

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 13, 1992 at 7:32 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

ON MOTION by Trustee Hayes, seconded by Trustee Kaye, it was moved to open a public hearing at 7:32 P.M.

Unanimously carried.

The Clerk read the notice of public hearing being held December 9, 1992 at 7:30 P.M. in the Village Hall, 5565 Main Street, Williamsville, N.Y. for the purpose of hearing all persons interested in discussing a proposed local law which would create the position of Village Administrator.

Trustee Hayes stated when the Local Government Advisory Board was created last June, it's primary mission was to function as an agency for the introduction and consideration of proposals for more efficient and effective government. Since it's creation, the Local Government Advisory Board has been active in studying the proposal to create a full time manager position. In the Village of Williamsville, the elected officials, Mayor and four member board Trustees have always functioned as part-time policy makers in establishing the routines and procedures for the administration of our local government. That form of government has been extremely successful over the years in delivering high quality services to residents and taxpayers at the lowest possible cost. Mostly because village government is closest to those who it serves, it is superior to other levels of government that affect our daily lives. When events go along as they should, village government functions more effectively and efficiently than any other level of government. Despite the historic success of our village government, those of us who serve as elected officials have the responsibility to continue to build on that record of success and increase our efficiency and effectiveness in helping meet the needs of our community. The Local Government Advisory Board has identified the creation of a position of Village Administrator as a possible tool to do just that. The proposed local law that is the subject of this public hearing is the result of many hours of careful research and deliberation by the all volunteer Local Government Advisory Board.

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The board is comprised of members with many diverse opinions who represent the concerns of many different traditional segments of our village community including schools, churches youth, environment, planning and government. Trustee Hayes is extremely proud of the work that this fine advisory board has undertaken and he wishes to publicly thank them for their efforts. It is most important, however, that before making a decision on a proposed local law, this board receives input from the public. The proposal that we have before us comes along with the recommendation that the creation of the Village Administrator's position be done at no net increase in cost to village taxpayers. This is a very important point and it has been emphasized at almost every phase of the deliberations of the Local Government Advisory Board. If created, the Village Administrator will be empowered to enforce and supervise the policies of the village board on a full-time basis. This is desirable because it will eliminate the duplication of efforts that waste taxpayer's money and often go undetected because of the part-time status of village elected officials. If this proposal is adopted the village will operate under a board manager plan. The Administrator will not run the government. The people do through their elected officials. The Administrator will serve as a full-time manager bringing the community the benefits of specialized training and experience in administering village governments staff, projects and programs on behalf of the village board. The village board will retain it's powers as our legislative body. It will continue to establish all local laws and policies, determine the annual tax rate. The Administrator form of government is not something new. Our community gave it initial consideration back in 1974 and then again in 1989. More than 3,000 communities throughout the United States have this form of government and an average of 75 additional American communities adopt this type of government every year affecting the lives of almost 100 million Americans. In our area, Angola, Blasdell, E. Aurora, Gowanda and LeRoy have Administrator forms of government. We are most interested in hearing your comments on the effect this proposal would have in the Village of Williamsville.

Dr. Guthrie, 76 Academy Street stated he thinks that the proposed Administrator form should be the subject of referendum. This would be convenient to carry out at the next election. Butz Avery and he have talked about it. Dr. Guthrie is speaking for him as well as himself. He thinks that would be the best way to get the opinion of the whole community.

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Attorney Troy stated if he understands Dr. Guthrie's questions, it's must the adoption of this adoption of this local law involve itself in a permissive referendum or is that essential to it? As a general rule, referendums, unless mandated by statute, either mandatory or permissive, are void and have no legal effect. He assumes that to be correct. Trustee Kaye offered Attorney Troy an item that talks about establishing a village manager program. He refers to Article 18 in the Village law. It appears to him that there doesn't seem to be any reference to the appointment of a manager if the board creates the local law itself requiring referendum. However, it does seem to state in Article 18 of the village law that if we establish a village commission for the purpose of studying the desirability of such a program, in that event they clearly talk about a permissive referendum. However, that's not what the board is doing here. At this point, he is standing by his earlier position of this evening and ~~that~~ a referendum is not required; however, if research indicates that it is required, he is sure the board is certainly going to be happy and willing to comply with the requirements of the law in a matter such as this. It would appear that they make a distinction between the appointment of an establishment of a village commission to study the feasibility of such an adoption and the actual adoption of such a managerial post itself. In the case of the commission, they do require that it be by referendum. They don't seem to say so in any other case, which is the alternative route that this board is using.

Richard Sweeney, 325 Mill Street, stated he would like to pursue a little further the topic of mandatory referendum. In reading over his New York Conference of Mayors Village Officials manual there is clearly a statement that any local law that would curtail or transfer the duties of an elected official is subject to a mandatory referendum. He thinks some of the powers that are proposed, there's a subtlety between delegation of authority and transferring as what he sees now as some of the appointment and financial responsibilities of the Mayor and Village Board that would go to the Village Administrator. In his mind the issue comes out in favor of that local law being subject to a mandatory referendum. His understanding would be that the referendum would have to begin something like 30 days or should be held 30 days after the enactment of a local law.

Attorney Troy stated if he understands Mr. Sweeney correctly, Mr. Sweeney is saying the board has to have a mandatory referendum if the powers of any elected official are curtailed. Section 6 of this proposed law states clearly "Nothing herein contained shall be deemed or construed as abolishing, transferring or curtailing any powers or duties of the Board of Trustees of the Mayor or other village officer as prescribed by the village law or other applicable laws of the state". That would seem to Attorney Troy to ~~negate~~ the likelihood that there is a transfer of power here.

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Mr. Sweeney stated there is that statement there but he sees the other duties of appointment of department heads and other things. There is a distinction between delegation of authority and transfer and he thinks we're splitting hairs here. To him, that simple statement that this local law does not create a transfer doesn't hold.

Attorney Troy stated he has to go by what the proposal says. The proposal quite clearly says it is not intended to do so and he is going to have to rule on that basis that he doesn't think a mandatory referendum would be applicable here at all. He is saying there is some slight possibility in line with Dr. Guthrie's question, that there may be a remote possibility that a permissive referendum, that would have to be initiated by the public and not by this board. He will advise the board in adequate time so that the public will have an opportunity if they wish to initiate a referendum.

Robert Bindert, 39 Garden Parkway stated it was 2 or 3 years ago that this same proposal came up when he was sitting on the village board as a trustee and he believes it came up prior to that too. The objection to it always has been that what you are doing is creating another tier, another level of government. You would be taking away from some of the existing powers that a trustee has. If you don't have a trustee or the mayor sitting in, in charge of the DPW, then you do not have direct access to an elected official, someone that is voted into office. You have someone who is appointed. That is on the down side. On the up side, he knows Terry has done an excellent job in her present job as Village Clerk and she's done a remarkable job all through the years. He has nothing against her personally but in all honesty, if he was sitting on the board here, he really wouldn't want to have someone taking away some of his powers as a trustee or a mayor. If she doesn't get the money this time around, she surely will later on. You are going to be giving her a lot more duties than she presently has now. It's just plain economics. You're also appointing tonight a part-time secretary to the DPW. That's another new position created. It might only be a couple of thousand of dollars but for people that ran on let's keep taxes down, this is increasing taxes. It's a little bit here and a little bit there.

Trustee Hayes stated with regard to the matter of hiring a part-time person and that's up on the agenda for discussion later at the meeting, he thinks Mr. Bindert will find the board allocated monies for funding that position out of currently budgeted funds so no new funds will be needed to create or fund that position.

Trustee Hayes stated with regard to Mr. Bindert's position on the powers of the Village Board, he thinks that was adequately responded to by the Village Attorney.

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Eric Alcott, 46 Stanton Road stated as a village resident and a member of the Local Government Advisory Board, he speaks in support of creating this Village Administrator position tonight. He was the one charged on the committee with pulling together the materials and examples that we gained from other municipalities to assist in putting this draft together. He had the opportunity to read over several of these local laws and he thinks it makes a great deal of sense for several reasons. Primarily, he believes as the overall tax situation in New York State continues to deteriorate, the very existence of Village governments may be called into question as taxpayers look for ways to reduce their taxes through consolidation of governmental services. He doesn't believe the residents of Williamsville would desire being absorbed into a town or municipal form of government structure. Therefore, he thinks it makes good sense that the Village of Williamsville have the foresight to create this position in order to more closely oversee village expenditures and to plan more thoroughly for the future. This would keep village taxes as low as possible and coordination with other governmental agencies on terms most beneficial to the village. With regards to the local law, overall he trusts that the village board will approve an arrangement that provides for the necessary checks and balances between the board, village residents and the Village Administrator. In other words, he would like to see the local law provide for the village retaining a competent Administrator even as the membership of the village board changes throughout the years. He feels the local law should provide the flexibility for a new coalition of board members to make a change depending on what the particular issues may be involved in that particular year. With this in mind, the board members may want to re-examine Section 2B of the draft proposal and discuss whether the term of office or contract period, whichever comes to be called, should run concurrent with the mayor's term of office in light of the fact that the mayor recommends a candidate to the full board for approval. Regardless of how that is resolved, he believes that proper checks and balances should protect this position from constant turnover due to partisan politics unless of course there is gross misconduct of duties. Finally, he agrees that this position should be adopted with no additional expense to the village.

Harmon Whipple, 51 Garden Parkway stated he can't see how the board can say that this doesn't take away from the functions of the elected officers when one paragraph says conduct regular and systemic review of all village government functions and activities for the purpose of improving efficiency, economy and quality of service to the village residents. That is exactly what we elected the village board and the Mayor to do. If that isn't taking away from an elected officer's duties, what is? 2) Mr. Whipple stated that Trustee Hayes said in the first part of his announcement that the Administrator would be setting policy but he would not have to be a village resident. That is not right.

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Trustee Hayes stated in regards to Mr. Whipple's statement about setting policy, if Trustee Hayes said that he stands corrected, the person would administer the policy as established by the village board. The person would be an Administrator, not a policy maker. It is the responsibility of the village board to establish all policies and procedures and local laws.

Trustee Hayes stated with regard to not needing a mayor, the way he reviews the proposed local law is having a Village Administrator who would augment and who would add to the responsibilities that are currently being held by the village board and the mayor and that we certainly would continue to need a mayor and a village board to establish those policies we expect the Administrator to carry out under our legal oath of office.

Mr. Whipple stated it should at least be a village resident.

Trustee Hayes stated that is a good point. The job description that Mr. Whipple is referring to that was attached is not provided for in the local law. Trustee Hayes would draw the distinction in saying that what we have attached is a job description that the Village board could use as a tool when it was interviewing potential individuals to be hired as Village Administrator. If the suggestion is being made that this position should be limited to village residents only, that's an excellent suggestion that he thinks the board should consider.

Walter Pacer, 87 Monroe, stated he noted there are approximately 16 villages in this county and only 4 of those villages have the proposed type structure. He notes that he was fortunate enough to attend, also, a number of the meetings that had to deal substantively with this proposal. He's not certain that this isn't being acted on rather hastily. As he read over the material that he's received concerning the proposal, including memos written by Terry Cummins to the board, etc, it occurs to him that other alternatives were not explored by the Government Studies Committee. It seemed to him going in that while the board was discussing the issue, that the board went in with the idea, on his observation of this, that Terry Cummins had in March of this year, he thinks in March of last year and it had been proposed previously that we go and validate an Administrator's position or the need for one. Other alternatives were not discussed. He does not recall extensive, if any, discussion as to what responsibilities the liaisons to the committees or the DPW would abdicate as a result of Terry Cummins taking over certain functions. He notes in one of her memos of October 11, 1991, she indicates that the position frees the village board from tedious time consuming routine administrative tasks and lets them concentrate on the important issues facing them. He doesn't know and he doesn't think the Government Studies Group know what tasks the liaison or the board members do.

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He does understand and agree with some of their comments that the board created another tier, another level away from the populous as a whole. He would have thought, perhaps, there would have been some exploration into what the village can do other than adopt this proposal, whether the liaisons can take more responsibility on for liaison, whether they have that responsibility and have not been handling that responsibility well. He looks at the issue raised by Terry, whereas, in the very same memo, there was an extensive amount of overtime granted to DFW that she might have been able to do something about it had she known that vouchers were being submitted for payment for overtime. She had the authority to okay that overtime in advance. We also have a department head, we also have a liaison to that department. We've got tiers right there and now presumably to do something. If they don't have that power then he agrees with other statements that if they do have that power and it's not being used and she's taking that power over then he can see that it's a substantive change and then he thinks it has to be a mandatory referendum. He thinks that aspect has to be explored further. He doesn't think you can just, in essence, pay lip service for what she may be doing, call it ~~not~~ substantive change in what the board is supposed to be doing perhaps and then pass this without a referendum, permissive or mandatory. He thinks it becomes mandatory if the functions are substantially changed. He also noted and thinks this was a concern of a lot of members of the Government Studies Committee that yes, maybe next year Terry will come back, we've been fortunate in this Village to have Terry Cummins assume maybe duties that she doesn't even have to assume. Should Terry leave, there is a lot of concentrated discussion on what happens when we get somebody else in. Are we going to need more money? He noted that Kevin Lester, one of the board members when this was voted on, mentioned that since she is assuming more duties, he'd be inclined to give her an increase in salary. He also notes that Don Schueckler mentioned in many meetings that he was afraid of what would happen in the future should Terry leave. You've got a position that was created, whether out of this year's funding or not, you created a part-time position. In another memo by Terry Cummins she said that part-time position would be used to take away from some of her duties so presumably, she'd have more time to focus on these duties. In essence, the Board has attempted to create 2 positions. The board has created one already, a part-time position. Now, you're attempting to create a second one, another layer as it were. To use the Mayor's own words from the last meeting, whatever you do, "if a person assumes more responsibility I feel they're worth more money". That was in relation to a different issue and he assumes we are going to see the taxpayers at some point in time paying more money.

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Trustee Hayes stated regarding Mr. Pacer's first point about hastily reviewing this, he reminds him, as Mr. Pacer knows since he has been part of the discussions of the Local Government Advisory Board, that this discussion began back in June. As Trustee Hayes stated in his introduction, the Local Government Advisory Board was created initially for the purpose of considering proposals that may come up from time to time to increase the efficiency and the economy of local governments. Yes, this has come up before, it came up in previous years. It was similarly dismissed or not looked into with as much depth as it has been looked into on this occasion. Certainly there have been no other citizen panels that he is aware of that have studied the proposal in the past.

Mr. Pacer stated the board spent a total of 3 meetings without looking for the cons. You looked at the pros of this but you didn't look for the potential cons. You had a total of 3 meetings. One meeting lasted 20 minutes, another lasted an hour and on those agendas not everything had to do with administrative position. He's simply saying maybe before the board goes much further, perhaps the board should give it some more thought, maybe some more inquisition. The other 12 villages in Erie County that haven't adopted this proposal or the myriad number of others across the state that haven't or the one mentioned in one circular that tried by referendum to revoke the Administrator position that he found in some circular he received. Just find out the cons to this. He didn't come here and say the adverse effects of creating this of what we're giving up and what in respect to that.

Attorney Troy stated in the document where it talks about Plan Adoption Procedures in villages it ought to put to rest the question of the need for a referendum. "While municipal home rule law Section 24K requires a referendum to either create or abolish the office of Village Manager, no such referendum is required where the office of a Village Administrator is involved." That's what they're creating here, a Village Administrator, not a Village Manager. This comes from New York State.

Attorney Troy stated he's not taking a position on Mr. Pacer's argument. He's simply pointing out on the question of referendum which Mr. Pacer and two other speakers addressed this evening. He pointed out that he wants to stand on his original position on this. This apparently appears to support it.

Trustee Hayes stated Mr. Pacer's point about the responsibilities of the liaisons under the new plan is well taken. He thinks what should happen in the interim before this local law is moved for adoption by this board is that perhaps a more in depth explanation should accompany it with regard to those specific functions.

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Trustee Hayes stated Mr. Pacer's position about the pay of the Village Administrator was of great concern to the Local Government Advisory Board and he would refer Mr. Pacer to the October 17th minutes of that board meeting in which a very intense dialogue was held by all the members of the board where they asked some in depth questions about the pros and cons, the dangers, the advantages, the disadvantages of the position. It was not a question of bringing this suggestion to the board to try to get some kind of a validation, he believes an open discussion of it was undertaken.

Trustee Hayes stated with regard to Mr. Lester's comments, he believes those are his comments about raising the salary of a village official and he's not a member of the village board. That will be something the village board will have to decide in the future. Certainly the economies that would be brought to this village by a Village Administrator, he thinks, would be of great benefit to our entire village and our government far superseding a modest increase that might be requested at some point in the future. That would be for the village board to decide and discuss based on current monies that are available, current financial situation in the village. At this point we are seeking no net increase in cost to village taxpayers and that's been our mandate all along from the village residents and also from the Local Government Advisory Board.

Nancy Drost, 40 Park Drive asked what is the difference between a Manager and an Administrator? She believes Attorney Troy mentioned we didn't need a referendum if it was going to be a Village Administrator.

Attorney Troy stated he thinks she can assume from the fact that you need a referendum for a Village Manager that the position of Manager obviously absorbs responsibilities which were previously those of the board. Whereas Attorney Troy doesn't believe, and he thinks quite clearly this law so states, that an Administrator does not do so. A Manager has inherent statutory authorities and he does take powers from the board. A Village Administrator does not do so.

Ms. Drost stated the board is not intended to be that way. She stated this is one thing that bothers her because being that we're human beings and not perfect, she has a lot of intentions that don't end up the way they were intended. Being a political body, and the village is a political body, it's politics basically, it has been up until now. She's not so sure that there wouldn't be politics involved or usurping perhaps. It doesn't have to be but she thinks it could be. She doesn't know if anyone here saw the article on the Town of Batavia. It is a town of 6,000 people. They have a supervisor and so forth. One of the problems is that some officials did not like the supervisor for whatever reason. So now they have this Administrator and she feels her duties are being taken away.

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She does think it brings up in this article some of the worse things that could happen, hopefully they wouldn't happen in the Village of Williamsville. We have no guarantee. She knows as a village resident, somebody who has worked very hard and has been very interested in village and town politics for many years, she loves the idea of one dinky little square mile with it's own government. So if she has a complaint or if when wants some information she can call somebody that she has helped to elect or that she voted in the election. She doesn't like the idea of calling someone who was appointed. That was one of the reasons she got out of her involvement in the Town of Amherst. She personally feels that the worst thing for the town is all the appointed people with power in the town. This bothers her and she sees the same thing happening in the village. It really scares her. The other thing that bothers her even more is the money. She thinks Mrs. Cummins has done a great job and it's not a personal thing but how do we know, down the road, who else might be in it? If she were a politician and she didn't like the Mayor or she wanted more clout and she had some people on her side, she would try to appoint her own man or woman and she thinks this is what could be done in the future. It may not be anybody on this board but she thinks it's a very dangerous situation. She'd also like to know how do you get rid of this type of government. That was one of the problems in the article for Batavia. Is there a "democratic" consistent way? How would this be brought up? Let's say we had one and there was a lot of dissention a lot of people that didn't want it. Let's say the people up here didn't want it. Is there a special procedure you would have to follow? Who would make the decision?

Trustee Lowther asked does she mean the person or the type of government?

Ms. Drost asked how would it be settled? According to this article, they're arguing about how they can abolish the job. It may sound like an elementary question but apparently it's been brought up before.

Trustee Hayes stated the response to her question is if the law was something that met with public outcry, the public could petition the village board to repeal the local law that established the position of Village Administrator. If it were a position or an individual or a personality that the village opposed there is a discharge clause in the local law that says the majority of the village board may at any point discharge that person from their duties subject to their term in office.

Ms. Drost asked could it be a board vote?

Trustee Hayes stated for the person or for the personality. If it were for the form of government the local law would have to be repealed by the village board which would be just as easy as having it enacted.

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Ms. Drost asked why this was thought of as such an important thing? She wondered if the village was a corporation now. In a way we are in some ways. She just can't see the need for it. She's been involved in the village for years. She probably knows a little more than the average village resident. What brought this to such a swift vote? Is there a pressing need some of us are not aware of?

Trustee Kelly stated the village is a corporation set up by the state of New York as a corporation. It legally is a corporation. He is a new board member. Trustee Hayes is a new board member. Some of the things they ran on were reducing the costs of government. In fact the budget that was adopted this year reduced the budget from the year before. Last year's budget was about 1.9 million and this year is 1.7 million. Probably for the first time in the history of the village the actual budget is less than the year before. When he got involved, for example, he is in charge of the Building Department as liaison for permits and inspections, Trustee Hayes is in charge of the Fire Department, Trustee Kaye is in charge of some departments, the Building Department answers to the board. They need to purchase something, we do it if it's in need. The same with the Fire Department. The same with the DPW. What we're finding out is that they all need certain things. If you buy them in bulk you save some funds. We need someone to administer that. We're part-time people and probably work a lot more than part-time hours here. We need someone there that can, for example, if you have to buy paper, let's buy it for the whole village. Let's make one decision to buy it. First of all, buying it in bulk saves money; secondly, we can keep better track and better records of why things are done that way. If each department is doing their own thing, you don't have everyone working together for a common goal. If we were all full-time elected officials, we probably wouldn't have the need for a Village Administrator because we would all be here on a full-time basis. He probably works 30 hours a month doing this and he knows some of the other board members work substantially more than that. He doesn't think the public can expect more than that from them. One of the purposes of a small government is that we can do these sorts of things. If we have someone doing those day to day tedious little tasks, like who needs paper, for one example, it can let the board do more things like setting policies, deciding on how we want to do things, more in depth studies into our water department. We can save funds, wind up studies on our lighting situation, free us up for more of those things instead of walking around saying gee, do we need more pencils, do we need more paper. It's not unlike a corporation and he thinks Ms. Drost brought up a very good idea. You have a Board of Directors for a corporation that sets policy and you have someone directly answerable to the board to make sure things are done properly on a day to day basis.

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He's heard everyone come up and talk about what about all the cons and there probably are some small cons but no one brought any to Trustee Kelly's attention. He sees the situation they have and he's fairly familiar with the Batavia situation. We could have the same situation with just a Village Clerk/Treasurer. If you're unhappy with the employee you've got a problem. He, personally, likes the idea of knowing he can go to one person to find out what is being spent in several departments at once rather than chasing all the people around. One of the other issues is the fact that, he did it tonight, he's in charge of the Youth Board, there was a \$30.00 voucher he had to sign. From time to time they don't get to him because he has to route through different departments for a few days. Personally, he doesn't think people should be running around looking for him to sign a \$30.00 voucher. We approve that in our budget initially and the Village Administrator knows that and can pay the bill rather than chasing us around for that. He doesn't think the board is abdicating any of it's roles in how they run the village and certainly the board is answerable to the people for that.

Mrs. Drost asked what about the staff that the board has? Couldn't Terry or whoever would be signing those vouchers and couldn't a Secretary/Clerk do the ordering?

Trustee Kelly stated the problem you have is what's occurring. The Building Department needs some ordering. They need some items. They go and order it. It's in their budget. They can do it. They're not checking with the Village Administrator to see if another department needs similar things. Another example is the DPW. There are some ways we can have some cost savings there where we can bid out fully as a village government and say "okay, you, Mr. Distributor, you're going to supply these things to us for x, y and z prices". It's substantially cheaper than having one department go and pay for it. The Building Department is not answerable to Ms. Cummins. They're answerable to Trustee Kelly. If they need an item and it needs to be gotten, he approves it. He doesn't know fully what's going on in another department that Trustee Kaye is taking care of, whether they need paper or whatever. They are petty things. That's exactly why we should have the Administrator taking care of the petty things. He thinks from what he's read and what he's looked into, that the Village Administrator position can save us considerable sums of money because each part of the company, the corporation, is going to know what's going on. She's going to realize that one department needs to order things, another department has to, a third department has to. She can order it all at once. It can come into her and be pushed out to departments that need it.

Ms. Drost asked if we have a computer system in the village? She's not convinced that the Clerk/Treasurer could not delegate those to the staff.

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Trustee Kelly stated the staff of the Building Department is not answerable to the Clerk/Treasurer. It's answerable solely to the board. The Fire Department is not answerable to her. It's answerable solely to the board. Same with all the other departments. The departments will still be ultimately answerable to the board but now you have someone that can take care of those little minor, tedious day to day functions.

Ms. Drost asked anotherwords the Administrator is strictly dealing with pens, pencils, ordering, nothing vaguely reminiscent of politics or decisions or omitting something?

Trustee Kelly stated is she going to determine what our budget is going to be. No, she doesn't do that now and she's not going to do that in the future. That's what the board does. Is she going to determine whether we're going to negotiate with this company or that company? No, the board is going to determine that. Is she going to determine who the head of the DPW is going to be? No, the board is going to do that. Is she going to manage the paperwork and save the village some money? That's what it's for.

Ms. Drost asked if Trustee Kelly has talked with other villages that have that?

Trustee Kelly stated he's talked to a couple on his own. He hasn't gone into as much depth as the committee we set up for that.

Ms. Drost stated it seems to her there wasn't a lot of basic facts being given, although you don't know for sure how things are going to turn out. She thinks a lot more studying needs to be done. Some of these questions that people have been asking tonight, even though the board can't answer definitely everything, she's not really convinced that there isn't a better way. She still thinks there is a danger of the politics getting involved or we wouldn't have these stories in the paper like this. It brings up the worst scenario, maybe, but maybe it's not that unusual. They're arguing about the budget. Apparently the Financial Administrator did set up the budget. You can maybe have somebody approve something. The town board approves development, but on the recommendations the studies of a lot of different groups. That's just one example. There's a lot of power in politics going into preparing things for people to vote. We can't expect perfection and she can see a lot of problems. Let's say the Administrator gets together the budget, prepares it or get the facts together. A budget can be prepared and everybody thinks everything is included. How do we know? There are a lot of arguments and ways to do the budget.

Trustee Kelly asked Ms. Drost what's the difference between how it's going on now and if there's a Village Administrator position.

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Ms. Drost stated the Clerk/Treasurer is an employee of the village as she understands. It's a totally unpolitical job. A person in her case, she's been through 18 years. She can remember all the different parties and all the different elections, parties that came and went and she's still been there. That's one thing that bothers her because we have somebody who has a nonpolitical job.

Mayor Daniels stated we have the power to not renew her now and none of that will change.

Trustee Kelly stated the way he reads this currently is that it makes it even more nonpolitical. She serves every 2 years at the pleasure of the board. The original proposal came out as 4 years and there's still been some discussion about making it 4 years. He appreciates Ms. Drost's comments and the thing he wants to know are what examples of the down side. It's important to him. There are some down side examples that we need to look into.

Ms. Drost stated she feels politics are involved. That's a good way of getting rid of people and making it more difficult.

Trustee Hayes stated whether the Village Administrator local law is enacted or not, it's not going to do anything to inhibit residents from contacting the mayor or members of this board when they have problems in the community or village. As you know, one of the best things about living in a one square mile village is that you see your village trustees and your village mayor at the restaurants, at the shopping markets, at the post office. We are very accessible and we will continue to be that way. He doesn't want Ms. Drost to feel she can never again come to the board if this is approved.

Maryanne Avery, 64 Garrison Road stated she thinks she's seen what documents are out on this and she asked if there is any experience required for this position.

Trustee Hayes stated yes. Experience is listed as an addendum to the local law. It's not a part of the local law, it's an addendum. It functions as a job description. From time to time the village board can use it as a tool for hiring a person as Village Administrator and that asks for quite extensive experience in government.

Trustee Lowther asked there is no legal criteria for this position?

Trustee Kaye stated she understands the addendum is taken directly from the present Clerk/Treasurer job description. So there are no additional qualifications added for Village Administrator that would be different than Clerk/Treasurer.

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Trustee Hayes stated the specific statute as it's presented as the proposed local law sets forth the duties and the powers and the responsibilities of the office. In conferring with the Village Attorney, it was his position, in Trustee Hayes' understanding, that the board may change the job requirements from time to time, the specific job requirements of the particular person in that job and that could be based on changing circumstances. So it was best left as an addendum so that the village board felt at any given time they wanted to change the job description, they didn't have to change the entire local law.

Trustee Lowther asked Trustee Hayes to explain the difference between an addendum and the local law as we're seeing it. It's just an addition, it's not part of the local law creating this position. Is that correct?

Trustee Hayes stated yes. What we're required to do is to seek public input on the enactment of the local law and then to make a decision as to whether or not the position as Village Administrator should be created and according to statute that has to be laid out very systematically and very definitely, those powers and responsibilities. Once that position is created, it then becomes the responsibility of the village board to draw up a working job description for the position to be filled. The position being filled in 1989 or 1992 or the year 2042 may, in fact, change. So in order to give the board the maximum flexibility in deciding how best to fill that position of Village Administrator, the qualifications and the job description is left as an addendum to the local law, so that can be more easily changed.

Trustee Kaye commented that in looking at this particular addendum, it is exactly the same as Village Clerk/Treasurer. There are no differences in what this addendum looks for in a person as Administrator other than Clerk/Treasurer.

Trustee Hayes stated that's right. That was done purposely for the mere fact that we want to have village residents' input a part of this. He thinks one such issue was brought up tonight about the residency status of potential applicants for the job and so he would envision that job description not being a specific part of the discussion on the proposed local law but certainly being taken up again at the time that that position is vacant and needs to be filled and that would be a responsibility of this board.

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Ms. Avery stated Ms. Cummins is a CPA, obviously she will retire at some point. Will the next person be a CPA? The Administrator in East Aurora gets \$53,000 and they seem to have the same set up as the Village of Williamsville does with Deputy Clerk/Treasurer. She is curious if Ms. Cummins should retire at some point, to get a person equally competent, she thinks what we have here is a case of Ms. Cummins being extremely competent and very loyal to the village. Let's say Ms. Cummins retires and you're looking for someone else, aren't you going to end up paying quite a bit more?

Trustee Hayes stated that's a consideration that the village board always takes into account whenever it fills a position. It would certainly take that into account if Ms. Cummins were to retire as Village Clerk/Treasurer. In order to replace her as Clerk/Treasurer we probably would have to pay somebody more than we pay her now. He does agree with Ms. Avery that the energy and the effort that we are currently receiving is being done at an extremely cost effective measure. That he considers to be one of the responsibilities of the board to see that that continues should that position ever become vacant.

Ms. Avery asked what if you had a new Administrator and you find out pretty fast this person isn't working out. Do you have to pay them severance and how much?

Trustee Hayes stated the severance pay issue was initially discussed by the Local Government Advisory Board. There were some that felt that that might be a detriment to injecting politics into the hiring and firing of a person. In other words, if you hired somebody and then the board majority changed and turned around and fired him, summarily dismissed just based on political consideration, that would be extremely unfair to the professional that you hired for that job, and therefore, that person would be due some severance pay. Upon further discussion by the committee and on the recommendations of the Village Attorney, he decided not to include a severance pay option in the proposed local law just because he thinks it's wasteful.

Ms. Avery asked how many villages did the board study?

Trustee Hayes stated the board studied the ones he mentioned and also the board heard from a Mr. Ira Gates, who is an official of a New York State organization of Village Managers and Administrators who is a professional and who understands different forms of government as they are practically exercised in our area. His duties and responsibilities are to go around and meet with local groups who are interested in pursuing the opportunities afforded by the Village Administrator position and to sort of act as a Historian of the process and how it's worked in other communities.

Ms. Avery asked how many are there in the state and how long have people been creating this position?

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Trustee Hayes stated he doesn't know how many there are specifically in New York State but he did mention in his opening comments the number of communities across the nation who have it and how many new communities adopt it on an annual basis. He believes it's more than 3,000 communities across the nation and more than 75 communities every year adopt this as a form of government.

Ms. Avery stated she was curious because some of these villages even in the county are a great deal smaller than this one. She thought possibly their trustees are not as active, maybe they want the title and they don't particularly want to do anything. That certainly isn't the case with the village board. Has this been created by the village board each time?

Trustee Hayes stated he is not aware of any other communities that have gone to permissive referendum on this issue. That doesn't mean there haven't been any but as his research has been conducted he is not aware of any community that has, in fact, done that.

Ms. Avery stated she thought his committee would have gotten into that because that naturally would be interesting to the people of the village if they were to know what the experiences of other people who have done this. She also wondered if the board has talked to any communities that had discussed it and then changed their mind and decided they wouldn't do it.

Trustee Hayes asked if she meant who have initially proposed it but not gone so far as to enact it? Ms. Avery said yes. Trustee Hayes stated no, we haven't. We've talked to communities that have decided to enact it and communities that have decided not to enact it, but we haven't talked to communities that have been sort of stuck on a fence about it.

Ms. Avery asked how many communities did he talk to that proposed it and then decided not to.

Trustee Hayes stated the communities that he mentioned and the experience that was highlighted by Mr. Ira Gates. Trustee Hayes thinks what Mr. Gates mentioned was somewhere around 3-5 communities locally who he had direct experience with and what some of their trials and tribulations were in going through this process.

Ms. Avery asked Trustee Hayes if he had a list of their problems with it. Wouldn't that be fair to have that out to the public so the public would have some way of judging what were the concerns of the other communities?

Trustee Hayes stated certainly. We can make that available to the public.

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Don Whipple, 32 Garden Parkway stated binding or not, he doesn't see the problem the board is having with having a referendum on the issue. It doesn't have to be binding. Why can't we go out and find out what the people in the village think? He doesn't see where the board has given the people in the village much information on this. How can they think anything? When did the information come out? A day ago? That's not fair. You're holding a meeting here but most of the people in the village don't have anything on it. As far as drawbacks, there are checks and balances involved here. If you have to sign your voucher, well, you signed it, they know it. As far as time, let's face it. You ran for the office. You got the office. If it's too much time and it's not worth it, quit.

Trustee Hayes stated in response to Mr. Whipple's first concern about the information that the village has disseminated on this topic, Trustee Hayes disagrees with him. He thinks this has received extensive coverage in the media, both in the Buffalo News and the Amherst Bee that this was being discussed. It's been brought up at just about every village board meeting that he can remember since June, when he reported as liaison to the Local Government Advisory Board that this matter was being discussed. The meetings of the Local Government Advisory Board and of the Village Board are always open to the public. In addition, the information that was publicly disseminated through the media, information has been available here at the village and this has been discussed in and out of formal organizations within the community for quite some time. So Trustee Hayes disagrees with Mr. Whipple that this information has not been disseminated in the village.

Trustee Hayes stated in regards to Mr. Whipple's statement about running for the position of Village Trustee or a member of this board and taking our responsibility seriously, Trustee Hayes can assure him that the board takes their responsibility seriously and dedicate a huge amount of time, energy and effort to working on behalf of the village. We all enjoy doing that and he thinks that's why the board decided to ask for the privilege of serving as the public's elected officials. What we're looking to do is to effectively make the Administrator of this village something that is more cost effective. We're not looking to shirk responsibility. We're certainly not looking to sidestep any of our responsibilities of our oath of offices or looking to sidestep any kind of time commitments that will be made on the board as the public's servants. He'd like to say that most emphatically.

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Lisa Fessard, 54 Cadman Drive stated she wanted to address Trustee Kaye's statement about the description of the job as far as Clerk/Treasurer. That is the same job apparently as the Administrator's only an addendum placed on that description. Why can't an addendum be placed on the Clerk/Treasurer's position and retain in that position so that she can assume the responsibilities of Administrator and just eliminate the title Administrator and retain her and give her a salary increase?

Trustee Hayes stated that is a good point. He thinks that is something the board discussed initially but he believes the Village Clerk/Treasurer duties and responsibilities are a matter of statute to a certain degree.

Attorney Troy stated any of her duties that are statutory will not be changed. They will continue to function.

Trustee Hayes stated to add or augment to those responsibilities as Ms. Fessard indicates we could just summarily add the duties to her responsibilities and then not have to be concerned with the passage of a local law. If we were to do that, that would not be correct. We need to enact a local law that would affect that change. Why can't we just add all these additional responsibilities on to the responsibilities of the Village Clerk/Treasurer already has?

Attorney Troy stated you certainly can.

Trustee Hayes stated the establishment of the powers and the responsibilities that are set forth in this local law have to be created by statute otherwise we would not be going through this exercise.

Ms. Fessard asked why can't the law do something about changing the description of the Clerk/Treasurer so that she can have these additional responsibilities and she is certainly sure Ms. Cummins is most capable of doing.

Trustee Kelly stated that is exactly what we are doing. The board feels that the term Administrator more clearly reflects her duties than Clerk.

Ms. Fessard stated then the title of Clerk/Treasurer should be changed to Administrator and she should assume the responsibilities of Administrator.

Trustee Kelly stated that's what we're here for.

Trustee Kaye stated her interpretation of what the board is saying is that we have the position of Clerk/Treasurer, why can't we add these additional responsibilities. Are there some things that are additionally required by law that mandates that we would change it to Administrator?

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In the present job description of Clerk/Treasurer in the Village of Williamsville we do have Section #5 as Clerk to perform all duties required by law and trustees. If we require additional duties as trustees we have provisions in the present job description of Clerk/Treasurer to be able to do that.

Trustee Lowther stated in essence those duties could be added without changing the title of the job.

Attorney Troy stated he would have to answer yes to that.

Trustee Kelly stated that's essentially what we're doing and the only thing we're doing is adding the title Administrator.

Ms. Fessard stated the way she looks at it is the present Clerk/Treasurer is capable of performing these duties and being responsible for extra duties. Apparently, the person that's been in this business has shown that she's perfectly competent and capable of carrying out many of these duties and she's done so for the last 18 years. Why do we need to horse around with Administrator?

Trustee Kaye stated there is a major difference when you look at the proposed organizational chart. The current one is much different. We have a Mayor and Trustees and we have lots of little lines that go to different departments and under the new proposed change to Administrator, you have Mayor and Trustee and you have one basic line that goes to the Village Administrator/Clerk/Treasurer, which the proposal is that the Administration/Clerk/Treasurer all be one person, then that individual as all one line. All the information would flow to and from the Administrator versus what we have right now, the information would go to and from the various departments to and from the Mayor and Trustees.

Ms. Fessard stated she works in the county government and you've got Assistant Hospital Administrators and you've got Associate Hospital Administrators and it's like who's really doing what or is everybody doing the same thing, getting paid nice juicy salaries for it, and not really running an effective government?

Mayor Daniels stated we find that the case with a lot of other governments other than the village. What Ms. Fessard says sounds to Mayor Daniels like let's take a horse and put a truck on it and a little squiggly tail and a couple of tusks and still call it a horse. It just doesn't make sense. You call it an elephant because that's what it is. Yes, you can keep the job title exactly the same and get the new responsibilities but it doesn't fit the description anymore. The salary is going to stay exactly the same. The powers of the board of trustees and the mayor are going to remain exactly the same. The day to day functions are going to be smoothed out.

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He spends, as a Mayor, a considerable amount of time in Village Hall, probably about 30 hours a week, the way the papers flow and the administrative duties of this village is, at this time, enough. It's insufficient and he dare says he spends more time as a mayor than any of the previous mayors. He doesn't have time to do all of the work. Neither do the trustees here who have full-time jobs. A trustee gets paid a little more than \$3,000 a year. The mayor gets a little more than \$5,000 a year. It is unfair to assume that the board can handle the administration of million dollar budgets. It's just unfair. Not only that, every time the mayor and board of trustees changes, there's no follow through into the next set of elected officials. We need something that's consistent from one administration to the next. An Administrator of a village is what we need to look forward into the future as well as Administrator in the present. We don't have that now. We want to insure that the village, no matter who is sitting on this board, good or bad or indifferent, this village is still going to exist and run very efficiently. There are many elections who elect people that are not competent. The thing we're trying to do is take a lot of the guess work out of the running of the village for the residents. For the insurance that this village will continue into the next century and the only way to do that is to run it as any other corporation, as successful business does. You have a president, then you have the shareholders who vote, which is equivalent to the people in this community. You have to have somebody with a lot of expertise running this village. You may elect a car salesman or a janitor as the mayor of this village who has no understanding of the village budget. Are you going to place more of the responsibility on that person or are you going to hope that you have somebody that knows the runnings on a day to day basis for many years as a CPA, is very well versed in the running of a corporation in which this is. The idea is to give as much service to each person in this community for the lowest amount of money expended as possible and then everybody's happy. All we're here for is service. That's it. Your garbage is picked up on time. Your trash is collected, your streets are plowed and paved. When you have a fire there is somebody there to put it out. If you have a heart attack there's somebody there in 2-3 minutes to take you to the hospital to give you artificial resuscitation. That's a business. The last thing that person is is a politician and we're trying to make it even less politically oriented by giving her more authority on a day to day basis to keep this thing running smoothly. We can't do that. None of us can do that. If the board were full time, it could do it. The village can't afford to pay anybody full time to do this. If the public wants to give the board more money to do that kind of thing then what have the public gained? You're still placing responsibility in the hands of people who may never have had any experience in this way at all. Mayor Daniels thinks the town should not have as an elected official a Town Clerk.

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That's no reflection on who's in or anyone who has been in that office but it should be based on qualifications, not on an election because of the responsibilities and duties of that office. What we're trying to do is make sure that the responsibility and duties of the everyday functioning of this corporation is in the best hands possible and that's the idea behind this. In no way does it remove one iota of the authority of this board or the mayor. We hope that her recommendations will be good and if they are not, the board has the power to find somebody else who we hope will do it better.

Clerk Cummins read a letter from Elroy Avery regarding his comments. (Copy attached)

Clerk Cummins read a letter from Marina Woolcock, who is the chairperson of the Local Government Advisory Board regarding her comments. Ms. Woolcock was hoping to be here tonight, but unfortunately she has a very bad cold. (Copy Attached)

Richard Sweeney, 325 Mill Street stated he wanted to summarize some of the points and add his own opinion. Basically, he is up before the board to speak in opposition to this local law, in opposition to this growth of local government and a position that he feels would insulate the village board further from the residents and ignores the liaison relations that have been developed more as a custom rather than as any statute among village board members and departments. The relationships between Citizen Advisory Committees that now serve and are associated with individual board members. One of the things he wants to say is he is trying to separate the office from the individuals the same as he does intend to separate the present board from future boards. He's not trying to make this a personal attack or evaluation of the individuals who currently constitute the board or who are being proposed for the position of Village Administrator. 1) He'd like to make the observation that, in his own mind, there is simply no justification, no equity for adding additional responsibilities to the current duties of a civil servant without intending to recompense them accordingly. He really can't visualize how in fairness the board can add additional responsibilities and duties without intending to increase the pay of that individual. At the same time, he would like to say for that very line of reasoning he feels that this is a situation that the village can't afford to add a further administrative cost onto the village taxpayers while certainly some arguments have been made or alluded to in terms of the cost savings that this position would result in. Mr. Sweeney feels that the examples that were raised were trivial, speaking about paper and pencils and the amount of time spent handling \$30.00 vouchers. Unless there are more specific and substantial examples of the cost savings, he sees no real case being made for this position to affect a savings by being able to organize and consolidate purchases. 2) He sees this position as a lessening of the internal control of the village.

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Basically, it decreases the checks and balances that result from separation of duties. This position puts one individual involved in numerous aspects of handling transactions. One person orders the chlorine and accounts for the disposition of it. The kind of problem that we've seen in the City Parks Department causing problems. Using a specific example but he's not trying to impugn anyone here, he really does feel that this complication of having someone in charge of the accounting and at the same time initiating proposals for purchasing can lead to problems. 3) He'll go back to the basic point that he feels that democracy may not be a very efficient system but he would much prefer to have the Village Citizen Committee involved such as the Local Government Advisory Board Committee being constituted from time to time to truly represent citizen input to systematically and regularly review government functions rather than leaving it up to a paid professional. Certainly there are arguments for having highly skilled and professional individuals at all levels of government. He's certain that we would all feel more comfortable in having a certified accountant as a Deputy Clerk, having a PE Engineer in charge of the Building Department and/or Public Works but these are things based on the size and the experience of village government. We have been able to do a very good job with citizen input and lesser credential individuals. It's not the credentials he's against, it's the cost to the village residents of having extra layers of government and having overpaid individuals involved.

Trustee Kelly asked for some examples so he could review it more as to how we're lessening the impact of citizen groups. It would seem to Trustee Kelly that the board has more opportunity to work with village groups.

Mr. Sweeney stated if you take a look at the charts that were presented as part of the package there is really no accounting for the advisory committees. If you take a look at the duties proposed under Section 5 of the local law, such duties as conduct regular and systematic review of village government functions and activities for the purpose of improving efficiency and economy, etc, that's certainly a desirable function but at the same time he sees that as likely a way to avoid future government review committees or insurance cost review committees or the committees in the past - the Fire Department has constituted to review the cost for purchasing of equipment. It's nice to have one person who can spend their time to do those things, but he thinks in the past we have gotten good service by constituting special citizen review committees for those functions. There is no absolute reason that one prohibits the other but he sees that as a strong likelihood. Once you pay somebody to do something you hate to have them second guessed.

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Trustee Kelly stated everyone is coming up here saying there is a crying need to save money and we're worried about paying an Administrator, a couple years down the road, another \$1,000 or \$2,000 and come back and sort of snicker at the fact that he says that there is paper being bought in this department and that department. Trustee Kelly differs that if you add all the share amount of costs that we have here with departments ordering different sources and no joint purchasing that would save tremendous amounts of money

Mr. Sweeney stated he would like to see a specific example of that if Trustee Kelly doesn't like Mr. Sweeney's examples of his own familiarity with the village process for constituting a budget. He's not aware of thousands of dollars being set aside for the Building Department to buy forms such that he can't envision how the board can save money by having those same forms purchased in bulk with something that the Village Clerk might need.

Clerk Cummins stated there could be significant savings between the Fire department, the DPW, the Village Clerk's office () getting together and purchasing their supplies on a joint basis.

Mr. Sweeney asked if many of those large purchases are over a certain dollar amount. He doesn't recall the numbers. Is it already subject to bidding requirements that the board would have?

Trustee Kelly stated if you have departments buying at different times at different places, they're going fall under the bidding requirements. If you lump them together, we're going to get some more competitive bids and an additional cost savings.

Mr. Sweeney stated he can't dispute that in theory, in practice he's not familiar with those bulk purchases that are made of items such as salt that are needed in large quantity by the Village Clerk's office.

Trustee Kelly stated he still hasn't made up his mind on how he is going to vote on this and he truly appreciates everyone giving their input and by all means, if anyone wants to give further input, please put it in writing. Trustee Kelly will be happy to talk to you at any point in time. Just leave a number with the letter.

Jim Maxson, 43 Stanton Street asked for a point of clarification, are we here to establish a new position in addition to the Clerk/Treasurer position or expand on the duties and responsibilities of that position because it does say that the Village Administrator shall also serve as Village Clerk/Treasurer. Do they then become indivisible or at some point in time do you have a Village Administrator and a Clerk/Treasurer?

Trustee Hayes stated with the enactment of the local law you would merge the position of Village Clerk/Treasurer with that of Village Administrator and the Village Administrator's duties that are in

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addition to those already performed under the job description of the Clerk/Treasurer and they would become one. So you would have a situation where they would be merged.

Barry Roop, 1551 Wehrle Drive stated he has no qualms with Ms. Cummins' qualifications. He's concerned about the next individual who might be in this framework. Ms. Woolcock's letter seemed to be a job application and he wasn't too impressed with it but that's up to the village board, obviously, in the future. He doesn't understand why there isn't a referendum. He thinks this is a significant change in the way things are being done and he thinks referendum is in order.

Attorney Troy stated under the law of the state of New York, unless a referendum is statutory or authorized, it's void, it has no meaning and you're not entitled to conduct it. We've had constant battles with this over the years.

Trustee Kaye stated she wants to make a point of clarification. Earlier Attorney Troy stated something about a permissive referendum. How does that differ?

Attorney Troy stated a permissive referendum is usually initiated by the community at large. When certain local laws are enacted, you have to wait so many days before they become effective to allow a group of citizens, if they choose, to circulate a petition calling for a referendum and if they do Attorney Troy thinks it's a 30 day period, then we have to arrange to have a referendum. That's permissive. Mandatory referendum is if you were going to abolish the village. That would be mandated.

Trustee Kaye asked if a permissive referendum would come before or after the local law would be enacted.

Attorney Troy stated it would come afterwards. You would enact the law and then it would become effective if no referendum were held. You have so many days to move to have one.

Trustee Lowther asked does it say that the law will become effective immediately?

Attorney Troy stated there is no provision for a referendum. It would have to become effective immediately.

Trustee Lowther stated what Attorney Troy is saying then is if the law was passed into effect and the position was created, there could be a permissive referendum?

Attorney Troy stated no. A permissive referendum is any referendum that is authorized by statute. The municipal home rule law sets up the situations and in some cases, the local finance law where you may conduct a referendum. In no other cases are you permitted to

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have one. The Attorney General has consistently held these. New York State law does not permit that.

Trustee Lowther asked if this board does pass this law and people don't like it, what can they do about it?

Attorney Troy stated he supposes vote the board out of office.

Trustee Lowther stated they have no recourse as far as petitioning the changes.

Attorney Troy stated no, not if this board passes this law, that's it.

Ms. Drost asked Attorney Troy if he was around when we had a referendum for Glen Park. She doesn't think it was official or binding.

Attorney Troy stated no, he was not around. He was a resident of the village at the time. That was an illegal and void act. It had no legal affect whatsoever. That nonbinding referendum was without effect. It persuaded the board but it could have been challenged in the courts. Any citizen who said, hey, this is nonsense could have challenged it or the board could have said we will not support or pay for such a referendum. The board at that time did. It should not have done so.

Ms. Drost stated in essence it was a political referendum.

Mayor Daniels stated you want to remove politics from the administrative office.

Ms. Drost stated she had been asking for the possibility of some kind of referendum before. This is so stupid.

Attorney Troy stated the law does not go into effect. New York State Municipal Home Rule Law says that this is one of the cases where a permissive referendum may be had. The board, when it enacts the law, simply says this law shall not go into effect until 30 days or if a permissive referendum is called for within that period of time. Some words to that effect. Very few situations apply to that. New York State law wants this board to make the laws, not the people. We're not a direct democracy, it's a representative type of government. That's the principal that's been guiding this since the beginning.

Trustee Hayes stated he hears the concern being expressed tonight on the issue of referendum but he thinks the Village Attorney has most appropriately and very clearly addressed that issue. He doesn't want that to be construed as any type of stifling of opinion on the matter. Trustee Hayes stated for the public record that he would like to allot a time period of 30 days at least to

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elapse for public written comment, continued discussion of this matter because he thinks it's very valuable that the public has turned out to participate in this discussion and decision. If there are people here that want to continue the discussion or want to continue offering input to the village board, please write to him. He has a new house at 62 Milton Street. He'd be more than happy to listen if you want to drop by or call him on the phone and tell him about this. Trustee Hayes also wants to be concerned about the people who were not able to come tonight and who may have very strong views about this. As he continues to make his way around the village, as he always does, soliciting citizen input he would hope people take the time to talk to him about this issue in particular.

Maryanne Avery, 64 Garrison Road stated she doesn't understand why the mayor stated that he'll have continual presence with the Clerk/Treasurer/Administrator while the board will change when the fact is the board is the one who puts in the administrator.

Mayor Daniels stated if the village does not get administered properly, who are the people going to yell at? The persons who were elected and what happens to those people? You want the best person you can get to make yourself look good.

Ms. Avery stated what bothers her is that everyone is thinking of Mrs. Cummins and if you had a referendum on her doing this job forever, you wouldn't have any problem. She thinks what everyone is concerned about is what happens afterwards. She was just curious if Mayor Daniels changed the time period if the person was appointed for a certain period of time.

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You have the situation which is different than the town, they come in and you get a turnover for the first time in town and you can go in and say, oh well, politics have changed folks, and a whole lot of people go out. That's politics and that's the way it is. She doesn't see how the law, the way it is written, is changing anything. It doesn't seem there are any changes at all. If you change the time period which they serve then it might make some effect but as it is, there's no difference. There no protection either way. Is that correct?

Mayor Daniels stated the difference is that the day to day functions of the village is in the hands of a person who doesn't change as often. The odds are that you are not going to appointing a new administrator every time a new board moves in. He knows from past history that that's the case.

Ms. Avery asked how much past history do we have?

Mayor Daniels stated we have 18 years right now. She could have been appointed 9 times.

Don Whipple, 32 Garden Parkway stated from what he understands from what he's heard tonight that the mayor and the trustees don't have enough time to run the village and if you appoint this new position you're going to have all this time. It's all well and good but if the problem is the mayor and trustees don't have enough time to run the village - address the problem. Let's not make new decision, a new layer of government does not cure the problem.

Trustee Kelly asked Mr. Whipple if he was prepared to pay the trustees a full-time salary. He was elected to set the policy for the village. He was elected to do the budget. He wasn't elected to walk around and pick up paper off the ground, he wasn't elected to empty the garbage, he wasn't elected to prepare the budget on an item by item basis, he's elected to review it. He's elected to set policy. You look for people to run things. He doesn't ask for a CPA to go empty the garbage, he looks for a good sanitation person. He doesn't look for somebody who doesn't have a good background of either Village Administrator or Village Clerk. What we're trying to do here is get the best for the dollar. Maybe he's not understanding what we're saying here. Has anyone here said that we haven't devoted enough time? We're here to say how we can represent the people best by setting policy and then he looks for the best people to carry out that policy. If you don't like his policy what you do is vote him out.

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Mr. Whipple stated he never said Trustee Kelly didn't spend enough time. He never said that about anybody up there. You're all putting in that much time and downloading a few responsibilities on one lady. You're going to hear that problem. If that's the problem, address the problem.

Trustee Kelly stated that's what we're trying to do.

Mr. Harmon Whipple, 51 Garden Parkway stated it would appear, in conjunction to what his son just said, part of the basic problem here is when the liaison assignments were given out, 2 people were overloaded so they have to put in extra time and 2 underloaded. If you even those out everybody would have more time for each one.

Trustee Hayes stated he can appreciate Mr. Whipple's observation but he doesn't think anyone on this board is complaining they have too many liaisons. He thinks what he said in his introduction about the proposed local law was that it was meant to streamline the economy and efficiency of the village. It didn't have anything to do with overwork and overassignments of liaisons.

Trustee Lowther asked are we going to leave this hearing open for written comments for the next 30 days?

Trustee Hayes stated that was his statement.

Trustee Lowther stated having seen a number of people here this evening who are not in support of this proposal, she'd like to do some continued research, especially the communities who have proposed this and then not accepted it. She thinks that's an area where we have very little information. We have great information coming from the Local Government Advisory Board but it's all extremely positive, it's all very good. She thinks we need to look around a little bit and find people who either had this form of government and reverted back to the original form or we need to talk to people who have proposed it and then decided not to go with it. There has to be a few downsides to any proposal, not just this proposal. All we've heard in the printed matter that we received is how this is going to save money and time. She doesn't know how much money we're going to save as far as papers and pencils, which is one of the examples we had. She thinks we need some really substantive information, probably from our Clerk/Treasurer and maybe again from the Local Government Advisory Board. Where do we really expect to see these savings? If we're talking substantial savings, that ultimately we all know will justify a salary increase for Mrs. Cummins, maybe not this year but next year, she wants to know where the money is coming from and where the savings are going to emanate from.

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Trustee Hayes stated that was an excellent suggestion. He would even go so far as to guess that an appropriate vehicle for that discussion might be the next meeting of the Local Government Advisory Board, which is January 30th at 7:30 P.M. here in Village Hall. Since some of these matters are matters that we've discussed at committee level, prior to tonight, he would encourage Trustee Lowther's attendance at that meeting if she is available that evening because he thinks a lot of the questions that she has will be answered by the discussion that takes place there.

Trustee Kaye stated she has listened intently to all the comments made here and has taken notes this evening. We do have some missing documents. One of those is the minutes from the Local Government Advisory Committee. She asked Trustee Hayes if we have those November minutes that talk about the formation of this.

Trustee Hayes stated we ran into a circumstance, where he found out with conversations with the Clerk/Treasurer, that the village file is not complete. The minutes of the meeting were distributed to the members and one copy of the minutes from that particular meeting was not put in. He will make sure that the secretary of that committee delivers a copy of that to Trustee Kaye tomorrow.

Trustee Kaye stated that was one of the things, when she and Trustee Hayes spoke on the 6th of January, she had requested. She thanked Trustee Hayes for the other information that he had submitted. Regarding the minutes of those meetings, if anybody from the public was trying to read to find out that the Government Studies Committee was trying to look at the pros and the cons they would have had a sense of frustration which she had at many times even though she was able to attend some of those. The minutes are very sketchy and they don't outline what many of the items are. They say such things as discussed relative issues about it but they don't tell us what the relative issues were. Or they talk about Ira Gates presented the information, it doesn't tell us what the information was that Ira Gates actually presented. In looking at them also that the secretary of the committee drafted the local law for discussion and it doesn't say how it was actually compiled or where it was taken from. Interestingly enough, she found that it looks like almost verbatim the local law for the Village Administrator of East Aurora where the Administrator makes \$53,000 and there is also an additional Clerk/Treasurer to handle those responsibilities for almost \$28,000. In going through the rest of the information what Trustee Kaye found was that she didn't see any legal comparison to the Angola, Blasdell, E. Aurora, Gowanda as Trustee Hayes mentioned originally. The only legal comparisons she found were from the comments of Attorney Troy in his letter back to Trustee Hayes on 12/27 that talks about Irvington, Oakfield, South Hampton and Bergen.

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Those are all villages which are outside of our county. She would have hoped that we would have had more discussion of those that might be closer to us. She also heard tonight that in Erie County out of the 16 villages only 4 have chosen to have Administrators. She is curious, as is Trustee Lowther, why the rest of them have not chosen to. She also understands that Westfield was pursuing it and she doesn't know where they stand at this point. Also, according to the Village Officials Association, there are 4 Administrators in Erie County, those that Trustee Hayes mentioned, Angola, Blasdell, E. Aurora and Gowanda. In Angola, the way the combination has broken out, and she thinks it is of interest to the public from what we've heard tonight, there is an Administrator/Clerk/Treasurer who makes approximate \$27,000. They also have a Deputy Clerk or Deputy Treasurer depending and that's how it's listed at \$17,800.. Blasdell pays their Administrator an additional \$2,000 over. The Clerk/Treasurer handles those responsibilities as well at about \$29,000 and they have a Deputy Clerk at \$18,000. E. Aurora has an Administrator at \$53,000 in addition to a Clerk/Treasurer at \$27,000. Gowanda has an Administrator and then a Deputy Clerk/Treasurer at \$28,000 and \$21,000 respectively. Here in the Village of Williamsville we have a Clerk/Treasurer at \$41,000, a Deputy Treasurer at \$17,000 and a Deputy Clerk at \$16,000. In continuing to look at all the information we have, especially the job description, in comparing them she finds it most interesting. We have, as a board, a present job description as Village Clerk/Treasurer, we have a proposed job description as a Administrator/Clerk/Treasurer and we have a proposed local law and the addendum to the proposed local law. Also, Trustee Kaye was able to find a brochure which the Office of Municipal Clerks, Your Doorway to Local Government, which is put out by the New York State Association of City and Village Clerks. It describes what a Municipal Clerk and then a Treasurer actually does. What Trustee Kaye did was sit down and compare them all to what presently she found, after 3 years on this board, what our Clerk/Treasurer actually does. It was quite interesting. Trustee Kaye read some excerpts. "The Municipal Clerk, according to the New York State Association of City and Village Clerks basically works with the Public Relations Officer and handles many areas and is considered the center of local government". It goes on in much detail. Recording Secretaries, that includes authors of the minutes, official records of activities, legal and for historic purposes. The Records Management Officer, the custodian of all municipal records responsible for active files, storage, disposition, maintain records of adopted municipal code local oaths of office, personnel files, annual budgets, also as the administrator of salary, wage, benefit plans, municipal insurance plans, prepares and advertises notices of public hearings and meetings. Also, the Municipal Clerk is a record access officer who administers the freedom of information law, licensing officer, any other kind of permits that we need, an election officer.

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Also, when we talk about the clerk, it talks about the fact that many times it's combined with the function of Treasurer and that then becomes the Cash Control Officer and that individual is responsible for numerous duties relating to billing, collection, distribution of funds out and incoming cash, the Clerk also contributes to budget preparation, management of petty cash, general purchasing, assisting with the state and internal audit and also they serve the village in the capacity of Chief Fiscal Officer and are responsible for all fiscal affairs of the municipality, including investments and municipal funds. They serve as collectors of taxes and assessment and a Registrar of Vital Statistics just to go on... In comparing the job descriptions and of course those that are outlined duties as Municipal Clerk/Treasurer, she finds there's actually very little difference in what's actually being presented now. Basically, in almost every situation, it's actually happening now. We talk about comparing the proposed description for Village Administrator/Clerk/Treasurer and that of the present Clerk/Treasurer and there is very little difference in them. In the job description for the combination of the Administrator/Clerk/Treasurer--represent the village and assert it's proper interests in relation to any state or any subdivision. Trustee Kaye finds that our Clerk/Treasurer has done that now, oversee the rules and regulations of local law. Our person does that now. The only thing Trustee Kaye finds now that really in the proposed job description which is different, rather than go on to each and every item, is oversee and coordinate the activities of all village departments. In fact, there's a supervising of bids that happens for all the departments but Trustee Kaye thinks that is one of the only items that does not really happen presently. In the proposed local law, Section 1 talks about minimizing administrative details now handled by the board of trustees. She guesses as a member of this board and a board that's being referred to in this local law, she's not sure yet that she understands what those administrative details that would be minimized really are. Also, it talks about control of village employees. Presently, under the Clerk's duties and responsibilities in the present job description, part of that is her responsibility to handle all of the staff for the village office. So in that case, that actually happens for that particular department already. Also, she finds it interesting talking about the central purchasing. According to reading the job description that we have, the Clerk/Treasurer already is in charge of general purchasing and she doesn't see any reason why that might not just be looking at the comparison of job descriptions, pretty miniscule. She's not sure in terms of the Fire Department, we have Fire Chief Jim Oliveri here, as with the DPW we have Superintendent David Laubisch here, what other purchasing that happens but she is sure the papers, pencils and paper clips could easily be coordinated out of the central purchasing. It talks about handling publicity and several other kinds of things and our Village Clerk already does give information to the newspapers about what's happened since we don't always have representation from the newspapers.

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She thinks her biggest concern is the organizational chart. To her personally, the new organizational chart doesn't have the same hands on feeling for the trustees and the rest of the departments as the old one does. It appears that the mayor and trustees need to go to the Administrator on behalf of anyone whether themselves or a resident to really get information and those departments then in turn need to act through the Administrator according to this chart to have access to trustees and the mayor. Obviously, as Trustee Hayes said, this is a small enough community that anybody sees you anywhere and has access to you always but in looking at this organizational chart, she questions whether there is some type of insulating factor that will now exist. She understands that the law says there is no change but it appears there is really more of a filtering system through one person to get information to have things happen. It appears, even though she has heard that it doesn't, to add kind of a layer.

Trustee Kaye is pleased to see that Trustee Hayes is leaving this public hearing open for written comment. She would like to take it one step farther and leave it open for verbal comment as well for at least a certain number of days. She is sure there are people who would prefer to express their views directly to the board rather than just in writing. She hopes when Trustee Hayes received comments, they are added to the packet since she sometimes in the past has not received some information. In terms of having ample notification not the public, we did comply with legal responsibility by putting it in the official paper, the little notice that the Clerk/Treasurer read in the beginning. However, she has had many people say to her that they have seen nothing about it in the newspapers. There was one article in the News when the local law was first proposed, in the Buffalo News and in the Amherst Bee. We know at many times because of busy schedules people are unable to attend our meeting so they may not have been aware that this issue, of obvious great weight to many members of our community, was going to be on our agenda. She thinks it is interesting, as we look at the Williamsville School Board, that they're made up of strictly volunteers who administer an almost \$60 million budget. We have a full-time Clerk/Treasurer who does many things and has a much larger staff. We have a Fire Chief, we have a DPW Superintendent. She thinks those are pretty much her comments regarding it. She does have a concern that there is some apparent insulation of members of the community with this plan and she doesn't think that was the intent of it. Also, as a point of clarification, as a board of trustees we are also fire commissioners and she sees in this proposed organizational chart that rather than the mayor and trustees working directly with the Fire department as those fire commissioners it would then go through the Village Administrator/Clerk/Treasurer so information would be filtered that way. Is that her understanding?

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Trustee Hayes stated that's incorrect and that falls under the section in the proposed local law about not taking away any duties or responsibilities that are currently that of the village board. We could go down and list every duty and every responsibility that the board has currently and you could ask if this proposal would mean that we would see that responsibility transferred to the Village Administrator and the response each time would be to say no.

Mayor Daniels stated the chart is incorrect in several respects.

Trustee Hayes stated with regard to the minutes being taken by the Local Government Advisory Board, he wants to remind Trustee Kaye that those minutes are taken by a volunteer citizen, who volunteers time to serve on this committee, does the best job possible. He thinks it does individuals who serve on the committee a disservice to criticize the work that they do as volunteer citizens. If Trustee Kaye is dissatisfied with the minutes that are currently being taken on any of the village committees then he suggests she ask the clerk to attend those meetings and to take the minutes or someone else from the village to take those minutes in an official capacity. He thinks it does a disservice to volunteer citizens to criticize their work.

Trustee Kaye stated that is no reflection of the secretary of that committee. If you're asking the board and citizens to review all that's been happening, it's difficult for people to review them and know exactly what the conversation was. Part of the answer may be to take those kinds of meetings, that have that weighty of an issue that people might have an interest in and then have them recorded and transcribed.

Trustee Hayes stated he understands her concern but also says that Trustee Kaye participated in many of those discussions and was in attendance at many of those meetings. He thinks it is misleading to state that she is not as informed as she should be. He also reminded Trustee Kaye that she can do her own research and act on her own responsibility as a trustee to remain informed. Yes, Trustee Kaye's obviously done some good work and have been prepared for tonight's hearing but he would say it does a disservice to the committee and the volunteers to criticize them for information she may not have been able to obtain as a village trustee.

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Trustee Hayes stated she also outlined several different communities who had different positions and she went down the laundry list of their salaries, he reminds her that the reason we have the set up we do here in the Village of Williamsville and the reason we're asking the Clerk/Treasurer to take on these additional responsibilities is that we simply cannot afford the type of government beurocracy that she read to us and that's why we're asking for these additional responsibilities to be taken on. He thinks it's misleading to quote those salaries to the public in an attempt to dissuade support for this measure.

Trustee Kaye stated she's not trying to attempt, she's trying to provide information to the community that we heard and we are all aware that Clerk Cummins has been here 18 years and has had wonderful service. She thinks the question is not about her salary but what happens in other communities and how other communities handle it because it relates to what could happen when all of us are gone and what other options and possibilities really lie out there. Traditionally, in her research she found that when you add those additional responsibilities of an Administrator that typically the four communities had granted between \$2,000 and \$4,500 additionally. She appreciates his comment that we can't afford to do that and have those layers. That doesn't mean that some other board after us may choose to do those kinds of things.

Trustee Hayes stated he thinks he and Trustee Kaye disagree on a fundamental point because he certainly would trust the people of the Village of Williamsville would exercise their democratic right to elect officials to be able to make those decisions. He trusts the people of the Village will be able to make decisions well into the future if we provide them with those tools.

Trustee Hayes stated with regard to the comment about copies of the surveys that he distributes, certainly if Trustee Kaye ever requests any of that information, he would be happy to share it with her.

Trustee Kaye asked if she made that request now, would he provide her with those?

Trustee Hayes stated most definitely. He would also like to respond to how this entire proposal has been studied and addressed. He thinks the public has certainly made a tremendous effort to be involved and he makes that first and foremost a priority in any discussion of this. He doesn't see that there is any isolation in terms of what we're doing here. We're doing this in the wide open public arena.

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Trustee Kaye stated absolutely. She is not saying it is isolation but that she thinks when the comment was made by the mayor about there being ample notification of information it doesn't appear in her dealings door to door in the community if that's the way they feel.

Trustee Kaye stated she did have a conversation with the new Administration in Oakfield who has been there approximately 6 months. He was the Village Clerk/Treasurer, now is the Village Administrator/Clerk/Treasurer. She had asked him what duties and responsibilities he has taken on that he had not had before and primarily it was 4 of them. One was to act as a spokesperson to the press, getting contracts ready and meeting with grant people, dealing with departmental problems and serving as budget officer in terms of preparing the budget for the mayor and trustees. Presently our Village Clerk/Treasurer does all these in one shape or form and in many times in Trustee Kaye's 3 years here dealt with departmental problems. That is the only one she sees if we talk about someone being in direct supervision of all personnel but, in fact, one of the liaisons for the mayor is personnel. She did want to share that with Trustee Hayes and the public of what some of the largest changes were and that it has added a great expansion of time to that person. They found that not only has the Administrator had to expand his time but that of Deputy Clerk and Deputy Clerk/Treasurer has expanded at least an hour to a day to make that happen.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, it was moved to close the public hearing at 10:00 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer

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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 7:30 P.M. 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 23, 1991 were approved.

Unanimously carried.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, it was moved to open a public hearing at 7:32 P.M. on a proposed local law to create a position of Village Administrator. (The hearing adjourned at 10:00 P.M.).

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$209,112.58 covering 11/21/91-12/5/91 were approved:

payroll fund w/e 12/28/91	\$17,094.66
General fund	137,999.89
Water fund	27,557.51
Sewer fund	352.44
Trust & Agency fund	7,665.37
Glen Park Joint Activities fund	542.71
Capital fund	17,900.00
Grand Total	<u>209,112.58</u>

Large Vouchers:

M & T Bank \$45,458.06
Paine & Weber Inc. \$65,077.00

Trustee Lowther asked if we have received funds from Hutchinson Hose yet?

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Mayor Daniels stated we've received \$65,077. There's yet another payment around \$55,000. It will be coming within about a week which will complete their obligation in the start up of this program.

Trustee Lowther stated all the \$100,000 is going to be used up front in the first year.

Mayor Daniels stated the money won't be used up, it will be invested.

Trustee Lowther stated right, but it will be applied to the first year in order to hold down the cost of the program of the first year? We had initially discussed dividing that money any number of ways and she didn't realize that the board had finalized the fact that it would be used in the first year to defray the initial year's expense.

Mayor Daniels stated in consultation at the meetings that we had, unfortunately the attendance at those meetings was very poor. We were advised by the Administrator of the plan, Ed Holohan, that the initial or start up costs for the first year would be where to put the money since it's assumed that the following years will cost us less since we're assuming 100% rate of joining this plan. Typically and historically it's much less than that. The costs in the future will diminish so that the best way to apply the money was in the beginning. No one will be pulling money out of this plan for a year. The first person to collect will be in January of 1993 which gives that lump sum a whole year to accrue interest and so it was felt this was the wisest way to begin the plan. We will also be putting money into this plan as a result of the budget negotiations.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to delay his second resolution to the end of the agenda.

Unanimously carried.

Mayor Daniels stated he is going to withdraw his third resolution based on the need for clarification of some figures that have to be renegotiated between the engineering firm involved and the village.

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Trustee Kaye reported for her benefit of the people on Evans Street and those who are affected by the truck traffic on Evans Street, that through the efforts of Supervisor Ward, the town will have a public hearing on January 21 at 7:30 P.M. in Town Hall. The proposal is for the town to move forward with erecting a sign on Evans that would be the same as the village has now going northbound except this sign would be southbound for 3/10 of a mile and would say trucks 5 tons and over to please use truck routes. There is a notice of public hearing and she'd be happy to share that with anyone, there will be some copies at the desk. They're requesting that the local law amending local law 3 for the year 1987 of the Town of Amherst, New York regulating operation of certain vehicles on specified highways- "be it enacted that the town board of the Town of Amherst, Erie County, New York as follows: Section 1, Article 4 of the Vehicle and Traffic ordinance of the Town of Amherst is hereby amended by adding the following subparagraph B to Section 41 thereof. Section B is Evans Street in the Town of Amherst north of the Village of Williamsville to the south curb line of Sheridan Drive. Section 2 of this local law shall take effect immediately." Primarily, the real difference is that section of the law right now curtails truck traffic. The restriction contained in the foregoing section applies only to those vehicles or combination of vehicles weighing more than 8,000 lbs according to the certificate of registration issued by the New York State Department of Motor Vehicles. Basically, what the Town of Amherst public hearing in their proposed changed law would do is extend the weight limit from Wehrle and Garrison right through to Evans, which is 8,000 lbs so that would cover the 3/10 of a mile that we're looking for it to be covered. Then there would be a difference between the village and the town that if you were a truck headed northbound, as the law presently is, you could weigh 5 tons but if you were coming southbound, you could only weigh 4 tons. So if the Town of Amherst enacts this change we would make some changes. This is one of the things the Traffic and Safety Committee will discuss at our Thursday night meeting.

Trustee Kaye stated her resolution deals with increasing all the parking violation fines. This is a result basically of a Town of Amherst resolution that was passed at their last meeting. It was also a request by Chief Askey to Supervisor Ward and was copied to Mayor Daniels on December 24th. It was a request. She just received this in the past couple of days. She is sorry the board didn't have an opportunity to run it by Traffic and Safety. Basically, it does increase the parking violations which have not been increased since 1982. The primary difference is that it also increases the first and second offense if you park in a handicapped location. The increase is from \$10.00 to \$50.00 for the first offense and from \$50.00 to \$150.00 for the second offense if it's within the same 2 years in the same municipality.

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

RESOLVED THAT all parking violations fines which were previously \$10.00 or \$15.00 are hereby increased to \$20.00 and handicapped parking violations are hereby increased from \$10.00 to \$50.00 for the first offense and from \$50.00 to \$150.00 for a second offense within 2 years within the same municipality.

Unanimously carried.

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

RESOLVED THAT the agreement between the Village of Williamsville and the Village of Williamsville Historical Society for use of the Village Meeting House as well as it's status as the Management Committee of the Meeting House is hereby extended for one year commencing January 1, 1992.

Unanimously carried.

Trustee Kelly reported he is liaison to the Planning Board and the question has come up on a number of occasions as to what to do with the neon signs in the village on many of the establishments. There's neon signs that have their names on them and they get permits for them but there are a number of other pieces of neon, might have Miller time on it or whatever. There's a question as to whether or not they fall under the code or whether or not they should have any regulation at all. He's just asking for some citizen input on that if anyone could just drop him a note as to how they feel on some of those things, he would appreciate that.

Trustee Kelly reported he had the pleasure of attending part of the town board meeting the other day and it was a pleasure to see a number of village residents there to speak during public participation. He hopes that continues because many times he thinks all the board shares the same frustration that the town doesn't really listen to the village too often. It's nice to see some of the village citizens get up. He was very pleased when Maryanne Avery got up and talked about the parks and what a great deal the town residents are getting in coming and using the village parks for free. Hopefully some of the members of that board will take that to heart and work hard for it. Trustee Kelly thanked Ms. Avery for those comments. He was also quite pleased to see Ms. Schlifke get up and talk about the situation on Evans Street. They were discussing it and we're seeing some action.

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Trustee Kelly reported with respect to the Youth Board we have the Winterfest coming up in a few weeks. Pray for snow the day before and the day after but not enough to have to plow. We're looking forward to having a great time at Garrison Park for that.

Trustee Kelly stated with respect to his resolutions this evening, the first resolution revolved around the DPW reconstruction. He had raised some questions to superintendent Laubisch about some of the costs there and at this time he is pulling that resolution until we get some clarification.

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

RESOLVED THAT Mayor Daniels is hereby authorized to sign on behalf of the Village of Williamsville the Service Award Program Trust document which creates the trust to be administered in accordance with the provisions set forth in the document.

Unanimously carried.

Trustee Kelly stated his third resolution has to do with his liaisonship to the Building Department. We'd like to get some further education for the people in the department.

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

RESOLVED THAT Richard Delo and Deborah Habes from the Building Department are hereby authorized to attend the Niagara Frontier Building Officials Association Educational Conference in Niagara Falls, New York, from February 2 - 5, 1992 and the cost, not to exceed \$140.00 each to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Hayes reported that the Parks Committee will be meeting on Wednesday, January 15 at 7:30 P.M. We did not have a meeting in December so he has nothing to report but we will be continuing to prioritize the requests for spending of the Savor the Flavor and Craft Fair monies.

Trustee Hayes reported that the Senior Citizens Committee will be meeting on Wednesday, January 22 at 7:30 P.M. here in the Evergreen Senior Citizens Room. We are asking village residents and village restaurants to submit their favorite recipes for a book that seniors are putting together and hoping to use as a fund raising effort. We hope to have the book ready and published for distribution around Savor the Flavor.

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Trustee Hayes reported the Local Government Advisory Board will be meeting on January 30th at 7:30 P.M.

Trustee Hayes stated as a follow up to the comments of Trustee Kaye about the truck traffic on Evans Street, he thinks Trustee Kaye knows this is an area that Trustee Hayes is especially concerned about both due to the fact that he is the village representative to the Town of Amherst Traffic Task Force. We are studying traffic in a certain area of the village that does not include Evans Street but certainly, he believes as Trustee Kaye does, that has an impact on our entire village. He has been reading much of the discussion that's going back and forth in the town level on this issue. You'll also recall that Trustee Hayes attended a town Traffic and Safety Committee meeting and spoke on this issue. He understands that Trustee Kaye attended the previous one and so he would hope that if there were ways Trustee Kaye felt that other trustees could be helpful at the upcoming public hearing, she would share information with the board to be included. Trustee Hayes certainly plans to be in attendance at the public hearing at the town level. He's very concerned about what's coming from our town officials on this matter. Specifically Mr. Lucey, Trustee Hayes understands, has issued a memo and he thinks the main concern that needs to be expressed to the town with regard to truck traffic on Evans Street is that this village views that street as a residential street, not as a commercial street. The town, in a number of different instances, has gone way out of it's way to protect a few number of citizens and all we're asking for is the same type of consideration for 75 people who live on Evans Street. He'll lend his voice in support in any way that he can to that effort.

Superintendent of Public Works, David Laubisch, reported that we re chipping Christmas trees, as we have for the last 15 years. If any of the village residents would like those chips created by the Christmas trees, you can stop down at the DPW and they are available to you.

Trustee Kaye asked Superintendent David Laubisch to share what the status of the water tank inspection is.

David Laubisch stated there was an inspection done on the water tank on the end of Rinewalt Street last week. The inspection was completed. It is his understanding that the report will be forwarded back to the village trustees within a week and a half to 2 weeks. The tank is in the process of being refilled now. The water will be tested tomorrow and will be back on line by Thursday or Friday of this week.

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

Unanimously carried.

Bob Krieter, Eagle Street stated with regard to the traffic on Evans, he wants to point out that he has spoken before, maybe 3 or 4 months ago on this subject. Recently, he has started to get truck traffic on Eagle Street, his street. A couple times a day he gets semi trucks down there, he gets huge trucks. He followed one that went over to Essjay. The truck was enormous. He looked at streets, Eagle, Ellicott, Belmont, Chalmers and a couple others. All these streets are going to hell already. His street was paved 2 or 3 years ago and it's got huge cracks in the already. What did it cost to pave his street? \$20 - \$30,000? Look at those streets. That is not right. Who is going to have to pay for this? You might bring that up to Mr. Lucey.

Mr. Krieter stated almost a year ago himself and a couple of individuals tried to resurrect the old skating pond in Glen Park. It was built for resident skating, unfortunately it didn't work for whatever reason, a leak in it or the receiver wasn't plugged properly. It's unfortunate. Years ago when it worked it was great, it was wonderful. He wondered with the Winterfest if we could make a collection from people, make them aware that it used to be a skating pond. Maybe you could get a collection to get this repaired, get the leak fixed. He doesn't think water should be an issue. It can't be very much money to fill the thing.

Mr. Krieter stated Cliff Horey brought up in May that there used to be a park on the other side of the dam. Trustee Kelly had indicated that he knew what Mr. Krieter was talking about at the time and Trustee Kelly said he was going to look into it. What's the outcome? That is a park. He has since gone to the town and he's looked up surveys. The owner's property ends and the balance is a park to the creek. He knows somebody mentioned it's a right of way, he's been led to believe from some attorneys that we're supposed to own it, but if we don't it is a right of way. We have the right to use it. It has been used as a park for many years, way before him. What's the outcome of that? Why can't we use it?

Trustee Kelly stated after Mr. Krieter had spoken about it last time he had spoken to Attorney Troy about it and also the Superintendent David Laubisch. His understanding is that it is used as a right of way to get dredging equipment out and that wasn't used for the partying of the village residents.

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Cliff Horey stated the fences have been falling down. Eventually, all the fence is disappearing and it seems to be private property now. David Laubisch can verify it, he used to cut grass for years. It is a village park. It goes all the way to the end of Island Park. It should be open for Old Home Days. You've got the raft race, the fishing derby.

Trustee Kelly stated it was open for Old Home Days. It was used by many people for the raft race. He was there, he saw a couple hundred people there.

Mr. Krieter stated there was a chain around that gate. He even asked a man who told him that's his property and no one was allowed back there. That fence should come down.

Trustee Kelly stated he would appreciate Mr. Krieter telling him who that person is.

Mr. Krieter stated he doesn't know. He asked the man if he could go back there and the man said no, it's for residents. In fact, they had a boat in the water.

Trustee Kelly stated he will look into it. He was told it was used solely for the use of the dredging equipment. If that's wrong, he'd be happy to work on that.

Trustee Kaye stated she believes the residents names on Oakgrove are Gene and Rosalyn Sciascia.

Cliff Horey stated it was all one canal when they put the channel through, they left some property there so they could go up and down and keep off the private properties. They put the channel through and there's about 30' - 40' of property on the east side of the channel. It is a village park.

Carolyn Schlifke, 192 Evans street stated it's unfortunate that so many of the people that were here this evening have already left. It bothers her a little bit when she hears remarks made about the public not knowing what's going on, wishing they were better advised. We have to let the people know what the village board is doing. The village board has certain obligations to the public and that is to place notices in the paper and to sit here twice a month and speak out on the various issues. If the public doesn't come and the public doesn't take it upon themselves to keep themselves advised, then she doesn't think anyone in this village should complain. If they want to complain maybe what you have to do is get the news to the 2 political parties and leave it up to those people to distribute the information. She's a very busy person.

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She wants to know what's going on in the municipality that she lives in and she puts it on her calendar and she's there for every meeting because she doesn't want the board doing something that she is not aware of. If she wants to speak out against it, she has the right. That's why we have these public meetings. To feel sorry for the residents or to say the residents didn't know what was going on, she doesn't think that is a statement that should be made because it is the responsibility of the residents to find out what's going on in the municipality. This board is not hiding anything from the residents. They have followed all the rules and regulations for advising the people as to what is going on and if there is any short coming she's afraid it's on the resident's part.

Carolyn Schlifke stated she wants to expand on what Trustee Kelly said about her appearing at the town board meeting. She decided to take it upon herself to speak for herself and the people on Evans Street. She knows the village board has been working to try to help us. It was a new year. She's used to handling her own problems, she always has been so she did go before the town board. She must say they were very receptive. She was treated very politely. They listened very politely. She also was issued an invitation to attend a Traffic and Safety Committee on Wednesday and she did go to that committee meeting. There again she was allowed to speak. They listened very attentively. She feels that there was reception on their part. She knows they had issued a negative recommendation to the town board previously, however, during the discussion many things were brought up and she thinks they're willing to look at it again, perhaps do a little more investigating, take some surveys as to where the trucks are coming from, where they're going, perhaps talk to Wegmans and the Post Office, which generate a lot of this truck traffic, also the commercial buildings, medical supply trucks and things of that sort and also the Ciminelli Corporation, who is in charge of much of the construction that is going in Centerpointe. Another good issue that was brought up from the New York State Traffic Law book, which they seem to have a new copy of, was the fact that she does not believe the village was properly signing these streets. A municipality must be signed at it's entrance way advising people that a truck route exists. You cannot let the people enter the municipality and then expect them to find their own route. Just what the sign should say, she doesn't know, but if you could get a copy of that book and she thinks it's available through the Police Department, that it might be a big help to the village because she doesn't believe that the sign that was placed at Main and Evans and Main and Mill are the proper signings for truck routes. You must give them advance notice. She thought that was a very interesting point that was brought up at this Traffic and Safety meeting. She was made aware of the public hearing, she will be there. She doesn't know whether changing of a town ordinance is going to be the solution to our problem. Through this whole issue she has stressed cooperation.

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That's her big issue. Cooperation between 2 municipalities to solve a problem, a problem that one municipality is suffering due to things that are happening in another municipality and they seem quite receptive to that approach. All we can do is keep working towards some kind of an end in the village's favor.

David Laubisch commented about the truck signs at Main and Mill and Main and Evans, he advised the trustee at the time that those signs were not adequate, that there had to be prior notice before they got to those streets. He was directed to install those signs at their present location, just so the record is clear.

Ms. Schlifke stated she believes the sign would have to be placed at the village boundaries and it would have to state that this municipality has truck routes. Whether you have to list the truck routes or what, she doesn't know the exact wordings that should be on the signs but you must advise the people they are entering a municipality that has a truck ordinance on the books and that was what she was advised by someone. She didn't have access to the book so she couldn't get any further information.

Trustee Kaye stated she will make sure we get a new copy of the book and look at it. She wasn't aware that those signs were not properly placed and she agrees that cooperation is the key here. It appears that we're getting some more cooperation slowly but surely with the town in this truck problem and she appreciates Ms. Schlifke's diligence in continuing her efforts in helping make that happen.

Richard Sweeney, 325 Mill Street stated with Ms. Schlifke's reminder he's been reminded it's his responsibility. He's been to 3 meetings with advance notice that there would be a work session following the meeting to discuss some of the minor points resulting from the public hearing that was held on the Castle Creek Exceptional Development and approval thereof and he hasn't seen anything develop. He realizes a number of executive sessions and a number of other unusual things have happened. Since he's been reminded it's his responsibility to find out what's going on so that he can make his own interest known, he asks is there any schedule for having a work session to go over the public hearing that was held in the Exceptional Development permit that was granted for Castle Creek. He previously made his belief known that there were a number of restrictions offered by the developer and property owner that he is not aware have ever been reviewed and/or accepted or formalized in any manner. He'd like to see that exceptional development process through.

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Mayor Daniels stated we had Mr. Whitehead, Sandy Leonardis and a representative of Pratt and Huth here for a work session after this meeting. He had asked them to come about 9:00 P.M. assuming this meeting would be very brief. Mayor Daniels approached them during Trustee Kaye's summation and apologized for the length of this meeting and had said that he would set up a meeting specifically just for them and we have tentatively come up with a time. He would have to check with the rest of the board since he hasn't had an opportunity since this meeting began to clear that with them of 5:30 this Friday. It's an open meeting. Anyone who will allow it in their schedule is certainly welcome to attend. Mayor Daniels apologized it didn't happen tonight. He didn't realize the time it would take to get to this point and we're still scheduled for an Executive Session.

Gloria Thompson, 48 Arend Ave, stated she received an answer to her request for reimbursement for a dumpster and in her answer from Mayor Daniels it states that Mr. Laubisch has spoken to her. He did but that was after the fact. The situation still is the same. She called the village garage. She's lived here for 40 years so she knows the numbers. They told her that she had to dispose of it herself. She really doesn't feel that is fair. She paid more for the dumpster than she did for the roofing material for the little bit she had to have done.

Mayor Daniels stated he has to apologize for the miscommunication there. He's not exactly sure what happened in the process. He does know there were several calls made at different times plus two to the town and his only conclusion is that there was a misunderstanding that prompted Ms. Thompson to rent the dumpster which, as it turns out, would not have been required unless there were a contractor involved. He felt kind of ill at ease writing that to her because he wasn't sure of all the details yet. He had to respond after the village board met and discussed it and did not want to set a precedent of reimbursement for a situation we were unclear as to how it developed. Our best source of that was Superintendent David Laubisch who related the facts as he understood them and the board went by that in their recommendation to not honor that request for \$351.00 reimbursement.

Superintendent David Laubisch stated he did research that situation and in his subsequent conversations with Mrs. Thompson this afternoon he knows she said she originally talked with Mr. Schick, one of the employees on the street. Mr. Laubisch told Mrs. Thompson that employees when they're out on the street on the job, they do not commit the village to any responsibilities. She subsequently called the shop and talked to Mr. McMenamin, who is one of the foreman. He told David Laubisch that he was down at Mrs. Thompson's house on 2 occasions and no one was home during the day and on the third trip down the dumpster was on site already and there was material in it.

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Mr. Laubisch's first conversation with Mrs. Thompson was after the fact. Mr. McMenemy did stop at her residence during working hours on two occasions and no one was home.

Ms. Thompson asked why didn't they call?

Mr. Laubisch stated a telephone conversation won't qualify in this case because it is necessary to view the work that has to be done to insure that it is village residents doing the work because we have had people call in the past and say they have done the work and our men have gone on site and noted contractors' vehicles on site. That's why he likes the personnel to go on site personally because that is the only way to really insure it is not being done by a contractor. He wishes Ms. Thompson would have called him personally or called the village office. When Mr. McMenemy went down to her house a third time, the dumpster was on site already.

Ms. Thompson stated she hopes the situation is clarified when somebody calls for information.

Mayor Daniels stated with the new position we're creating there will be a Clerk/Typist at the DPW probably from 9:00 A.M. to 1:00 P.M. every day answering the phone and we will very soon have a computer terminal there with a program in it specific to resident concerns and complaints. The Clerk will type in the complaint, the date and time and 3 copies will spew out, one to Mayor Daniels, one to the Village Clerk and one to Superintendent David Laubisch. What happens with that form is it will show a time that it was received and the person who answered the complaint and the disposition of the complaint and the date that it was resolved. A letter goes to the resident following that explaining exactly what happened and what the board did in that circumstance. Finally, we've got the ability to do that and he's sorry she didn't call a few months from now. As Mayor Daniels said in the letter, there may be some things that she hasn't taken advantage of that the village does offer it's residents and maybe she can make that \$351.00 back.

Trustee Hayes asked Superintendent David Laubisch when one of the men from the DPW goes out to a resident to inspect something like that on site and make several trips, is there a mechanism whereby they leave a note or some kind of a notice to a resident for perhaps setting up an appointment? He knows this may not help Mrs. Thompson right now but perhaps in the future similar to the way our meter reader does when he wants to get in to look at somebody's meter?

Superintendent David Laubisch stated the way that's handled right now the phone calls are placed at the office here and the schedules are set up through the Village Clerk's office for final water readings, etc. So something very similar to that could be put in place.

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Trustee Hayes stated he thinks that might be convenient especially for people who are out for the day and working. He realized the need to have someone come during work hours but perhaps they could leave a note saying they called and they were looking to set a time to meet the resident. That might expedite concerns and prevent future incidences like this.

Trustee Kaye stated in combination with that if even someone calls before going out and to try to set up an appointment so that we do let people know, as Trustee Hayes said, that people have been there and we're trying to get them. That would be most helpful.

Ms. Avery, 64 Garrison stated she was present at the town board afternoon meeting and Mr. Lane brought up the Evans Street situation. If she remembers correctly, he said the signs had to be a thousand feet before the tonnage ~~restriction~~. In other words, a warning that there (is) a tonnage limit. So that would probably have to be established by the town. The only problem was that the county has to approve all this and they seem to think that maybe that would be a problem. She got the impression that the town board is not going to give us a hard time over this.

Ms. Schlifke, 192 Evans stated that as the Traffic and Safety Committee of the Town of Amherst seemed to be under the impression, she thinks they're wrong; that the county would somehow say to the village, you can't do this on Evans street. Main Street is a state highway, Evans street is a county highway. She thinks the town may be under a misconception in that particular area and perhaps somebody will advise them correctly but that was a big issue. They also learned that Mill Street is a county highway but it is not a county highway in the village. What she's trying to point out is that they were sort of hanging their hat on the fact for 2 people that the county is going to say, ok, no this is a county highway, we have to have these trucks on the county highway and she doesn't think the county would do that.

Trustee Kaye stated she addressed that point because that was a question that came up, she addressed that question to Attorney Troy for his ruling in regards to it. It appears that because of a 1990 law, a county needs to approve a work permit to actually put the sign up. They cannot say you cannot have it, you cannot have truck routes, they don't have that action. There was a long discussion. She knows Attorney Troy, who also spoke with Mr. Lane about it and there's been much correspondence to the Amherst Traffic and Safety Committee about that including all the legal information that has been provided to them regarding that fact as well. They didn't seem to believe her even though it was in writing.

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ON MOTION by Trustee Hayes, 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 go to Executive Session at 10:41 P.M.

Unanimously carried.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, it was moved to return from the Executive Session to the regular agenda at 12:15 A.M.

Unanimously carried.

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

RESOLVED THAT Lisa Uldrich, 23 Belmont Street, is hereby appointed part-time Clerk/Typist in the Department of Public Works effective January 20, 1992 at the rate of \$5.25 with an increase to \$5.50 after 6 months.

Unanimously carried.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, the meeting was adjourned at 12:25 A.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer