

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, March 9, 1992 at 7:35 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 March 3, 1992 at
7:30 P.M. in the Village Hall, 5565 Main Street, Williamsville, New
York, for the purpose of hearing all persons interested in discussing
the designation of the Williamsville Cemetery, 5402 Main Street, as a
historical site in the Village of Williamsville.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to
open the public hearing at 7:35 P.M.

Unanimously carried.

Mayor Daniels stated the Historic Preservation Committee in the Village,
of which he is a member, has constantly been on the lookout for sites
and buildings in the village that have historic significance for the
village and it's residents. Recently, we completed the Saints Peter &
Paul Church as a historic site. Other sites dedicated in the past have
been the Water Mill, the bridge over Main Street and the Meeting House
on Main Street. This public hearing is to discuss the possibility of
the cemetery located at Reist and Main as a historic site.

Trustee Kelly asked Mayor Daniels to go into a little detail as to what
it takes to become a historic site and what criteria we use.

Mayor Daniels stated the committee has criteria based on it's enabling
legislation which looks at the age and the significance of the site or
building within the community. It might be some sort of architecture,
in the case of a building or a significant historic event such as the
underground railway which went through the Eagle House and therefore,
made that a significant building in the history of the community. The
form that is used asks for the architect, the date when that particular
building was erected, any significant historical events that may have
occurred on that site and it's importance to be preserved and
undisturbed within our community. Once a site is so dedicated, in the
case of a building, any renovation or change in that structure has to
come before the Historic Preservation Committee for approval. That is
happening to the Roneker building on Main Street. They have a proposal
to renovate and restore quite a bit of the facade of that building.

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Since it is a commercial building, it comes before the Planning Board and also since it was dedicated as a historic building, the Historic Preservation Committee will look at the plans and determine whether they're changing anything of significance of historic value on that structure. If they are, then they are not allowed to proceed. So if someone does wish to pursue historic designation for a building, they have to understand that it may restrict what can be done to that building in the future. In the case of the cemetery, there is no actual structure. It's a site that's being dedicated because of the importance or significance to the community. Since the time of it's inception or from the first point in the history of the community, it has been designated as a cemetery. The form that was filled out is not very detailed because of that.

Gartley Weller, 129 Mill Street, stated he is one of the directors of the cemetery. When our day comes we all think, "gee, we sure would like to go to a nice final resting spot". Many of us don't think of it until that time, which is unfortunate. Along with it being a historic site, the cemetery is a beautiful place as well. He just read in tonight's paper where a husband and wife often walk through the cemetery and enjoy the quietness, the peacefulness and enjoy the birds, the flowers, the greenery and whatever of the cemetery. Williamsville certainly has a beautiful cemetery and this is where many of our forefathers are, the people that helped to make Williamsville what it is long before us. We go back as far as the Revolutionary War. We have one old soldier there, whose name is Thomas Barber. He is buried in that area right near Reist and Glen. If you ever want to go over there and try to get a rubbing from the stone, that's where you'll find his remains. He's been there for many years, of course. We were proud to have it designated as a historic site and he hopes it is approved.

Mayor Daniels stated an interesting side light of this is that in talking with Gartley, he finds that the cemetery is virtually sold out at this point. To look at it, it wouldn't appear so because there are spaces with no headstones or graves. What has happened, in his understanding, is over the years people buy family areas and through moving and through attrition, some of these places won't be used. The problem then for the Cemetery Association is to track down relatives and people who have claim to those plots.

Mr. Weller stated that along Main Street there are a lot of Pine trees that aren't the prettiest. So we have recently decided to take those Pine trees out and we'll be putting plantings all along the fence on Main Street which will add to the attractiveness of the cemetery. At the same time it will open up about 250 more graves, which we really need.

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Mayor Daniels stated there was concern a while ago that since the income
generated to keep that cemetery going is from the sales of the initial
plot and the burial fee which is invested and generates income, that
that money at some time in the future, might run out. What happens in
that circumstance is that the actual cemetery would revert to the care
of a municipality or a township that it is located within. The upkeep
then becomes a burden to the tax payers. We're certainly glad that
there is the ability to expand that and increase the income at least for
the near future.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to
close the public hearing at 7:45 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, March 9, 1992 at 7:33 P.M.

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

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

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:33 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the regular meeting of the Board of Trustees held February 24, 1992 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the public hearing of the Board of Trustees on proposed uses of 1992 Community Development Funds held February 24, 1992 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved at 7:35 P.M. to open a public hearing being held for the purpose of hearing all persons interested in discussing the designation of the Williamsville Cemetery, 5402 Main Street as a historical site. (The public hearing was closed at 7:45 P.M.)

Unanimously carried.

Mayor Daniels stated we are now in our budget process and have passed out the information on last year's budget and gathered budget requests and recommendations from each Trustee based on the liaisonships and we had our initial budget meeting on Saturday at 8:00 A.M. We are happy, after the initial meeting, to report that as far as we can predict, and it looks fairly certain, that the tax rate for the Village of Williamsville will not go up for this coming year. Considering the economic climate, especially the cut backs on the state level and rising costs all over the place, this is certainly welcome news for the Village of Williamsville. In looking back and researching when the last time that this might have occurred, Clerk Cummins and Mayor Daniels couldn't actually find a year when that had occurred within the last 15 years. He thinks it's fairly significant. He would like to thank the entire Board of Trustees, Superintendent Laubisch and Clerk Cummins for their diligence and effort in producing this no tax increase budget.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$195,424.15 covering 2/21/92-3/5/92 were approved:

payroll fund w/e 2/22/92	\$ 22,174.99
General fund	111,760.84
Water fund	36,684.33
Sewer fund	360.61
Glen Park fund	242.11
Capital fund	16,523.00
Community Development fund	1,250.00

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Trust & Agency fund

6,428.27

Grand Total \$195,424.15

Large Vouchers:

Erie County Water Authority
Hutchinson Hose Co.

\$34,035.28
76,303.50

Unanimously carried.

Mayor Daniels stated the second resolution would have been to approve Nussbaumer and Clarke Engineers to perform additional engineering work. We are still; however, working on the particulars of their proposal to the board regarding their fee and the service to be performed. Mayor Daniels is removing that resolution from the agenda for now.

Mayor Daniels stated the third resolution is a procurement policy that is being mandated for all municipalities to follow in the future. It changes the thresholds under which villages and towns, etc, have to receive bids and multiple quotes for goods and services. The actual amounts and thresholds have increased. From \$500.00 on there are new regulations for quotations. We need to obtain 3 verbal quotations from \$500 - \$2,999. For any purchases from \$3,000 - \$9,999 we need 3 written/fax quotations or 3 written requests for proposals. In the Public Works contracts from \$500 - \$2,999 we need to receive 3 verbal quotations; \$3,000 - \$4,999 we need 3 written or fax quotations and from \$5,000 - \$19,999 we need 3 written or fax quotations or 3 written requests for proposals. There are some exceptions to this in the case of emergencies. Although this is a more restrictive purchasing procedure, we are going to work diligently so that the Fire Dept. will not be handicapped in their purchasing procedures so that they can get any goods that they need for the safety of the residents.

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

VILLAGE OF WILLIAMSVILLE
PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the VILLAGE OF WILLIAMSVILLE involved in the procurement process, now, therefore, be it

RESOLVED, that the VILLAGE OF WILLIAMSVILLE does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF WILLIAMSVILLE

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second hand purchases from another governmental entity.

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The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103 (3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$500 - \$2,999	3 verbal quotations
\$3,000 - \$9,999	3 written/fax quotations or 3 written requests for proposals

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$500 - \$2,999	3 verbal quotations
\$3,000 - \$4,999	3 written/fax quotations
\$5,000 - \$19,000	3 written/fax quotations or 3 written requests for proposals

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A good faith effort shall be made to obtain the required number of proposals or quotations. If the Village purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible. A determination that the offerer is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the VILLAGE OF WILLIAMSVILLE to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgement, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category the BOARD OF TRUSTEES shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and

(c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the VILLAGE is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded on favoritism.

7. This policy shall go into effect immediately and will be reviewed annually.

Trustee Kelly stated he will be voting for this resolution but he wants to make it clear that, he believes, it has to be revised somewhat. The reason he is voting for it is because the board is mandated by the state to have a policy but he believes something has to be done to properly protect the Fire Department, especially with restrictions to low bidders. He will vote for it but he expects to see it amended, hopefully shortly.

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Mayor Daniels questioned whether we should do the amendments or change the wording before we approve the procedure.

Trustee Kelly stated he would like to see it passed because the village has to be in compliance with state mandates; however, he is unhappy with the present procurement policy and he would like to see it changed in the future. He thinks it's important that we pass it but that we work closely with the Fire Department to make sure that they're not stuck with inferior goods because they have to take a low bid.

Mayor Daniels stated this was discussed in the work session and we will work on that.

Trustee Lowther stated she does see a little time in working with the Fire Department to get the proper procedures down to make it as easy as possible for them to get the equipment they require to do the job.

Mayor Daniels stated he brought it up because we are late already in approving this. He wasn't sure if two more weeks would make a critical amount of difference.

Unanimously carried.

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

RESOLVED THAT the Village Clerk is hereby authorized to advertise for sealed bids for the sale of the following DPW equipment which have been declared as surplus property. Bids to be opened in the Village Clerk's office, 5565 Main Street, Williamsville, New York on March 19, 1992 at 2:00 P.M.

- (1) 1978 Auto Car -
Engine - 6-71 Detroit, 245 H.P.
Transmission 9 Speed Road Ranger
Dump Box - 10 ft galion
- (2) 1967 Ford Backhoe
Engine -3 cylinder, gasoline
Transmission - 4 speed with hi & lo
4400 tractor with Loader Bucket
753 Backhoe with 22" Bucket
2 wheel drive

Unanimously carried.

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

RESOLVED THAT a Special Meeting of the Board of Trustees will be held on Tuesday, March 17, 1992 at 9:15 P.M. to accept the results of the Village election.

Unanimously carried.

Trustee Kaye reported that BFI, who collects the Village of Williamsville recyclables, will be collecting and processing mixed glass and #3 plastics effective May 4, 1992 at no additional charge to the village. She received a fax transmission today confirming that fact. The mixed glass will be limited to clear, brown and green and must be properly cleansed as the glass that you put into your recycling container now. This kind of glass will now include wine bottles or maple syrup containers that are in brown glass or anything other than clear glass that the village has been collecting. Regarding #3 plastics, which are HDPE plastics, there are very few of them in the market place but she has seen some cleaning product plastic bottles or cooking oil bottles with this number on them. Those now will be able to go into the recycling container as of 5/4/92. We will be sending out a notification to everyone of these changes but she is pleased to make that announcement today. Also, the board will be meeting with BFI at our next meeting on the 23rd to additionally pursue pickup of magazines, which are not covered in our contract. We will keep the public posted on that as well.

Trustee Kaye reported that we have received the results from recycling for January and February. We collected 37 tons of recyclables in January and 34 tons in February. The total this year to date is now 408 tons and we will surpass the original projection for recyclables in the first year. Approximately 17 - 20% of recyclables will be pulled out of the waste stream in the first year and she is very pleased with the community's participation in this effort. This was really the first phase of recycling for the village. and included only those businesses and residences from which the village is picking up garbage. The state mandates that the village provides the ability to recycle to everyone in our community by September of 1992. Since we are currently in the budget process, she had requested funds for the purchase of a recycling trailer and associated tipping fee be included in the budget to provide recycling for those who are not currently covered. After Saturday's discussion on the budget, it was decided by the majority of the board that it probably would be best to not buy a recycling trailer. She is looking into the other options now so that the Village of Williamsville can be in compliance with the September of 1992 mandate. She will be discussing those additional options with the board on this coming Saturday at our budget meeting.

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Trustee Kaye stated also in regards to recycling, she has drafted a letter to Town Councilwoman Peggy Santillo regarding the Village of Williamsville's request to use the Town of Amherst's composting facility. Basically what she is asking Ms. Santillo to do, as the composting liaison for the Town of Amherst, is introduce a resolution to the Town Board requesting that the New York State DEC amend their Town of Amherst permit to include yard waste from the Village of Williamsville. She had a discussion with a New York State Permit Administrator who signed the Town's composting permit and he advised Trustee Kaye that all DEC requires the town to do at this point is to submit this kind of request in order for the DEC to modify the town's permit to include the Village of Williamsville. It has not been contingent on other factors. He felt strongly that the DEC would probably make the amendment. We do have part of a Comprehensive Recycling Analysis already completed through our participation in NOREC. We are looking at joining the Northwest Board to finish that recycling analysis and also complete what's called a "SWMP", which is a comprehensive solid waste plan that we also, eventually, will be mandated to complete. She's also asked Councilwoman Santillo that if, in fact, the Village of Williamsville does bring our leaves and yard waste for composting to the Town's facility, that the Town Board allow the village residents and the Village DPW the ability to have that portion of the final compost available to them. In the DEC permit for the Town of Amherst, it allows for town residents and Highway Department or Town Parks Department to have first priority on that composting, have the same ability based on cubic yards of compost generated from Village of Williamsville yard waste. She looks forward to moving that process along and she knows that Mayor Daniels has been involved as well as Superintendent Laubisch in continuing to work out some of those details.

ON MOTION by Trustee Kaye, seconded by Trustee Kelly, it was moved to suspend the rules for 2 additional resolutions not on the agenda.

Unanimously carried.

Trustee Kaye stated her resolution amends a section of the traffic code to change a "no parking ban" on California from one side of the street to another on a portion of California. This was the subject of a lengthy discussion at the Traffic and Safety Committee meeting. On California, currently we have no parking on one portion of the street on the east side and then as you travel down California little farther, it's no parking on the west side. It's not consistent along the entire length of the street. The area we are concerned with is the portion between Main Street and Milton. Also, the change has been requested by the Fire Department so that that side of the street would have it's fire hydrant available for service and there would be no cars possibly blocking the fire hydrants.

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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 by the Board of Trustees in the Village Hall, 5565 Main Street, Williamsville, New York, on March 23, 1992 at 7:30 P.M., for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 103-16 of the Vehicle and Traffic Code. The proposed local law would eliminate the current "No parking" ban on the West side of California Drive and would add a "No parking" prohibition on the east side of California from Main Street to Milton Street.

Unanimously carried.

Trustee Kelly stated regarding Trustee Kaye's report on composting, he's not sure a letter from Trustee Kaye to the Town Board is sufficient. Perhaps we should have a resolution from the board requesting permission. He doesn't want to see any delay on that so it might be an appropriate time to do it now.

Trustee Kaye stated if she understands Trustee Kelly correctly, he is asking her to put a resolution on while we're on suspension of rules right now?

Trustee Kelly stated he is requesting that the board go on record regarding use of their compost facility.

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

RESOLVED THAT the Village of Williamsville Board of Trustees make an official request to the Town of Amherst to have the ability to use the composting facility, which is permitted under New York State Department of Environmental Conservation part 360 of Title 6, New York CRR.

Mayor Daniels asked whether the board is incorporating all the things that are in this letter to Councilmember Santillo?

Trustee Kelly stated the resolution is clear that we are requesting permission to use their composting facility.

Mayor Daniels stated he wasn't aware that that was in the question.

Trustee Kelly stated it appears to him that instead of having a Trustee independently send a letter to the Town Board that a resolution will say that the Government of Williamsville specifically requests permission.

Mayor Daniels said it is his understanding through talking to the engineering staff and Paul Bowers that the procedure that they were recommending was for the village to become involved in the Comprehensive Recycling Analysis Submission to the DEC as a member of the Northwest Solid Waste Board, and we are following through on this recommendation. This request then would be supplemental to that procedure. In other words, if we ended up not completing that CRA or not joining the Northwest Solid Waste Board this request would be independent and we are asking the Amherst Town Board to allow us to use the facility in any event.

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Trustee Kaye stated she would be asking Councilmember Santillo to ask the Town Board to pass a resolution that would request the DEC amend their permit to allow the Village of Williamsville to use the facility. This would start the paperwork process in motion. The second part of her request is that if, in fact, the DEC does approve it and the Town Board approves it, that the yard waste that we take to that composting site would then come back to the village residents in the final form of composting. She has spoken directly to the person who signed the DEC permit for the Town of Amherst and his recommendation to Trustee Kaye was that the Town of Amherst should make this request and that the permit is not contingent on a CRA or a SWMP already being in existence. If we can show that we are moving forward, that was certainly enough and also the fact that we already have a partially approved Comprehensive Recycling Analysis through NOREC. She requested a copy of the DEC permit and there is nothing in their permit that says they cannot amend their permit.

Trustee Kelly stated he just wanted to make it clear to the Town of Amherst that the Village Government is behind this and it's not just one person or another requesting information but that the Village Government is requesting to use the composting.

Mayor Daniels stated he thinks it's already very well understood by that board that this is what we are requesting and this is what we are looking forward to having happen. The request is in a way redundant but he is not going to object to it.

Trustee Kaye stated the purpose also is to move the paperwork forward because the DEC does not always move quickly. The comment from the DEC Administrator, who signed the permit, was that if you wait until all the documents are formulated and then submit the amendment request, you may not be able to use it this season and her goal is to use it this season.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Hayes, it was moved to close suspension of rules.

Unanimously carried.

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Trustee Hayes stated his first resolution involves authorization for firemen to attend educational conferences, one in Maryland and two in New York State. The reason we do this is to make sure that if the firemen are traveling and are injured for some reason, they are covered by the disability policy that the Fire Company has and also to authorize expenditures in some circumstances for their travel.

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

RESOLVED THAT the following firemen are hereby authorized to attend conferences as follows:

James Zymanek, Albert Weisser, and Adam Kubiak to attend the N.Y.S. Weekend 92 in Emmitsburg, Maryland from March 9-12, 1992 at no cost to the Village of Williamsville.

Jeffrey Richter and James Schiferle to attend the Commanding the Initial Response Seminar in Montour Falls from March 27-30, 1992, at a cost not to exceed \$175.00 each to be paid by the Village of Williamsville.

Jeffrey Richter to attend the Emergency Medical Services Seminar in Montour Falls from March 13-15, 1992 at a cost of \$150.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Hayes stated he would like to thank those firemen who volunteered to attend those training seminars. They are very important to keeping our Fire Company trained and ready for fire and first aid protection here in our village.

Trustee Hayes stated his third resolution regards some information that he has received from the New York State budget office. The governor's proposed budget for 1992-1993 again this year does not include monies for the senior recreation program or the foster grandparent program. This is money that was provided 2 years ago and the Village of Williamsville received some \$2,000 in state funds to conduct the elderly recreation program. When that was cut out of the governor's budget last year, the village picked up the total cost which is \$4,000. Previous to that it had been \$2,000 from the state and \$2,000 from the village. Once again, this year the money has not been included in the governor's proposed budget and he thinks that's something the Village Board should go on record as opposing given the importance of these programs in our community and a number of senior citizens who participate in the program.

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

RESOLVED THAT the following budget transfer is hereby made in the General Fund:
\$300.00 - from 1. 3400 - 3410.416 Fire Dept
to 2. 3400 - 3410.404 Fire Dept-Travel

Unanimously carried.

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

WHEREAS ON January 21, 1992, the Governor released his Executive Budget for 1992-93, and

WHEREAS THIS budget does not include funding for the Recreation Program for the Elderly, Supplemental Security Outreach Program, Respite Program and the Foster Grandparent Program,

NOW, THEREFORE, the Village of Williamsville requests the Governor to reinstate the funds for these programs into the State 1992-93 fiscal budget.

Unanimously carried.

Trustee Hayes asked Clerk Cummins, as has been the village's custom, to provide certified copies of the resolution to our area representatives in the State Assembly and the State Senate. Also, a sidelight, Trustee Hayes has been informed that the Governor has also proposed major cuts in the area of local fire prevention and building code enforcement which would totally wipe out any monies being made available for those services. He will be bringing forth a resolution at our next meeting to address that situation.

Trustee Lowther reported the next meeting of the Environmental Advisory Committee will be March 26th and the next meeting for the Glen Park Joint Board will be April 7th. A large scale cleanup of Glen Park is scheduled for May 2nd. The Girl Scout Council of Williamsville who, we are hopeful, will be providing about 90 scouts on May 2nd to really go through the park and clean it up, spread some chips and get it ready for the upcoming season. Our rain date, that we will hopefully not need, is May 9th.

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Trustee Lowther reported she has had a recurring problem in getting a transcript from a court proceeding that had taken place in December on Evans. This past week she spoke to Mr. Romano, who is our village court reporter and he informed her that he did not actually take the transcript himself, that a member of his firm did and he felt that it was Trustee Lowther's responsibility to reach that person and to get the transcript and that he would not be doing that on behalf of the village. He did give Trustee Lowther the phone number and Trustee Lowther has been trying to reach her but she has been unable to. If you remember, we passed a resolution 4 weeks ago requesting and authorizing the payment of this transcript and to date we're still waiting for it. In the meantime, Mr. Romano had left the country for a period of 2 weeks after initially promising it to her in one week's time. She is very disappointed that we have someone in our employ, which Mr. Romano is in our employ, who refuses to honor the commitment he makes when he is doing work for the Village of Williamsville. She intends to see that that letter is sent to him asking for this information or why there may be a valid reason why it's not forth coming. She doesn't understand this, it's been over a month. Again, this was a trial that took place in December and we still haven't received it.

Trustee Lowther stated her first resolution involves an appointment to the Environmental Advisory Board. She's been a member of the board as a citizen for almost 3 years and now the last year as liaison to that group, so she knows how the board works. It's a really great group of people who do a wonderful job in the community. There is a spot on this committee for a student. Generally, that spot is not filled or we get a student in it and they don't continue to come. She is very happy to report that we have a student from Williamsville High School who has been to several of our meetings and is now going to become a formal member of the Environmental Advisory Council.

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

RESOLVED THAT Marilyn M. McKee, 5 Columbia Drive, is hereby appointed to the Environmental Committee until the end of the 1991-92 official Village year.

Unanimously carried.

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

Unanimously carried.

Trustee Lowther stated this resolution has to do with the appointment of a part-time worker for the Village of Williamsville. Two weeks ago we did approve his return as a part-time position but there were some conflicts with scheduling and he was unable to start on the designated date. There was also a question by him as to his unemployment insurance eligibility. That has now been straightened out and he will be returning to work on March 16th.

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

RESOLVED THAT Raymond Schwartz is hereby appointed Seasonal Laborer in the Department of Public Works effective March 16, 1992 at the rate of \$5.50.

Unanimously carried.

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ON MOTION by Trustee Lowther, seconded by Trustee Hayes, it was moved to close the suspension of rules.

Unanimously carried.

Trustee Kelly stated it is nice to see some of the younger people here in the audience tonight. He's very happy they have attended and the board would like to see it on a continual basis. There is no better way to start learning about government than to see it at it's level closest to the people.

Trustee Kelly thanked all members of the Planning Board and it's chairman for all of the hard work that they have put in during the past year.

Trustee Kelly stated with respect to his liaisonship to Safety and Inspections, on behalf of the Village Board, he would like to offer their condolences to Debbie Habes, our Clerk in the Building Department. Her mother has recently passed away and he is sure the board passes on their condolences also.

Trustee Kelly stated that a meeting of the Home Occupation Committee has been set for March 24th at 7:30 P.M. A letter will be going out shortly with respect to that meeting. He has spoken with the Village Prosecutor and she's going to appear at that initial session outlining her concerns regarding the law and then we'll proceed to work from there. He looks forward to the committee addressing that issue.

Trustee Kelly said there is a meeting of the Youth Board tomorrow and we'll be setting forth our agenda for the summer season.

Superintendent Laubisch reported that the DPW has started it's street sweeping program earlier this year because of the mild weather. He reminded the village residents that trash materials must be containerized and all materials set out to the curb must be according to village regulations for pickup.

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

Unanimously carried.

John Elak, 27 Evans Street read the following statement "Honorable Mayor and members of the board: I have been a village taxpayer and resident on Evans Street for over 30 years. I respectfully request your board to take the necessary action to procure a non-jury trial court transcript pertaining to the violation of the zoning code at 35 Evans Street. It is my understanding this transcript is a public record. I am certain this matter can be taken care of before the village election, which is a week from tomorrow."

Mayor Daniels stated we did pass a resolution requesting that transcript and at this point, the delay is certainly not with the board. We are doing everything in it's power to get that transcript as quickly as possible. He's not sure why the village election would have anything to do with the transcript and why that was in his request. It's certainly a case that we want to get it as quickly as possible since we did approve paying for it and requesting that it be provided to us by the services that we employed for that purpose.

Trustee Lowther stated she thinks Mr. Elak is concerned because she has spoken to many area residents about this transcript. The feeling is starting to be that this may be a political type of thing. This is why

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this was brought to the board's attention. It may or may not be but people are getting very frustrated about the lack of this information when, as Mr. Elak stated, this is a public record.

Mayor Daniels asked Trustee Lowther if she was stating that one of the people on the board is serving to obstruct. They did pass a resolution approving the money and the request for this transcript. What is Trustee Lowther implying?

Trustee Lowther stated that many of the people in the area have expressed their concerns to her and feel that there may be some reason other than the fact that we've had a person who's worked for us for a number of years and now refuses to provide the board service. It's coming down to the fact that they feel there are other reasons why we may not be obtaining this transcript. She's just sharing what these people have shared with her.

Trustee Hayes stated he supported the resolution to have the village pay for a copy of the transcript and it seems clear we have the situation where we have someone who is either being willingly uncooperative or somehow not turning over the transcript. Trustee Hayes suggests that we seek counsel on how to compel this person, who is in our employ, as Trustee Lowther suggested, to turn over the transcript. He thinks it's fine to say that the Village Board should be getting this and he thinks the board has moved ahead and tried to do that. Now that the board is being faced with a situation where someone is being uncooperative, he thinks we need to get some kind of counsel or legal advice on how to compel him to send that transcript to the board. He thinks it's a fairly straight forward thing and he expects that Trustee Lowther would pursue that post haste.

Trustee Lowther stated perhaps Attorney Troy would care to advise us as a board.

Attorney Troy stated he will but he doesn't think it's a matter of public discussion. He thinks it can be arranged very simply by a polite request.

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

Unanimously carried.

ON MOTION by Mayor Daniels seconded by Trustee Kaye, the meeting was adjourned at 8:29 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer