamsville, they recommended the University Food Pantry because 25% of the people who come to that Food Pantry now are from the 14221 zip code. The vast majority are white collar workers who are out of work and struggling within our own community. They will be distributing bags of food tomorrow between 12:00 - 3:00 at the Food Pantry to people who live within our area and also the 14226 zip code as well. Trustee Kaye thanked everyone who donated on such short notice. It's greatly appreciated.

Trustee Kaye reported that in terms of NOREC and PROREC which has been an ongoing topic of conversation for many years, at the last NOREC meeting it was determined to liquidate the organization due to the small population base after the large municipalities including Amherst, Cheektowaga and Tonawanda pulled out. Unfortunately, the Intermunicipal Materials Recovery Facility will not be happening at this point, but NOREC will be staying together as a group to meet on a less vigorous schedule in order to keep an eye on the recycling industry and look at any additional items of interest that may come up. Trustee Kaye thinks that John DiJoseph, who is the Supervisor of Elma, said it best when he said that NOREC was a wonderful process of an intermunicipal agreement trying to work. All 21 communities worked very well together to move this forward and this resulted in lower bids from the haulers of recyclables and processors than other municipalities had received. That was a positive that came out of it. On the negative side there still, from all the 21 municipalities, were some liquidation costs for the building and some of the office supplies and materials that were still left. Burnhams is leasing the building from NOREC right now and is being approached as a potential buyer and there are some other ones that the Industrial Development Agency is considering. It is anticipated that each of the 21 municipalities will be assessed about \$2.00 per capita to liquidate, which for us is about the cost of a little over \$11,000. We learned valuable lessons during our efforts and feel we made great strides in the industry itself and in keeping the recyclers honest and we'll continue to stay together.

Trustee Kaye also reported our next Traffic and Safety meeting will be on January 16th. Also, the Southeast Amherst Traffic Task Force met recently. She is sure Trustee Hayes will report on that. We did look at the proposals that came in for that section of the town, which includes part of the Village and are moving with that information.

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Trustee Kaye stated she met with the City of Lockport this past week and discussed recycling, waste disposal and some other areas of refuse. They have a very interesting facility which is a compost facility for sewer sludge. We, as the Village of Williamsville, pay about (\$75.00) a ton for processing of sewer sludge through the Town of Amherst taxes. The City of Lockport is looking at a cost of about \$50.00 a ton. She will be working with Councilwoman elect Peggy Santillo, who will be the liaison for that area within the town to see how we might move forward in reducing those costs for the Village and the Town.

Trustee Kaye stated her resolution deals with a resolution passed 2 meetings ago regarding Acting Judge Robinson and requests this Board to rescind the salary increase that was awarded to Acting Justice Robinson on November 25th. She thinks, we as a board, acted in haste without really doing our homework on this particular subject. She did vote for this but looking back at the past meeting and comments that were made by Mayor Daniels about some options that we had and in doing some additional homework, she personally feels that the Board made a mistake in passing this resolution. As Acting Justice, Edward Robinson has sat one day for his salary of \$1,640.00. We have kept him as Acting Judge since he is not a Village resident and cannot be moved up to Justice. Judge Robinson has been the Acting Judge in the Village of Williamsville since 1952. In the past 3 years he worked 12 days and that seems to be a pattern. The Acting Judge's position is to fill in when the Judge is not available. We did in fact, as Mayor Daniels has stated, save \$400.00 by not filling the Justice position and moving the Acting Justice to the Justice's salary. However, if we would have left the Acting Justice's salary where it was we would have saved \$1,368.00 instead of \$400.00. There's no law, no mandate that we have to do it. She appreciates that he will have more of a work load. In the past fiscal year the current Justice worked 47 days, which amounts to about \$110.00 per each court appearance. Looking at a maximum of 13 weeks for Acting Justice Robinson at his \$1,600 salary that comes out to a little more than \$110.00 per appearance. So Trustee Kaye thinks when we are talking about the per appearance dollar amount for some increased work, he would be making approximately the same amount as the Judge has per appearance in past years. She thinks, ethically, she had to bring this forward whether it passes or not. Looking at the fact that we are cutting areas all over the Village budget, we have so many people out of work, we're looking at more loss of state revenues and are trying to find ways to save dollars, she thinks that this is an area that we're spending more money than we really need and that's why she is moving this resolution forward. She thinks the Board owes it to the taxpayers to try to give them the best services for their dollars spent but look in every way to save them money and she thinks this is an obvious one.

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

RESOLVED THAT the salary increase for Justice Edward Robinson, which was approved per resolution dated November 25, 1991, is hereby rescinded.

Trustee Kelly stated when Trustee Kaye said the full board acted in haste in doing this, he did not act in haste. He realizes that an Acting Justice is there in case there is a conflict or in case the Judge is ill on a certain date. He's not there to fill in for 4 or 5 months for somebody when they reach a higher office. We were left with one other alternative which was to keep him as Acting Justice and appoint the new Judge. That person would get Judge Townsend's salary and also would have to be trained and would have no familiarity with the court room. Trustee Kelly voted for this salary increase because he didn't want this place to be in total chaos. We have an obligation to our citizens to run a good quality judicial system. We could have played politics with this and appointed whoever is going to run in the Harmony Party or Village Party but we didn't play politics. We did what was in the best interest of the Village. Trustee Kelly stated he did not act in haste then and he certainly does not expect to change his vote at this time.

Trustee Hayes commented that in the introduction that Trustee Kaye gave to her motion this evening that she has an excellent point with regard to the salary of Acting Justice; however, he doesn't think this is the time or place to apply those concerns because he thinks those concerns are basically in the position of Acting Justice itself. We may in the future move to a per diem salary for the Acting Justice. Instead of paying the Acting Justice a set amount for a year, whether that person works one time or one hundred times, we might want to look at the options and certainly the information that Trustee Kaye researched is very valuable. Trustee Hayes thinks it is to the credit of the Village Justices that we've had in the past, that they've always been ready and able to perform their duties. However, he thinks the concerns are misplaced in this particular instance. He thinks the residents of the Village believe that someone should be compensated for the work they do and he supports the amendment as originally passed.

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Mayor Daniels stated for many years we paid the Acting Justice a certain salary for the year which is more or less an insurance policy in case the Justice cannot serve. The time to address what we pay the Acting Justice is at budget time. If indeed, through Trustee Kaye's research this seems to be a typical scenario, that the Acting Justice has sat twice this year and seven times the year before, we've been allowing too much money for this position. so a per service type of arrangement might be well to consider at budget time. To say, however, that because we've assigned that salary to Justice Robinson, and he's accepted it, so therefore we don't need to pay him for his new role as a sitting Justice for that 3 month period, Mayor Daniels thinks does a great injustice to the Justice. Mayor Daniels certainly thinks that the people should be paid for the work that they do. Historically, when someone moves up in a position of more authority and more responsibility, they are paid for it. We've had a situation, for instance, where the Superintendent of Public Works has been gone for some time, so one of the other employees will move into that position and we compensate them for the additional duties and responsibilities of the position. Obviously, he will have more responsibilities now than he did as an Acting Justice so therefore Mayor Daniels feels comfortable in assigning the salary we have decided for that position to him.

Trustee Lowther stated that unfortunately the evening this resolution was passed she was ill and was unable to be at the Board meeting. She is concerned because she thinks she would have called Justice Robinson and talked to him about it. There was never any indication made to her that any one did speak to the Judge. She thinks after 40 years of service, to ask him in his capacity as Acting Justice to spend 3 months filling in one day a week, Justice Robinson would have been delighted to do it at the old salary. She thinks this is a way to cut corners and tighten our belts like we're being asked to on every level of government and she thinks it's important that this be brought to a vote.

Roll call:	Trustee Hayes	NO
	Trustee Lowther	YES
	Trustee Kelly	NO
	Trustee Kaye	YES
	Mayor Daniels	NO

Motion Defeated.

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Trustee Hayes reported that the Local Government Advisory Board met on December 19th and had a very interesting presentation from Don Dehn of our Water Department about the water system infrastructure in the Village. The members were brought up to speed on much information which was previously studied by this board. They're going to continue to study it and we'll be bringing forth some recommendations and offering some assistance to the Board of Trustees as we continue to grapple with that issue. We also discussed a date for a public hearing on the issue of Village Administrator's position which is his first resolution.

Trustee Hayes also reported that the Traffic Task Force for Williamsville Southeast Amherst met on December 17th to review proposals from firms that had expressed an interest in doing the traffic study. Those proposals were narrowed and the committee asked some very important questions and did some very collaborative work. He is very pleased at the way that committee is moving forward on the selection which has not yet been made because there were some questions for several of the firms that submitted a proposal. The next meeting of that group will be Tuesday, January 28th. Hopefully at that time we'll be able to select a firm to conduct and move forward with the study.

Trustee Hayes stated none of the other committees that he is liaison to have met since our last meeting on December 9th so he has nothing to report for the Parks Committee and for the Senior Citizens Committee.

Trustee Hayes stated his first resolution is to call for a public hearing on the local law that we create the position of Village Administrator. As he has been reporting for several months now, the Local Government Advisory Committee has studied the issue and has recommended that this Village Board move forward and create this position. The next step would be to hold a public hearing and to hear from the public on the entire issue and we'll do that on January 13th. In the meantime, members of the Board of Trustees, the public and any interested citizens can receive a copy of the actual draft of the local law and our Village Attorney's comments on the law as it will be presented at the hearing. Also, the minutes from all the former meetings of the Local Government Advisory Board are available through the Village Clerk's office. Anyone that would like to obtain copies of those may do so at their own initiative. Trustee Hayes asks that any of the department heads who are concerned about this issue bring themselves up to speed on it and prepare themselves to ask questions at the public hearing. There will be time allotted for that as well.

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

RESOLVED THAT THE Village Clerk publish notice of public hearing to be held on January 13, 1992 at 7:30 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would create the position of Village Administrator.

Unanimously carried.

Trustee Kaye stated it is her understanding from the work session that as a board we will be meeting before and after the public hearing to talk about this in a work session since we haven't met as a board yet to discuss it.

Trustee Hayes stated that's correct. That's why he asks all the Trustees to get the proper information from the Village Clerk on the issue prior to the 13th. There should be time allotted on both the agenda and the pre-board work session and the post board work session.

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

RESOLVED THAT David Kubiak, Thomas Petrie, Chuck Martin, and Michael Vogel, Williamsville Firemen are hereby authorized to attend the Training Officer Workshop 1 & 2 in Montour Falls, from January 12 -17, 1992 and the cost, not to exceed \$250.00 - each to be paid by the Village of Williamsville.

Unanimously carried.

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

WHEREAS, Donald A. Schueckler, Jr., a volunteer fireman of the Williamsville Fire Company has been elected as a regional representative to the New York State Association of Fire Chiefs, and

WHEREAS, by virtue of his position it will be necessary for him to do extensive traveling throughout the State of New York, and

WHEREAS, Donald A. Schueckler, Jr. has also been elected to the Erie County Fire Advisory Board, and

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WHEREAS by virtue of this position, it will be necessary for him to do extensive traveling throughout Erie County, and

WHEREAS, in order to ensure that he is covered during such travels and while on official duty of the New York State Association of Fire Chiefs and the Erie County Fire Advisory Board, by volunteer firemen benefits provisions, his travel must be approved by the Village Board of the Village of Williamsville, and

WHEREAS, it is in the public interest that he pursue such activities with the New York State Association of Fire Chiefs and the Erie County Fire Advisory Board,

NOW, THEREFORE, BE IT RESOLVED that Donald A. Schueckler, Jr. a volunteer fireman of the Williamsville Fire Company, is hereby authorized to travel throughout Erie County and the State of New York and such other locations as may be necessary from time to time in order to carry out his duties as a regional representative of the New York State Association of Fire Chiefs, and as a member of the Erie County Fire Advisory Board and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Donald A. Schueckler, Jr. and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Public Employees Risk Management Association, 119 Washington Ave, Albany, New York and

BE IT FURTHER RESOLVED that the Village Clerk be authorized to carry out the instructions of this resolution. This resolution shall remain in effect until December 31, 1992.

Unanimously carried.

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

WHEREAS, Paul Oehmler, Jr., a volunteer fireman of the Williamsville Fire Company has been elected as Chairman of the Firemen's Association State of New York Emergency Medical Services, and as regional representative to the Legislative Conference, and

WHEREAS, by virtue of his positions it will be necessary for him to do extensive traveling throughout the State of New York and

WHEREAS, in order to ensure that he is covered during such travels and while on official duty as Vice Chairman of the Fireman's Association State of New York Emergency Medical Service and as representative to the Legislative Conference by volunteer firemen benefits provisions, his travel must be approved by the Village Board of the Village of Williamsville, and

WHEREAS, it is in the public interest that he pursue such activities with the Firemen's Association State of New York and the Legislative Conference,

NOW, THEREFORE, BE IT RESOLVED that Paul Oehmler, a volunteer fireman of the Williamsville Fire Company, is hereby authorized to travel throughout Erie County and the State of New York and such other locations as may be necessary from time to time in order to carry out his duties as Chairman of the Firemen's Association State of New York Emergency Medical Services and as a representative of the Legislative Conference, and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Paul Oehmler, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Public Employees Risk Management Association, 119 Washington Ave, Albany, New York and

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BE IT FURTHER RESOLVED that the Village Clerk be authorized to carry out the instructions of this resolution. This resolution shall remain in effect until December 31 1992.

Unanimously carried.

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

WHEREAS, Irv Lorich, a volunteer fireman of the Williamsville Fire Company has been elected as a regional representative to the Legislative Conference, and

WHEREAS, by virtue of his positions it will be necessary for him to do extensive traveling throughout the State of New York and

WHEREAS, in order to ensure that he is covered during such travels and while on official duty as a representative to the Legislative Conference by volunteer firemen benefits provisions, his travel must be approved by the Village Board of the Village of Williamsville, and

WHEREAS, it is in the public interest that he pursue such activities with the Legislative Conference,

NOW, THEREFORE, BE IT RESOLVED that Irv Lorich, a volunteer fireman of the Williamsville Fire Company, is hereby authorized to travel throughout Erie County and the State of New York and such other locations as may be necessary from time to time in order to carry out his duties as a regional representative of the Legislative Conference, and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Irv Lorich, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Public Employees Risk Management Association, 119 Washington Ave, Albany, New York, and

BE IT FURTHER RESOLVED that the Village Clerk be authorized to carry out the instructions of this resolution. This resolution shall remain in effect until December 31, 1992.

Unanimously carried.

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

WHEREAS, Robin Schott, a volunteer fireman of the Williamsville Fire Company has been elected as a regional representative to the Legislative Conference, and

WHEREAS, by virtue of his positions it will be necessary for him to do extensive traveling throughout the State of New York, and

WHEREAS, in order to ensure that he is covered during such travels and while on official duty as a representative to the Legislative Conference by volunteer firemen benefits provisions, his travel must be approved by the Village Board of the Village of Williamsville, and

WHEREAS, it is in the public interest that he pursue such activities with the Legislative Conference,

NOW, THEREFORE, BE IT RESOLVED that Robin Schott, a volunteer fireman of the Williamsville Fire Company, is hereby authorized to travel throughout Erie County and the State of New York and such other locations as may be necessary from time to time in order to carry out his duties as a regional representative of the Legislative Conference, and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Robin Schott, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Public Employees Risk Management Association, 119 Washington Ave, Albany, New York, and

BE IT FURTHER RESOLVED that the Village Clerk be authorized to carry out the instructions of this resolution. This resolution shall remain in effect until December 31, 1992.

Unanimously carried.

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

WHEREAS, Evor Williams, a volunteer fireman of the Williamsville Fire Company has been elected as a regional representative to the Legislative Conference, and

WHEREAS, by virtue of his positions it will be necessary for him to do extensive traveling throughout the State of New York, and

WHEREAS, in order to ensure that he is covered during such travels and while on official duty as a representative to the Legislative Conference by volunteer firemen benefits provisions, his travel must be approved by the Village Board of the Village of Williamsville, and

WHEREAS, it is in the public interest that he pursue such activities with the Legislative Conference,

NOW, THEREFORE, BE IT RESOLVED that Evor Williams, a volunteer fireman of the Williamsville Fire Company, is hereby authorized to travel throughout Erie County and the State of New York and such other locations as may be necessary from time to time in order to carry out his duties as a regional representative of the Legislative Conference, and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Evor Williams, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Public Employees Risk Management Association, 119 Washington Ave, Albany, New York, and

BE IT FURTHER RESOLVED that the Village Clerk be authorized to carry out the instructions of this resolution. This resolution shall remain in effect until December 31, 1992.

Unanimously carried.

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

WHEREAS, Michael Wutz, a volunteer fireman of the Williamsville Fire Company has been elected as an Executive Committee Representative to the Firemen's Association State of New York, and

WHEREAS, by virtue of his positions it will be necessary for him to do extensive traveling throughout the State of New York, and

WHEREAS, in order to ensure that he is covered during such travels and while on official duty as an Executive Committee Representative to the Firemen's Association State of New York by volunteer firemen benefits provisions, his travel must be approved by the Village Board of the Village of Williamsville, and

WHEREAS, it is in the public interest that he pursue such activities with the Firemen's Association State of New York,

NOW, THEREFORE, BE IT RESOLVED that Michael Wutz, a volunteer fireman of the Williamsville Fire Company, is hereby authorized to travel throughout Erie County and the State of New York and such other locations as may be necessary from time to time in order to carry out his duties representative to the Executive Committee of the Firemen's Association State of New York, and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to Michael Wutz, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Public Employees Risk Management Association, 119 Washington Ave, Albany, New York, and

BE IT FURTHER RESOLVED that the Village Clerk be authorized to carry out the instructions of this resolution. This resolution shall remain in effect until December 31, 1992.

Unanimously carried.

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Trustee Kelly reported that the Youth and Recreation Committee has discussed the upcoming Winterfest. He thinks it's time to start praying for snow so we don't have the problems we had last year.

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

Unanimously carried.

Trustee Kelly stated we have an interested citizen who would like to serve on the Youth Board Committee.

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

RESOLVED THAT Michelle Giacobbo, 90 Monroe Drive is hereby appointed to the Youth Board until the end of the 1991-1992 official Village year.

Unanimously carried.

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

Unanimously carried.

Trustee Kelly stated we have recently decided to switch from State Insurance Fund for our Workers Compensation to the Public Employees Risk Association, otherwise know as PERMA, for several reasons. Although it is slightly more expensive, pennies more, we get much more in benefits. They're very aggressive in following up the necessary paperwork to take care of people who are injured on the job and perhaps most importantly, they come in free of charge and give seminars to the public employees on ways to prevent injuries.

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

RESOLVED THAT Mayor Daniels is hereby authorized to sign membership agreement with PERMA (Public Employee Risk Management Association) for Worker's Compensation Coverage for the period December 21, 1991 - May 31, 1992.

Unanimously carried.

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

RESOLVED THAT Mayor Daniels is hereby authorized to sign Change Order #4 for DPW Reconstruction - Adema Heating & Air Conditioning Inc. in the amount of \$370.00 as follows:

- 1) Installation of a new thermostat and control wiring for the Unit heater located in Bay No.1 and 2.
- 2) Revisions to the HVAC ductwork.
- 3) Relocation of the Gas line

Unanimously carried.

Supervisor of Public Works, David Laubisch reminded residents that Christmas and New Years both fall on Wednesday this year which is a regularly scheduled pick up day. We do not pick up garbage on Christmas and New Years. Regular Wednesday pickups will be on Thursday, Thursday pickups will be on Friday and Friday pickups will be on Saturday. In other words, from Wednesday on, garbage pick up will be one day later than normal. The only holidays we recognize are Thanksgiving, Christmas and New Years.

David Laubisch also took this opportunity to wish all the board members and all the Village residents Happy Holidays and a healthy and prosperous New Year.

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

Unanimously carried.

Bob Krieter, 62 Eagle Street, stated he went to a Board of Appeals meeting about 4-5 weeks ago regarding people on South Long wanting to pave their front lawn. He's not concerned with the compromise that was reached as much as the rationale of the Board of Appeals and how they allowed them to do it.

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Trustee Kelly stated we as Board members have no control over what the Board of Appeals does. They are set up by New York State laws and we don't have any control over the way they rule. He thinks what Mr. Krieter may have been referring to is the Board members were discussing how the court above them would rule if their decision was appealed. It was their opinion that any court above them would allow the parking spaces given the fact that this building is in a commercially zoned area and that all the buildings across the street had paved front parking. He personally didn't want to see any parking go in there either. We as Board members don't have any control over how they rule.

Attorney Troy stated this is an independent body created by the State of New York under the provisions of the New York Village law and it has it's own standards and it's own methods. It's meeting, as you saw that night, was open. There was nothing hidden. There were no secretive meetings or anything like that. It was all before the public. It's all on the public record. He does not comment on the Board.

Mr. Krieter stated to Attorney Troy he doesn't have a question so much as the way the decision was reached because it's fine. In determining your ruling to the board and determining their decision you stopped and you said maybe 6 or 7 different criterias. You said you can't rule on the first 5. You can only rule on the last 2. Why?

Attorney Troy stated simply because the reason for that was that the courts, particularly the Court of Appeals have drawn distinctions in the types of variances which are being sought. In this case it was an area variance as opposed to a use variance. The criteria are in fact different. They have been established differently by the Court of Appeals. This board has to follow the rulings and decisions of the Court of Appeals in arriving at it's decisions.

Mr. Krieter stated he doesn't understand why we can say we can ignore those criteria.

Attorney Troy stated the Board of Appeals has drawn a distinction as to the strictness and the nature of the standards which have to be applied in each type of variance. The Board was approaching it on too strict of basis in this particular case and he cautioned them on it. That's all. He will no longer have to caution them because after January 1st of 1992 those distinctions are going to be embedded right into the law. There won't be any more problem. The law was amended in the past session of the legislature and as of January 1, those standards are for everyone to see, right in the law.

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Walter Pacer, 87 Monroe stated he really is angered by the Village Justice issue. When he read the Amherst Bee, it indicated that, he thinks the quote was attributable to Mayor Daniels, the Village was saving money by appointing Robinson Justice. It looks to him as if we're spending \$1,000 in tax payer money for 3 months of work when we don't have to. When he asked 2 weeks ago if anybody had even looked into how much the Acting Justice had worked over the course of the last year, the question was designed to elicit some kind of statement ~~(from)~~ the Board exhibiting some kind of homework done. He didn't know that Justice Robinson had worked as little as Trustee Kaye has indicated. Mr. Pacer understands that as an Acting Justice he works under extenuating circumstances. That is the reason why the Acting Village Justice position was created, probably over funded. This is just one more extenuating circumstance and in his opinion an example of larges that this Village doesn't have and can ill afford to spend. We could have saved \$1,000. Did anyone here ask, as Trustee Lowther indicated, whether Justice Robinson who is now not going to be sitting on the Town level as of January 1, would be willing to sit for the salary that he was getting over the course of the last year as Acting Justice. Mr. Pacer wondered if Mayor Daniels was going to go to the papers and retract that statement that indicated that the Village in essence was saving money by appointing him as Acting Justice at Sharon Townsend's salary when in fact it appears that we have spent an extra \$1,000 or thereabouts to put him in a position that presumably given what his job proposal entails could have done with the \$1,600.

Mayor Daniels stated he will not retract any statement because the statement is true. We are saving money over the taxed and budgeted amount in the Village Justice department of \$400.00.

Mr. Pacer stated that's a misrepresentation of the facts.

Mayor Daniels stated there are two ways to look at it. Mr. Pacer is looking at it from one side and he's looking at from the other. Each one has positives and negatives. You're welcome to your opinion which you've expressed. Mayor Daniels is welcome to his and as this Board did a meeting ago, approve that unanimously.

Mr. Pacer stated Mayor Daniels went to the papers and chose what he considers a deception and used a misrepresentation in terms of what this Village is saving.

Mayor Daniels asked if he is saying we are going to be over budget in that department because of the \$1,000?

Mr. Pacer stated you're saving \$400.00 but you're spending \$1,000.

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Mayor Daniels stated no, of the budgeted amount, \$400.00 will not be spent in this fiscal year. That's a savings of \$400.00 which can be carried over until the next year.

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

Unanimously carried.

Mayor Daniels thanked everyone for attending. He wished everyone a Merry Christmas and a Happy and prosperous New Year. We will certainly do all in our power as a Board to make that a very fiscally responsible one as well.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to adjourn at 8:29 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer