

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, February 10, 1992 at 7:54 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

The Clerk read the notice of public hearing being held February 10, 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 amend Section 103-19 of the Vehicle and Traffic Code and designate all parking spaces in the off street parking area on the south side of Glen Avenue east of Ellicott Creek as spaces reserved for handicapped parking.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to open the public hearing at 7:54 P.M.

Unanimously carried.

Trustee Lowther gave a little background on why this public hearing is being held tonight. She is liaison to the Glen Park Joint Board and we have had some concerns about people who do not have handicapped permits using this area, which is the circle off Glen Avenue right next to the creek. There's also a concern that handicapped vans currently do not have access since the one space is not large enough to accommodate a van and we have a lot of people in wheelchairs coming to the park. We have many visitors from United Cerebral Palsy who come there and enjoy our facility. With the abundance of parking we have at the other two parking lots, we feel it would be really fitting to designate the whole circle as a handicapped area to improve and provide more accessibility for our handicapped residents.

There were no comments from the audience.

Trustee Kaye commented that the Traffic and Safety Committee reviewed this proposal at our past meeting and we unanimously agreed with the Glen Park Committee to make this spot entirely handicapped accessible.

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ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to adjourn the hearing at 7:56 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 7:50 P.M.

Trustee Hayes stated our village was saddened recently by the loss of two very prominent citizens and tonight he wants to pause and issue a Proclamation of Commendation to each one of them.

Trustee Hayes stated the first one is for Anthony Messina. (Copy attached). Carmela Messina came forward and received the Proclamation of Commendation.

Trustee Hayes stated the second Proclamation of Commendation is for Joseph Kuzon, whose family, unfortunately, could not be with us this evening. Trustee Hayes read the Proclamation of Commendation into the record and will make sure that the Proclamation of Commendation is delivered to his family. (Copy attached)

Trustee Hayes asked that the Village Board reflect for a moment of silence in remembrance of these two outstanding individuals.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, the minutes of the regular meeting held by the Board of Trustees on January 27, 1992 were approved.

Unanimously carried.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to open a public hearing on a proposed local law which would amend Section 103-19 of the Vehicle and Traffic Code and designate all parking spaces in the off street parking area on the south side of Glen Avenue east of Ellicott Creek as spaces reserved for handicapped parking. (The public hearing was adjourned at 7:56 P.M.)

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Mayor Daniels reported that the Village of Williamsville is interested in the Town Of Amherst's new composting facility that is up and running during Spring, Summer and Fall months. We have a significant amount of yard waste that needs to be composted through the summer. Superintendent Laubisch has asked if the village might enter into a cooperative agreement with the town so that the village could use their facility and Mayor Daniels has written to Supervisor Ward to get his impressions on that type of arrangement. Supervisor Ward was very open and receptive to this discussion. Today we received a letter from the Town inviting us to attend a meeting tomorrow at 3:30 P.M. in the Town Board Conference Room. The meeting will include Pat Lucey, the Highway Superintendent, Mayor Daniels, Peggy Santillo, who he believes is liaison to recycling and composting, Paul Bowers, who is the Town Engineer and Tom Wick, who is Assistant Town Engineer in the Sewage Treatment Department. There are some specific concerns with even as assumably a simple operation of taking our leaves and brush to that compost facility and adding it to theirs due to the permitting which is involved in getting a site licensed by the state. This is the reason for tomorrow's meeting. We look forward to it since there are more and more restrictions on what you can and cannot do with all the yard waste. Obviously, the more we can take out of our garbage in regards to especially the grass clippings in the summer months will certainly save us tipping fees at our regular garbage facility.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, vouchers in the amount of \$178,013.23 covering 1/23/92 to 2/6/92 were approved:

payroll fund w/e 1/25/92	\$ 22,768.38
General fund	28,318.41
Water fund	31,538.56
Sewer fund	360.61
Trust & Agency fund	7,260.45
Glen Park Joint Activities fund	310.00
Capital fund	87,456.82

Grand Total 178,013.23

Large Vouchers:

Erie County Water Authority	\$29,142.40
Niagara Mohawk	7,157.04
Buffalo WHITEGMC, Inc.	75,555.00

Unanimously carried.

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

RESOLVED THAT the General Fund budget be amended as follows:

Increase Expense Budget Account	
01-3400-3410-4750	
Fire Service Award Program	\$120,484.00
Increase Revenue Budget Account	
01-9950-0270-2705	
Gifts & Donations - Fire Department	\$120,484.00

Trustee Lowther asked is this the actual amount that the Fire Department did give us, the \$120,484.00?

Mayor Daniels stated yes, it was in 2 payments.

Trustee Lowther stated she thought it was going to be around \$100,000. She is pleased to see this amount.

Mayor Daniels stated, as we have mentioned before, their contribution is quite unusual and we're certainly grateful for it. Mayor Daniels doesn't know of any other fire company that has seen fit to make such a contribution in developing their Service Award Program. We will shortly be discussing the village's contribution to this program as part of budget discussions for the June through May 1992-1993 budget.

Trustee Kaye stated she is very pleased with Hutchinson Hose's generous contribution. Although there were several options, the village is applying the entire \$120,000 to the first year payment.

Unanimously carried.

Trustee Kaye stated it is nice to see so many people in the audience and thanks them for coming. To go along with what Mayor Daniels was saying earlier about composting and recycling, as a recycling liaison, she said that the board has received a check from BFI, who picks up our recyclables, for the third quarter in the amount of \$564.15 for the sale of our recyclables. This totals to approximately \$1,600 for the 3 quarters. In this past quarter, which would be October, November and December, we've picked up over 115 tons of recyclables and that makes it over 336 tons that we've pulled out of the waste stream since last mid March when the village began recycling. By the end of the year, we will exceed the 420 ton projection that we were looking at, which would be 15% of the waste stream.

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Trustee Kaye is pleased that the residents are working so hard to put out their recyclables. Regarding NOREC and it's status, she mentioned that there are at present some very delicate negotiations going on regarding the sale of the building and the entire NOREC site. If everything goes well, the entire cost of the building and any additional carrying costs would be covered so that the 21 municipalities who participated in NOREC would owe no additional monies at all for participating in NOREC. Trustee Kaye thinks it's important to point out that when Williamsville and many other municipalities joined NOREC, we had no other options in terms of the Material Recovery Facilities to accept recyclables. BFI had not received their permit, neither had IWS and there were no other permitted facilities. Also, looking at the bid prices, the village does have the option to enter into a long term agreement through the hard work and efforts of NOREC which has substantial cost savings. The board will be meeting in an upcoming work session to look at recycling and the other options that we have, what else we can do, and where we go from here. She's also recently met with the representatives from BFI to talk about them picking up some additional materials such as are being picked up from the Town of Amherst. We are working on that and looking forward to hopefully being able to offer that as well.

Trustee Kaye reported that regarding Evans Street, the Town of Amherst did hold a public hearing approximately 5 weeks ago on whether to impose a weight restriction on the 3/10 of a mile that falls within the Town of Amherst boundaries. The village presently has a weight restriction on Evans within the village boundary and has for many years. One of the problems for the Amherst Police has been enforcing that restriction because the 3/10 of a mile that is within the town is not covered by this weight restriction. Unfortunately, the Town of Amherst voted to deny that request and not extend the weight restriction all the way to Sheridan Drive. Trustee Kaye has now written to Commissioner John Gugino in the Erie County Department of Highways requesting to erect a sign on the corner of Sheridan Drive at Evans coming southbound that would warn motorists of a weight restriction ahead. There already has been a precedent set in the Town of Amherst warning motorists of the Wehrle Drive weight restriction. Trustee Kaye has had several conversations with John Lane, Town Attorney and with Tom Troy regarding Evans Street. We're looking forward to the county approving the work permit so we can go ahead and warn motorists of a weight restriction ahead. It is her understanding this would make it more enforceable for the police. Also, we would be able to erect these kinds of signs and request a work permit on Mill Street as well since we also do have a weight restriction within the Village of Williamsville on Mill. It's a similar situation to Evans Street because there is no weight restriction on the town portion of Mill Street.

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Trustee Kaye has also requested Attorney Troy provide some information on posting other areas of the village with weight restrictions or warning motorists of weight restrictions ahead so that we can have them enforced. One of those is on the village portion of Essjay right before Evans Street to see whether we can erect a sign there. She's also asked a question about part of our Traffic and Safety code. Presently, we do not operate under the Uniform sign code. She has asked Attorney Troy whether we need to add that code into our code in order to erect certain signs within the village.

Trustee Kaye stated her resolution calls for a public hearing on community development. The village receives approximately \$38-40,000 a year in community development monies, some of which are low interest loans available to the public who meet certain criteria of income. These are Community Development Block Grant Funds which are part of the United States Department of Housing Urban Development. In the past, the monies were used for such things as home restoration and repair, for infrastructure and water lines. In home repair they may be used for storm doors, windows, roofs, or insulation. Many times the village has used them for restoration of water lines in the targeted areas. We have used them for our water study. Anyone who would like to comment on how these monies will be spent is welcome to come to the public hearing and share how they would like the Village of Williamsville to use these monies. Also, at the public hearing she will have some information to share about some additional grant money that may be available for the Village of Williamsville through the Town of Amherst. It's a federal grant and primarily will be monies available for home rehabilitation and for rent subsidies. The Town of Amherst is submitting that grant application and the village will be eligible for these funds. She'll have more information for the public at our next meeting.

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

RESOLVED THAT the Village Clerk publish notice of public hearing to be held at 7:30 P.M. on February 24, 1992 in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the 1992-93 Community Development funds in the amount of approximately \$40,800.00.

Unanimously carried.

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Trustee Lowther reported that the Glen Park group is becoming very active. They are planning a park wide clean up on May 2nd. We've already signed up the entire Amherst Girl Scout Council. We've also had some interest from an Amherst sorority who specializes in service projects. With the Mayor's help we have purchased a number of large reusable burlap bags rather than sending people out to clean things up and stuffing the trash in a plastic bag, which sort of makes us look like the bad guys environmentally. She's really pleased to have these burlap bags and hopes they will work out to be a good way to do these cleanups in the parks. The next meeting of the of the Glen Park Joint Board will be on March 13th.

Trustee Lowther reported the next meeting of the Environmental Advisory Council will be on February 27th.

Trustee Lowther stated her first resolution involved appointing a part-time employee to the DPW. Due to questions that were raised about the New York State Unemployment regulations, she is tabling this resolution. Clerk Cummins will contact the Unemployment Office and then let us know the unemployment status of this employee, who is a past employee of the village. After some points are clarified, we will move along with the resolution.

Trustee Lowther stated her next resolution is an authorization to obtain a copy of a court proceeding that was held here in the village. It was a case of a residence on Evans Street near Eagle and there have been many questions raised by the residents who live in the surrounding area and who gave testimony at this proceeding. In order for Trustee Lowther to understand exactly what happened at the proceeding and to share that information with the residents who are coming to her with these questions, she has requested a copy of the actual transcript. We do have a line item in our budget for transcripts. There is sufficient funding in that line. She first went to the Clerk/Treasurer and requested this information. She then received a memo from the Mayor asking her to put it in resolution form and bring it for a formal vote in front of the board. She still has unclear thoughts about this. She doesn't feel that as a Trustee she should be required to come before this board and in the public with a resolution to request an expenditure between \$200-\$250.00 for a budget line item. However, at the urging of the Mayor, she is bringing forward this resolution for a vote tonight. She thinks a lot of questions can be cleared up with a copy of this proceeding. She also thinks a copy of this proceeding ties into a resolution to create a committee to review home occupation that you will see later this evening sponsored by Trustee Kelly. She thinks this transcript would probably be very useful to them. Just for the public's information, we do allocate \$7,500 a year for transcripts. She thought this meant we got copies of transcripts of our court proceedings. It's actually money paid to a Transcriptionist who keeps the transcript and then after we pay him \$7,500 a year if we want a copy we have to buy it for \$2.75 a page.

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That also sounds unusual to her. She understands from people in the legal profession it's perfectly normal, but it sounds very strange that we're buying something and not getting anything in return other than the fact that this gentleman holds a record. It strikes her as going to a photographer and having your picture taken and then not being able to have the pictures. That's her own analogy of this thing.

Trustee Kelly commented it wasn't at the Mayor's urging that this got put up for a vote. The Village Attorney issued an opinion that it's required in all cases where you're ordering a court transcript. Secondly, as he explained earlier in the work session, he is of the opinion that he is not going to pay for any transcripts whatsoever unless the village is involved in an appeal. It's simply a waste of village money and we're here to protect against that waste. Third, Trustee Lowther states that she needs this so she can understand the court proceedings a little bit better. This occurred 2 or 3 months ago. In that whole period of time, she's never contacted Trustee Kelly, who is the liaison to the Building and Inspections Department to ask him about it, she never contacted the Village Prosecutor who prosecuted the case, and she never contacted the Village Attorney requesting any legal information whatsoever. He's not voting for something that's a waste of village taxpayer money.

Mayor Daniels commented that the \$7,500 that is set forth in the budget under the court is for the stenographic services which are \$100.00 per week for recording the court proceedings through the use of a stenographic machine. That's what we have paid for basically in the budget in addition to some money in case one of the proceedings would be ordered by the Judge. In order for us to read that stenographic copy, it has to be translated and the charge of \$2.75 a pay is for someone to sit down with that stenographic tape and translate it into English. He can understand Trustee Lowther's interest in being able to answer the questions of the neighbors but it really does cause him to question why she never went to the Prosecutor or Judge Townsend, who sat on the case or Trustee Kelly before she decided their information was lacking to the point of justifying another \$250.00 expenditure. He thinks that that's a question that is still not answered in specifics as to what's lacking. The other thing that's going to influence his vote and he certainly doesn't want to deny anyone information, is the fact that there is going to be an Ad Hoc committee established later in the program by Trustee Kelly to address in home occupancies, which in this case was specific to. This committee is being formed of residents that are very concerned with this issue and, in fact, some of the residents on the committee are from the very area that this court case pertained to. He thinks if out of their deliberations and with the information that they can glean from the other sources require a transcript we can reconsider the request. As of now, he can't vote for this expenditure either.

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Trustee Lowther commented she's not exactly sure why this information is being denied. She certainly would feel very comfortable paying for it personally; however, she feels as a Trustee, she has a right to this information. She has followed this case since day one. She has listened to Trustee Kelly report meeting after meeting on the proceedings and how they were coming along. She has been in constant touch with the neighbors who are involved in this case and who testified in this case. Unfortunately, she was not able to attend court that date. The residents are concerned because they were not permitted to be in the courtroom either before or after their testimony, which she understands is totally kosher. She has no argument with that. However, residents feel that they are somehow missing something that happened. Trustee Lowther doesn't know what happened. She feels that she needs to read a report other than the verbal reports she has received from the people involved including the people who gave testimony and including Trustee Kelly's reports. She doesn't think what she is asking for is out of order at all and she doesn't like the idea of having to present a resolution every time she wants to make an expenditure out of a budget line. However, Attorney Troy says that in this particular instance, because we've never in the history of the village had anyone who sat on this board ask for a transcript, feels she is being the person who is being put on the spot for this particular item. In the future she is sure we will have a set policy on how to receive transcripts that we feel are warranted and that we feel we need as Trustees to better serve our constituents.

Trustee Hayes stated it seems the temperature in the room is going up over this issue and perhaps we have an opportunity to avoid confrontation if we table the issue and allow Trustee Lowther the opportunity to talk to the Prosecutor and to the members of the committee that have been put together about some of her concerns. After that's taken place, if she still feels that it's necessary to obtain the transcript, she could come back and at that point he would be able to support her request for such a transcript because he thinks it's important that she have the information she needs. At this time Trustee Hayes suggested this issue be tabled until our next meeting pending a discussion between Trustee Lowther and the Village Prosecutor on the issue.

Trustee Kaye commented in terms of policy here that she agrees with Trustee Lowther. It's very difficult to represent your constituents and to understand the situation when you don't have all of the information. She did go into the court and read the file and did read the Judge's complete notes and still feels that a transcript is warranted. She feels that is you have a Trustee who is looking for the additional information and we have a budget line item, that certainly is not a request that is out of the ordinary. We have, in past cases, had more than one person spending out of a budget line item.

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Just because this hasn't come up before in front of the present board or the present individuals here, she doesn't necessarily think that it's unwarranted. Trustee Lowther feels that she would like this additional information so she can read it herself, analyze it and share it with the residents. The residents have also requested it and Trustee Kaye feels that it's certainly proper and in order and we should grant her this request out of this budget line item.

Trustee Hayes made a motion to table this resolution until the next meeting. There was no second.

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

RESOLVED THAT a transcript of the Schrader court proceedings be obtained from the Court Reporter at a cost, not to exceed \$250.00.

Roll call:	Trustee Hayes	yes
	Trustee Kaye	yes
	Trustee Kelly	no
	Trustee Lowther	yes
	Mayor Daniels	no

Motion carried.

Trustee Kelly thanked everyone who was involved in Winterfest two Sundays ago. It was the most recent project of the year for the Youth Board and it was well attended. This year we almost had enough snow. There was a little bit of sledding going on, we had some caroling and some horse rides and a number of other events. He knows that everyone there had a good time. The next event for the Youth Board is not until the Spring when we have our fishing derby in Island Park. Trustee Kelly publicly thanked the members of the Youth Committee for the hard work that they do. They put on a number of events throughout the year and thanks is not enough for the hard work that they do. There still exists a vacancy on the committee if anyone desires to become a member.

Trustee Kelly reported that regarding Safety and Inspections, he will be creating a committee tonight to review home occupations in the village. We have a law on the books that allows for limited home occupation which means that under various limited circumstances a residence in a residentially zoned area can be used for some business purposes. For example, Trustee Kelly is an Attorney, if he wants to meet some people at his house to have them sign a will, he could have them sit at his dining room table and sign wills. Similarly, an insurance man might deliver a policy or take a phone call at home.

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There are some limited uses for home occupancy. There's a limit as to the number of employees, as to parking and as to interior renovations. The cases that Trustee Lowther mentioned before shows the difficulty we have in enforcing the home occupation law. In a commercially zoned area we have no trouble having the Safety Inspector, the Building Inspector or the Fire Inspector enter a building to make sure it's in conformity with our codes. We have a problem when you do that in a residential area since "your home is your castle". It's always been the position of the courts that they're not going to allow town, village, state officials to just on a whim go in and inspect people's homes. So tonight he is setting up a committee of concerned citizens, some of who were involved in this situation. He knows there's also a situation over on Union Road so that we can first of all examine the law to see if it can be strengthened to allow for better enforcement and secondly, to see if it is a major problem in the village rather than just an isolated problem or two. He thinks we all share a concern that the commercial area on Main Street is encroaching too much into the residential neighborhoods, so perhaps this committee can study that to see how pervasive this is and to see how we can resolve the problems.

Trustee Kelly stated his first resolution has to do with the DPW reconstruction project, some improvements that have been done on that building.

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

RESOLVED THAT the contract with Baer & Associates for the DPW reconstruction be increased by \$1,055.00 for the purpose of designing and implementing an effective fire alarm system for the DPW garage as per Baer & Associates letter of January 25, 1992.

Unanimously carried.

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

RESOLVED THAT Grand Island Electric, Inc. is hereby awarded the contract for the installation of an emergency generator in the Department of Public Works Garage at a cost of \$2,800.00 as per Baer & Associates recommendation of January 25, 1992.

Unanimously carried.

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

WHEREAS the Code of the Village of Williamsville, New York provides for limited "home occupation" use in a residentially zoned district, and;

WHEREAS there have been complaints by citizens that the restrictions sets forth for "home occupation" use are being violated, and;

WHEREAS the Buildings and Inspections Department and the Village Prosecutor have expressed concerns about the Village's difficulty in enforcing said "home occupation" laws due to various restrictions,

NOW, THEREFORE, BE IT RESOLVED that a committee is hereby created to review the provisions of the Village Code relating to "home occupation" and issue a report to the Village Board. Said report is to be issued and the committee dissolved by the end of the 1991/92 Village fiscal year (May 31, 1992).

Members are as follows: Richard Baer, 50 Willowbrook; Henry A. Stroman, 116 Eagle Street; Nicholas D. Mecca, 66 Oakgrove Drive; Glenn E. Murray, 84 Highland Drive; Patricia Riedel, 5801 Main Street and John Elak, 27 Evans Street.

Trustee Kelly noted that the committee does have a termination date. He doesn't want to create committees that are just going to go on forever unless they have a certain purpose.

Trustee Kaye asked is there anyone on the Committee to actually represent a home business who might give some input to this committee, who is a resident and who also has a business within their home?

Trustee Kelly stated there's no one that has an actual place of business within their home although several of these people are homeowners. He did that for a purpose. If we're looking to strengthen a certain provision to enforce it better against people, he doesn't want that person on the committee trying to keep it a loose law. Secondly, one of the members on the board is an Attorney because Trustee Kelly thinks we're going to need some legal language. He asked the committee to work with both the Village Attorney and Village Prosecutor. One is either the president or the past president of the Williamsville Business Association and one is a Planning Board member and a former Trustee.

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Two of the people are residents who had brought up the complaint about the specific spot on Evans Street and he thinks their input as neighboring homeowners is going to be very important and crucial. He is pleased with the well rounded committee that we have here.

Trustee Kaye stated she thinks it would be nice to have someone's input who was actually involved in it. She guesses she doesn't see that necessarily one person would sway but would add additional input in any situation that might occur because these people are residents and generally taxpayers as well. Trustee Kaye stated she would hope also, as it says in his resolution, that he would be giving us a report rather than a new code.

Trustee Kelly stated it specifically says they're going to give us a report.

Trustee Lowther stated that is what she understood on previous committees and that isn't what we got so she just wants to be clear on that issue.

Trustee Kelly stated he expects them to give us a a report. 1) Is it a pervasive problem within the village? 2) Is it a problem we're stuck accepting? 3) Are there certain changes that we can make? 4) Are they easy changes or are they going to be very strong changes? Generally, Attorney Troy and Village Prosecutor (D'Angelo) and himself have bantered about whether we should license the homes and whether there should be a permit requirement, things like that. These are the sort of things he expects the committee to review and give us a a report as to those viable options.

Trustee Kaye asked is there also room on his committee since she sees there's not an actual number of citizens on here for any additional names of people who have asked to be on here?

Trustee Kelly stated she can make her amendment.

Trustee Kaye stated she would like to amend the resolution to add one additional name to that which would be Richard Seeberg, 72 Rinewalt.

Trustee Hayes asked if that was her husband and what is his area of expertise in the matter?

Trustee Kaye stated he would represent a home occupation and has expressed an interest in this committee and is curious about it. She thinks that having someone in that area could lend some additional insight to the questions that may come about.

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ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to amend the resolution to include Richard Seeberg, 72 Rinewalt Street.

Trustee Kaye said she finds it quite interesting that this particular committee is being brought before us to be approved. Earlier the reason Trustee Kelly wanted it here, rather than under Government Advisory, was because of the narrow focus in looking at this particular item. It's interesting when you go back and look at the meeting minutes of September 23rd when that was one of the exact same quotes that she used when she requested a Community Development Committee. She is liaison to that program and she wanted to look at the narrow focus of community development. She finds that quite interesting that Trustee Kelly is coming forward with this committee when she also said she would disband her committee if that would have been the pleasure of the board at the end of her liaisonship. However, she was denied community input to try to gather that kind of information when she, herself, requested a committee.

Trustee Kelly stated if she's asking him to defend himself on that, as you know there was a committee that already looks into that. There is no committee that looks into the laws of the code of the Village of Williamsville.

Trustee Kaye stated under the resolution for the Village Government Advisory Board, number 2 talks about the fact that that board will also function when talking about the introduction and consideration of proposals for more effective and efficient Village government and as an agency for the referral of the Village Board for changes in local laws and regulation and policies. Trustee Kelly's resolution is talking about a possible change in one of the village codes and laws so that there is a provision under the Government Advisory Board for that. She is not going to vote against this because she feels strongly about community input but she thinks it's an ironic situation and correlation that we both requested a committee for basically the same purpose and Trustee Kelly denied hers in choosing to move forward with something very similar.

Trustee Lowther stated this is really an important issue to be looking into. She thinks one instance of abuse of home occupation is one instance too many. She thinks that many areas do not allow home occupation or it's very severely limited. We're fairly reasonable on our requirements and we have not made it tough for people to do this. When one person abuses it, it makes it difficult for anyone else to go ahead and look at a situation like this. She's very happy to see this being reviewed and she's happy to see the people on the committee are some of the people who have come to her with their concerns about home occupation and it does tie into the information previously stated about the transcript.

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Two of these people are residents who are also interested in seeing the transcript. She certainly hopes that this will help toughen up the home occupation area and help to satisfy a lot of people because she thinks it does need some work.

Trustee Hayes stated he is in support of this and congratulates Trustee Kelly for initiative in this area. Certainly, he supports anything that involves getting greater numbers of residents involved in the local government decision. Trustee Hayes thinks they will come up with several good ideas, several competing ideas and Trustee Hayes looks forward to hearing the result of their work.

The original resolution including amendment is:

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

WHEREAS the Code of the Village of Williamsville, New York provides for limited "home occupation" use in a residentially zoned district, and;

WHEREAS there have been complaints by citizens that the restrictions sets forth for "home occupation" use are being violated, and;

WHEREAS the Buildings and Inspections Department and the Village Prosecutor have expressed concerns about the Village's difficulty in enforcing said "home occupation" laws due to various restrictions,

NOW, THEREFORE, BE IT RESOLVED that a committee is hereby created to review the provisions of the Village Code relating to "home occupation" and issue a report to the Village Board. Said report is to be issued and the committee dissolved by the end of the 1991/92 Village fiscal year (May 31, 1992).

Members are as follows: Richard Baer, 50 Willowbrook; Henry A. Stroman, 116 Eagle Street; Nicholas D. Mecca, 66 Oakgrove Drive; Glenn E. Murray, 84 Highland Drive; Patricia Riedel, 5801 Main Street and John Elak, 27 Evans Street, Richard Seeberg, 72 Rinewalt Street.

Unanimously carried.

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Trustee Hayes reported the Parks Committee is continuing discussions regarding next year's budget, both the expenditure of taxpayer funds and the non-tax monies that are spent on our parks, the money that's raised through Savor the Flavor and craft fairs.

Also, the Parks Committee has done an excellent job in the maintenance of our parks. That's become a big issue for the Parks Committee this year and he congratulates them for the work they have done. They put together a listing of projects which are priorities for this summer and have offered to work hand in hand with our DPW on seeing that the basic maintenance issues in our parks are addressed. Trustee Hayes thinks it's about time that we got back to the basics in the areas of our parks and they've been providing excellent assistance to him in that regard.

Trustee Hayes reported the Local Government Advisory Board met and unfortunately he was unable to attend that meeting due to a previously scheduled meeting but he did listen to part of the meeting that was on tape. He continues to be impressed at the level of discussion that's taken place at these meetings and he welcomes the public to attend them if they're able to do that. The main discussion at the last meeting involved the water infrastructure and the information we've received from the water modeling study that was done and from Don Dehn, our Water/Maintenance man, who has extensive experience in the village with the water system. It's something that the committee is trying to take a pro-active stand on, to look at possible recommendations to continuing the refurbishment of that system which most village residents know is very old. He suspects within several months they will have some comments and suggestions as to how we can upgrade the areas basically where there's line valves that need replacing and some other areas, water mains that may need attention as well.

Trustee Hayes stated his first resolution involves a grant application to the New York State Office of Parks Recreation and Historic Preservation. Some residents may recall that last year we submitted a grant request for assistance in doing an erosion control project in Island Park. Unfortunately, that request was turned down. The information that we received from the New York State Office was that for fiscal year 1991. There were in excess of 10 million dollars requested and only \$972,000 of grant money available. Grant money is the name of the game these days and people are competing for it at a much more ferocious level. We are going to do the same thing this year and get right back into the process and put in another grant to try to capture some of this money. He's deeply in debt to two members of the Parks Committee who volunteered a great deal of time to put together this year's grant. Carolyn Schlifke, the Parks Committee Chairman, who has submitted grants in the past and has been very successful in writing grants both to the State and Federal government and also Maureen Gioia, who is a Parks Committee member.

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The two of them collaborated on this grant and brought forth what Trustee Hayes believes is an excellent proposal. To summarize the proposal, we're applying for a \$30,000 matching grant which means if the grant is approved, the village will be responsible for \$15,000 and the state will be responsible for \$15,000. The purpose of the grant would be to improve the area and complete the existing park land that's over by the Lehigh Memory Trail. Trustee Hayes read the following sections of the program narrative so that the public could get a better idea of what this grant involves. "The main object of the proposed project is to turn a previously badly neglected area in a residential/commercial area into a useful, attractive and passive park area. Previously, through a public referendum, the Village of Williamsville took the initiative to purchase an abandoned conrail strip approximately .71 of a mile in length and encompassing an adjoining piece of land which is situated at the historic Lehigh Railroad depot. The specific elements of this project would require funding for the restoration of the land that is there that was obtained from Mr. Darling, it was actually village land that we took back. We would require cleaning, grading, filling, planting of trees and shrubs and expand the existing park area so that it would encompass a theme that would be incorporated with the historic railroad depot. Since the trail is open 12 months of the year and utilized in winter months by cross country skiers and year round by joggers and walkers and bikers, this has become a real central part to our village community and we'd like to do whatever we can to continue to improve it and make it better for resident's use. The projected time frame of the completion would be for the Fall of 1993". Again that would be if we receive the grant from the state. Trustee Hayes thanked the members of the Parks Committee who worked on this and said that in a time when our small municipalities are trying to survive due to the many cuts in Federal and State aid, this type of grant writing and involvement by local residents is going to be essential for improving our municipality well into the future. This resolution authorizes the Mayor to sign the application and also directs that the project be carried out should the grant be received.

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

RESOLVED THAT Mayor Ronald W. Daniels is hereby authorized and directed to file an application on forms prescribed by the New York State Office of Parks, Recreation & Historic Preservation for financial assistance in accordance with the provision of the Land and Water Conservation Fund in an amount not to exceed \$30,000.00 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this municipality for the Lehigh Memory Trail Extension.

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Trustee Lowther stated she's not sure she understands a matching grant. It's for \$30,000 but it means that we'll get \$15,000 from the state and then we have to contribute \$15,000?

Trustee Hayes stated that's right. That's one of the reasons it takes a resolution of the Village Board so that the village commits itself in the event the grant is received.

Trustee Lowther asked does the Parks Committee have \$15,000? Where will the \$15,000 come from?

Trustee Hayes stated if the grant is approved then the village will have to place \$15,000 into the village budget. Because the project isn't scheduled to be completed until 1993, we feel that we would have the opportunity to do that in a future budget.

Trustee Kaye stated it is wonderful to continue with Lehigh Memory Trail and she thanked Carolyn Schlifke for writing another grant. She is honored to work on the last portion of Lehigh Memory Trail to finish out executing what Ms. Schlifke had written before. It was wonderful to see that come to fruition so she looks forward to see this happen as well. It would have, as she said earlier to Trustee Hayes, been helpful to Trustee Kaye if the liaison could have provided some information for review about what was being proposed prior to just this very moment. She would personally liked to have had the opportunity to see what we were committing a future board to. Knowing Ms. Schlifke's expertise in the past, she's sure it's wonderful but Trustee Kaye would have liked the opportunity to have some input or knowledge that we are at this juncture or process.

Trustee Hayes reiterated what he said in the work session. Due to the time constraints for the application and the time that was involved from volunteers putting it together, this is the first available chance and opportunity he had to bring this forward. If there are any major reservations by any member of this board he's willing to pull the resolution and convene a special meeting of the board before the deadline, which is Friday. You will recall, last year we had to do that. We had to meet in a special session to approve the grant requests. Trustee Kaye stated in the work session that was not necessary.

Trustee Kaye stated yes she did. However, her understanding is that there must have been some prior knowledge to just this very moment of what was going to happen and as she said, it would have been helpful to her to peruse that information in order to have a better understanding of what the grant covered. She would have liked an opportunity for input inasmuch as she has worked on that project for 2 years as past liaison and also working with the Railroad Society.

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Trustee Kaye said she would like to see a copy of what's being submitted in case people who are on the Trail, residents who have always had many requests as they started to see things happen, to be able to answer those constituent's questions.

Unanimously carried.

Trustee Hayes stated his second resolution involves something that comes to our attention as a board from the Fire Company. On January 24th of this year, the Fire Chief wrote to Mayor Daniels asking the Village Board to consider replacing Engine #2. Upon review of the fire apparatus, the Fire Company has made the observation that the condition of Engine #2 pumper, which is a 1977 American Le France, is such that if the apparatus is kept much longer, it will require extensive body repairs to keep it in good running condition. Therefore, the Chief is asking for authorization for the formation of a truck committee to prepare specification for a truck to replace Engine #2 while we can still get a fair market price as a trade in for it and eliminate the need to request funding for extensive repairs. True to their past performance, the Fire Company is willing to enter into a cooperative agreement on this with the village and the schedule that they've laid out for us targets an arrival date of June 1993 for the new pumper. They've worked out the following payment schedule. \$100,000 would be taken from the capital equipment fund which would have been built up to that point by June 1993, an estimated \$60,000 resale value of the present Engine #2 and an amount not to exceed \$70,000 which would be bonded by the Village of Williamsville. As a follow up, several of the officers and past officers of the Fire Department sent a memo on February 3rd to all the Village Board members summarizing the research of the truck committee. They laid out the pros and cons very succinctly as to why their research pointed towards purchasing a new vehicle rather than investing money in rehabilitating the 15 year old vehicle. Trustee Hayes read some information about Engine #2. (Copy attached). It was signed by the Chief, several past Chiefs, the Assistant Chief, the current (slate) of officers of the Fire Company and delivered to all the members of the Village Board. Also, today we got an estimate from the Fire Department about what exactly it would cost to refurbish the 1977 pumper. Suffice it to say, the bottom line would be \$80,000 with a recommendation that an additional \$20,000 be budgeted for cost over runs or contingencies, so you're talking in excess of \$100,000 expenditure to refurbish the truck. This is an expensive proposition. It's not one that's taken lightly but he thinks as members of the board and as fire commissioners, the safety of village residents is foremost in our minds when we make decisions on these matters. We trust the good judgement of the officers of the fire company and appreciate their efforts in entering into these major purchases in a partnership fashion.

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

RESOLVED THAT the Fire Department is hereby authorized to prepare specifications for the purchase of a pumper to replace Engine #2, for expected delivery in 1993.

Trustee Hayes stated because it is expected to be delivered in 1993 what this resolution tonight allows the fire company to do is to get going on the specifications which take a great deal of time to prepare. The Village Board will be included in decisions as we proceed from this evening's decision.

Unanimously carried.

Superintendent David Laubisch reported within the last week the Village of Williamsville DPW has repaired two water main brakes, one at Hirschfield and Main and one that was reported at 10:00 this morning at North Ellicott and Chalmers. Both repairs were carried out in an orderly fashion with a minimal amount of inconvenience to the village residents.

Mr. Laubisch also reported that the DPW is in the process of working on our stump removal list. We are now back in our DPW shop and we're in the process of reorganizing and setting up the shop to reflect the improvements that were made. That would include the establishment of a new sign room to manufacture street name signs. During the course of the construction the DPW, which was approximately 2 1/2 months, the sign room was eliminated from one location and moved to another which included moving the sign machine. That is now back and operating and we are also in the process of relocating a maintenance area in the DPW. That is being fitted in between and during regular work hours and other scheduled activities that occur in the DPW.

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

Unanimously carried.

Carolyn Schlifke, 192 Evans Street stated she would like to address some of Trustee Kaye's concerns. She will be coming into the Village Hall tomorrow in order to finish compiling this grant application. Basically, it is typed. The maps, the slides and things are together. It must be submitted in triplicate. She thought she could come in and have Mrs. Cummins help her with getting the sufficient number of copies together. This grant is really a preliminary state.

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The monies would not be available until October of this year, which is past the planting season so therefore, you're looking at a construction period in the Spring and Summer of 1993. The reason why the board was not asked for input on this proposal is because it's very difficult to get 2 people to agree what to say. The more people you ask, the more confusing it gets. When you ask for grant funds, it is a general idea for the development of something. If we had wanted to go to specifics, it would have meant having to hire a consultant. This would have been asking the board to expend monies for something that may never come about. Therefore, anything in the grant was very general. They did ask for a cost break down so they included \$3,000 for a Consultant. This might even be a little bit high since this piece of land probably will not need the engineering that the bike walk trail did. \$500,00 was included for administrative costs. The rest of it was broken down into some funds for walkways, paving, electrical, additional benches and trash receptacles. The rest of it, which was the major portion, was for preparation of the land. If these funds come to the village then you are requested to come up with more specific plans. You must have diagrams, perhaps hire a Consultant and then they will approve that stage. The loss of State and Federal funds to municipalities has made these grants more attractive to people. Years ago, she can remember someone in higher office saying to her, "there's an awful lot of money out there, all you have to do is be willing to do all the paperwork and you can get it". She felt that anytime you can get something for nothing, you really should try to do it. She knows the board is committing itself to a matching grant but in 1993 the Village Board can refuse the grant. She wouldn't advise it, but you can. So, while you're making a commitment tonight, the commitment is just to follow through at this particular time.

Trustee Kaye thanked Ms. Schlifke on her detailed report and her initiative to take this and apply for the grant. She wondered if this application followed the plan the Railroad Society submitted to the board last year. Does it encompass part of that?

Ms. Schlifke stated it could. She felt the fact that there is a historical building on the land has got to lend some credence to our request. There were a number of things that she felt were important to bring out and the historic railroad station was one of them because where it sits now is not really a very attractive area. That was one of the things we encompassed in our narrative.

Ms. Schlifke stated the Meeting House Committee held one of it's rare meetings about a week and a half ago to discuss the building's budget which has developed into a building that the village can be very proud of. Basically, she thinks it's in excellent condition. A lot of money, both grant money and village money has been put into it.

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The Village Meeting House Committee will not present the board with a lot of requests for the building. However, they are a little disappointed in the income that it's generating. She knows we have a schedule of fees. She doesn't know how many people do rent it out but we would like to see that building be self supporting at least for it's utilities and maintenance. One suggestion is to market it more. Maybe there aren't enough people out there that know it exists and that would be willing to rent it. Perhaps articles should be put in the local newspaper making homeowners' groups or other small organizations, that are looking for some place to hold a meeting, aware that this building is available to them. She knows the Performing Arts Committee does rent it out on a regular basis during their season and everyone she talks to that has rented this building has been thrilled with it and they just say, "I wish I had known it was here before". She just thinks that enough has not been done in order to let the public know that this building exists. Perhaps sending letters to the schools or other organizations might be an answer.

Trustee Lowther stated she agrees with Mrs. Schlifke. She would certainly like to see it generating enough income to cover the fire alarm and the utilities. She would be happy to work with Gartley Weller and try to put something together and think about where we would distribute it because she would like to see the income increased. She'd like to see people enjoy the building.

Wally Pacer, 67 Monroe stated he has a few observations. He must agree with the majority in the Schrader matter with respect to ordering the transcript and putting aside monies for it. He thinks for the public's right to know, it made a lot of sense to have it ordered. He understands that we pay a Stenographer \$100.00 -115.00 per session to be there to transcribe all the proceedings as they go along. This is done for the benefit of the court and he understands the court receives free transcripts. He suggested that the board approach Judge Robinson and ask him to order a copy of the transcript and see if perhaps we can save even \$200.00 or whatever the cost of the transcript is that the board has allotted by virtue of the resolution tonight. He thinks that would be an even better way to handle that situation. He sees no reason why Judge Robinson can't order the transcripts and why a Stenographer won't do what every other court does in the county and provide that kind of a transcript at no expense to the taxpayer.

Mr. Pacer stated that with respect to the resolution of Trustee Kelly, he's all in favor of that resolution for the committee to look into home occupation, etc. He must admit, however, that as he looks at the male majority here, that they deserve the criticism that they got from Trustee Kaye with respect to what happened to the Community Development Committee. In September 1991 he stood before the board and volunteered to be a member of that committee.

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That night the 3 male Trustees voted it down and the rationale was that it was repetitive, redundant of the functions of the Government Studies Committee. The board saw no need to create another committee simply because Government Studies did grant writing, did that kind of function as well as all the other functions it was given in June of 1991. The board has now heard the same preamble and gave Government Studies the right to look over every law in the village, including the zoning ordinances, which were just looked at in depth fairly recently and which he thinks were past within the last month or two. He thinks they deserve the criticism that was laid against them because now as he sees it, while he's all in favor of the committee that is being impanelled with respect to home occupation, it is redundant and repetitive of the functions and purposes of the Government Studies Committee. He can only ask himself, why was this committee impanelled, why was this one allowed to go through and the Community Development Committee, which was suggested, to serve individual residents to look into ways to better spend grant monies was not.

Lawrence Brenton, 31 Monroe asked why the board now has a committee to review the newly enacted codes?

Mayor Daniels stated in the short period of time since the code has been rewritten, significant changes have occurred. Some codes that exist one week can very easily not be adequate for the task of the next week. This particular area of the code is not the only one that we're looking at now. It is one that certainly needs to be looked into because there are some holes and gaps in there that we feel definitely need to be closed because we are geographically a first ring suburb around Buffalo and the fact that in a business view, this is a very desirable location to put a business. You've got businesses on Main Street and then the first thing you know once that's filled up, you've got the first row of houses beyond Main Street in the northerly and southerly direction and the second set and so forth. So this committee would respond to those types of issues and try to slow down and stop that type of infiltration into the residential areas. There are other parts of the code as well that we are constantly looking at and having to adapt to new situations that occur in the village as we go. Mayor Daniels doesn't think at anytime is this thing a closed issue. It always has to be open to perusal.

Mr. Brenton stated what Mayor Daniels is telling him is that the time that Mayor Daniels spent on the Village Board, prior to his election as Mayor in which that very code revision was taking place, he feels a very definite need for code revision at this time. He takes exception to that since he does not think that the code can change from week to week; however, that is the Board of Trustee's decision. Mr. Brenton asked Mr. Pacer if this, in a way, answered his concern which he believes was why it was necessary to review these codes that had just been recently passed?

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Mr. Pacer stated it doesn't answer his other concern he left open which was why the Community Development was voted down by the male majority and why for the very same reasons this board, given the purposes of Government Studies, chose to create another committee.

Trustee Kelly stated if Mr. Pacer is asking him is he is a sexist, he can strongly tell him that he's not.

Mr. Pacer stated 3 individuals. Patrick, Ronald and James voted down Community Development.

Mayor Daniels stated we've never voted down Community Development.

Trustee Kaye stated we should be clear then that her request to have a committee, which she is a liaison for, was voted down by this board.

Mr. Brenton stated recently in the news media, Trustee Hayes was quoted as making a statement that Trustee Kaye made a field decision to allow for the village to dump water. He is very disturbed by this because water was one of his priorities. Mr. Brenton asked Trustee Hayes if he made that statement.

Trustee Hayes stated no, it was incorrectly reported in the media. The field decision, we all know, was made by the Superintendent and the Water/Maintenance worker. They made the decision. It was incorrectly reported in the news media.

Mr. Brenton stated that recently this board went into Executive Session and that purpose of Executive Session, as Mr. Brenton understood it, was to discuss personnel matters, hiring personnel for the DPW.

Mayor Daniels stated the board went into Executive Session because it dealt with personnel which is subject for Executive Session.

Mr. Brenton asked Attorney Troy if the Village Board has a right to go into Executive Session pertaining to personnel that are not now employed by the village. Is this a legal purpose for going into Executive Session to discuss employment of people that are not currently employed by the Village of Williamsville?

Attorney Troy stated Executive Session, as he understands it relating to personnel matters, relates only to individuals presently employed by the village. It does not include anticipated employees.

Mr. Brenton asked Attorney Troy if it was proper for the Village Board to go into Executive Session based on his comments prior to Mr. Brenton's question at that particular meeting of January 13, 1992.

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Attorney Troy stated his recollection of that meeting is that the motion was framed in the following fashion: All that they indicated that they were going into Executive Session to discuss personnel matters. If the meeting digressed from that, was the original intention proper or is Mr. Brenton saying was the meeting itself proper?" The original intention may very well have been to discuss personnel matters other than the particular item. He doesn't know. He wasn't privy to it.

Mr. Brenton asked Clerk Cummins if there was a record kept of this Executive Session.

Clerk Cummins stated no, there is not because the only time we have to keep a record is if we pass a resolution and there was no resolution passed at the Executive Session. Therefore, there is no record.

Trustee Kaye stated we did adjourn at the end of that Executive Session and pass a resolution based on the reason we went into Executive Session, which dealt with a resolution that was on the agenda for hiring somebody at DPW.

Clerk Cummins stated that is part of public record.

Mr. Brenton stated so that was a specific reason for going into Executive Session to talk about people that the board was going to hire. He stated that if the board wants to talk about people that they're going to hire, they talk about them right out here in public.

Trustee Kelly stated in response to that he relies on the advice of his counsel, the Village Attorney and at no point during the Executive Session he attended did he advise us that we were doing anything improper. Now that Mr. Brenton has brought it to his attention, we'll be quite happy to ask Attorney Troy anytime we go into Executive Session whether it is proper every statement we make. Trustee Kelly stated he makes it a point, any time a legal issue comes by, to look over to the Village Attorney and ask him. He doesn't rely on his own conscience and his own thoughts and we did ask him whether we were in Executive Session and he made no opposition to us being in it.

Mr. Brenton asked regarding the proposed Village Administrator position, what is Trustee Hayes' time frame on that?

Trustee Hayes stated his time frame was to extend the comment period and not close the public hearing when we held it because there were a number of people who came that evening and expressed a concern. He stated at that time that we would keep the comment period open for 30 days to receive resident input on the issue and we will continue to move ahead on the discussion of the issue.

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Mr. Brenton stated as had been previously pointed out, there were exceptions taken by previous boards to the creation of that position. He has a letter that the board will shortly receive that indicates his feelings on that subject. Mr. Brenton cautions the board, in this time, to consider it's duties as Mayor and Trustees and to not allow themselves to be placated by a Village Clerk or a Village Administrator in spite of the fact that at this present time you have a very able and competent Village Clerk who can give you all the answers in the world that you might desire as Mayor and Trustees. But that won't necessarily always be the case. At some point in time Mrs. Cummins will leave and at that time the torch has to be passed on. If someone is in the position of not passing on the torch of knowledge, that you must develop on your own as Mayor and Trustees, the village will be sorely served. The only way to continue village form of government, as we know it, is for each one of the board to learn all the facets of village government and to rely on the Village Clerk, not Administrator, to provide it with any answers and continue direction because it appears to him the question of Administrator and Village Clerk are all one in the same. If there are cost savings regarding pencils or pieces of paper, \$200.00 or \$600.00, he is sure that the Village Clerk can handle those in her present position and he hopes that the board would consider that in it's determination. What we're looking for is savings of thousands of dollars because that is what we need, not creation of positions that at today's salaries will be acceptable but at tomorrow's salary for some other person will not be acceptable. It will be "my duties are so much that I must have a great deal more money than this position pays". Those words, Mr. Brenton feels certain, will not come from Mrs. Cummins but they will come from her successor.

Mr. Brenton said Hutchinson Hose Company has given \$120,484 for the purpose of their retirement program, which he fully supports. He is unclear as to how that money is going to be utilized by the village. It was indicated the first year of payment and then of what and it looked to him like there was 2 years of this money being appropriated.

Mayor Daniels stated the money that the Hutchinson Hose has contributed is invested by a firm, Faine Webber, in CDs and bonds to accrue interest, until the first Fireman is able to take advantage of this Service Awards Program, which will not occur until 1/1/93 so that the \$120,000 will be significantly more by the time a Fireman does take advantage of this retirement.

Mr. Brenton asked how was Faine Webber chosen?

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Mayor Daniels stated there were several different ways in which these Fire Service Awards Programs are implemented. The basic two that we narrowed it down to was a life insurance company which would sell the village premiums and insure the members of the fire company a basic annuity type program or through investments based on bonds and very liquid assets. We chose the latter approach because it offered us a lot more liquidity should we decide to change the vehicle in which we carry this whole plan or should the state change the way in which this has to be implemented or should we decide to move from a Paine Webber Company to another company. We can then remove 100% of what we've contributed plus interest and put it somewhere else. With the life insurance company concept, a good percentage of the initial investment went to fees. Should we have decided to opt out of a plan after a year, there would have been a significant loss in the amount of money that we could have pulled back out, which is why we chose Paine Webber and which is why many of the plans that are being instituted now through the state are considering this type of concept.

Mr. Brenton asked so Paine Webber then is what type of investment? Are you talking about municipal bond safe investments?

Mayor Daniels stated that's correct. There all double A rated or the highest rating. They all come to us and the Village Clerk for approval whenever the transfer of funds is made. It can be anything from a 6 month CD to New York State or Federal Fanny Mae type bonds which are being recommended now by Paine Webber.

Mr. Brenton asked Trustee Lowther about her resolution for the transcript of the court hearing.

Trustee Lowther stated she wanted a transcript of the trial of that proceeding when they took Mr. Schrader into court and tried to prove that he was doing more than have a home business.

Mr. Brenton wondered why Trustee Lowther had to go to the extent of supporting a resolution in order to get it. It appears to Mr. Brenton that someone that was sworn to carry out the functions of government, that government would certainly try to satisfy their needs in any way. He also wondered what would be the impact of the Freedom of Information Act regarding a similar request? If Trustee Lowther was not Trustee, but Mary Lowther and she was asking for a copy of this transcript, how would that be impacted by the Federal law that we know as the Freedom of Information Act?

Attorney Troy stated she is entitled to it as long as she was willing to pay the money.

Trustee Lowther stated she could pay for it personally now. That's what she was advised.

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Mr. Brenton asked what would the cost be of this transcript? Does anybody know?

Trustee Lowther stated no one seems to know. It went from \$100.00 to \$200.00 within one day, so she doesn't know what it costs. We set a limit of \$250.00 on the cost of obtaining the transcripts.

Trustee Kaye stated regarding past transcripts that were ordered this year by the village, there is a 22 page transcript that was ordered, People vs Ross, on 12/20/91. That was at \$3.25 a page which came to about \$71.00 and then there was one which was ordered on 5/31/91 which was 60 pages at \$4.50 a page. It came to \$270.00, People vs Cox, that one was ordered by the court. Trustee Kaye took this information from the vouchers.

Mr. Brenton asked Trustee Kelly what the reason is for the creation of the committee to review home occupation. He thinks it's covered in the village law.

Trustee Kelly stated as he explained and is set forth in the resolution, the law itself isn't being examined as much as how can we enforce it. He believes that the Home Occupation law that we have is a proper one allowing certain types of professions to work within their homes on a very limited basis. The problem we have once it's in a residentially zone area, is enforcing it. Proving the case is extremely difficult and that's what Trustee Kelly would like the committee to examine, how we can strengthen the provisions in the law to allow us to approve it. Maybe it should be licensed where once a year somebody from the Village can come in to see if they have less than the maximum square feet. Perhaps there should be a fee paid to have it and we can keep track of it that way. It's very different than a commercial area where they have to allow the Fire Inspectors and Building Inspectors in on a certain basis. You can't in a residential zone. It's more a focus on how to enforce the law as opposed to changing the law itself. He believes that the law is good. The problem is the enforcement of it.

Mr. Brenton stated he thinks what we're looking for is preservation of residential areas. Does Trustee Kelly agree with that?

Trustee Kelly stated most definitely so.

Mr. Brenton asked Trustee Hayes about his comment that the water system is very old.

Trustee Hayes stated with the exception of the water pipes that Mr. Brenton replaced during his tenure.

Mr. Brenton stated he hopes that the Village Board's intent is to upgrade those very few remaining lines and he'll check with the board at a future time about the status of the Erie County Water Authority takeover of the Water System.

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Mr. Brenton stated the Hutchinson Hose Capital Equipment Program pertaining to the request for the new pumper indicates a shortfall of \$70,000 which would be bonded. He feels it would be better if you could come up with the money and pay for it rather than bonding it. Perhaps you could stretch out the purchase of that vehicle another year, or you could pump up your capital fund by \$5,000 a year in order to do it to accomplish that fact.

Mr. Brenton stated former Trustee Schlifke talked about the grant for the Lehigh Memory Trail, which he spent a great deal of time on. He believes that the grant of \$30,000 was centered in what was formally the Darling property. It says Darling property on the survey.

Mayor Daniels stated we leased it to Darling.

Mr. Brenton asked if that portion normally leased by Darling, which is a very small piece of property, is covered by the grant. Your intention is to put \$30,000 into it?

Trustee Kaye stated the Darling area plus the plan that the Railroad Society submitted for the area around the Darling property.

Mr. Brenton stated it's a small piece of property. He thinks if you really intend to put \$30,000 into that property without any assistance from the Railroad Historical Society, that it's making a grave error, as much as he loves that property. Carolyn Schlifke indicated it was to the extent of \$15,000 but you must remember that the other \$15,000 comes from the tax payers and he wonders whether we can afford it.

Wally Pacer, 87 Monroe apologized for his choice of words, "male majority". He doesn't view the decision to not have a committee for the liaison for the Community Development Committee at all as sexist. He doesn't view the voting down of that in any way sexist. He would have made the same criticism of voting it down had the board all been males, all females. He thinks there was another reason involved.

Barry Roop, Wehrle Drive asked Trustee Hayes who provides his paycheck besides the Village of Williamsville?

Trustee Hayes stated that's a matter of record. He works for Congressman Bill Faxon and he's Trustee Hayes' employer.

Mayor Daniels stated he is employed by the Buffalo Philharmonic, Trustee Lowther by Kaiser Cadillac, Trustee Kaye has her own consulting company and Trustee Kelly is a self employed Attorney.

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Trustee Kaye asked Mayor Daniels, he had mentioned earlier that there are other areas of the code that we're going to address?

Mayor Daniels stated there are several examples. Just recently, he had a meeting regarding sewer discharge problems and the fact that our village code right now does not totally address specific information that the town code does. The town would like to see our code updated in order for them to enforce their discharge percentages for instance. So we are going to look into the code and instructed Attorney Troy to see if we couldn't align our code with theirs. There are also some building fees that the Amherst Building Department has that our Building Commissioner, Richard Delo, has suggested we alter to conform with theirs as well, including sewer hook ups.

Trustee Kaye thanked Trustee Hayes for clearing up that water article. She was curious because she didn't know who wrote it, how it came about. There was no by line. She called the News and asked them who was the writer and who was the by line and they told her it was a rewrite that was called in by Trustee Hayes. She was pleased when Trustee Hayes cleared that up.

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

Unanimously carried.

ON MOTION by Mayor Daniels seconded by Trustee Hayes, the meeting was adjourned at 10:15 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer