

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, May 26, 1992 at 7:35 P.M.

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

Theresa L. Cummins, Village Administrator/
Clerk-Treasurer
David Laubisch, Supt. of Public Works

Absent: James Hayes, Trustee
Thomas Troy, Village Attorney

The Administrator read the notice of public hearing being held May 26, 1992, at 7:30 P.M. for the purpose of hearing all persons interested in discussing a proposed local law to amend Section 112-2 of the Zoning Code amending the definition of "Religious Facility."

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

Unanimously carried.

Trustee Kelly stated the purpose of this proposed local law is to take care of an ongoing situation. We have 2 or 3 skilled nursing facilities within the village limits that are technically within residential areas. Any time they wish to make any additions to the buildings, they are in violation of our building code. Recently, one facility wanted to add a small game room for the residents and found that they couldn't do it. The Board of Trustees reviewed the situation and asked Attorney Troy to draw up a new definition which would keep these changes specifically for the 2 or 3 nursing homes the village has and not allow extension of any of the other residential areas to use this section or get around the village zoning laws. The local law reads as follows:

S112-2 Definitions

Religious Facility -- a) A place of worship, together with such other structures and uses as are normally incidental thereto.

b) A residential care facility operated exclusively for aged persons, under the control and supervision of a religious or eleemosynary society or agency, shall for the purposes of this chapter be deemed a religious facility.

This local law shall take effect immediately upon filing with the Secretary of State.

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There was no comment from the audience or from the board members.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, it was moved to
adjourn the public hearing at 7:37 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

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Absent: James Hayes
Thomas Troy, Village Attorney

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:34.M.

Mayor Daniels read a proclamation proclaiming June 1st to 6th as Williamsville Lions Club Week, since they are celebrating their 40th anniversary. The organization performs many beneficial services in the community and he hopes they continue for a long time. (Proclamation attached). Mayor Daniels stated there is a dinner at the Protocol restaurant, which he will attend next Friday and he will extend his thanks personally to the fine membership at that time.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye the minutes of the regular meeting of the Board of Trustees held May 11, 1992, were approved.

Unanimously carried.

Mayor Daniels stated this Memorial Day weekend saw the completion of several projects in the village. The Tree Planting Program of the municipalities was completed a few weeks ago. We planted 20 new trees and plant that many each Spring and Fall. Because we've been competitively bidding or going right to the wholesale grower for these trees, we have been able to plant well over 150 trees in the 3 years that Mayor Daniels has been involved with it. There are still many areas that need additional trees and we're always looking into those. Also, the Tree Warden has been making rounds throughout the village and is identifying the problem areas that need attention.

Trustee Kelly asked how a homeowner would go about getting a tree if he feels one is necessary.

Mayor Daniels stated municipal trees are any tree placed within the right of way of the road in an area that's generally between the sidewalk and the curb. If there is no sidewalk, the code states 8' in from the edge of the pavement is considered the right of way. As you'll notice, most of our streets are lined with trees.

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If a tree is removed or a resident requests a new tree to be planted, there's a form available at the counter. There's also a book of selections from which you can choose any one of the different species of trees, Maple, Lilac, etc. You place your order and it is generally filled, either Spring or Fall, depending on the variety. We will have that planted in front of your home. The village also provides a tree stump grinding service if we can reach them, anywhere in your yard. If you have a stump that you would like ground, there's another form up at the counter that you can fill out. It then becomes part of the rotation for that service as well.

Mayor Daniels stated every year before the Memorial Day parade we like to get the flowers in the village planted. Mayor Daniels thanked the Beautification Committee and Trustee Lowther for all the planting the committee did. He extended his thanks to the committee for their help in the triangle and their extreme concern over Trustee Lowther's automobile accident after the planting was done. A heart felt thanks to her also.

Mayor Daniels stated we all enjoyed the Memorial Day parade and service yesterday. Mayor Daniels especially enjoyed speaking at the cemetery. Mayor Daniels thanked the VFW post and everyone who was involved in the parade to make the day a fitting tribute to those who died in the service of our country.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, vouchers in the amount of \$45,711.54 covering 5/16/92-5/21/92 were approved:

payroll fund w/e 5/16/92	\$ 22,497.90
General fund	16,044.21
Water fund	138.68
Sewer fund	11.22
Glen Park fund	273.83
Trust & Agency fund	<u>6,745.70</u>

Grand Total \$ 45,711.54

Large Vouchers:

Niagara Sanitation Co., Inc.	\$6,614.75
Browning Ferris Industries	836.40

Unanimously carried.

Mayor Daniels stated his second resolution is part of our new fiscal plan to set up a capital reserve fund for the purchase of large equipment in the DPW. According to a pre-set replacement plan, the village can now anticipate the need for certain vehicles to be replaced so we will be putting money away on a yearly basis on the budget. It will come as no surprise when the village does have to replace a piece of equipment which could possibly cost \$100,000 or more.

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This reserve fund will decrease the burden on that particular year in the budget process, decrease our bonding necessity and allow the village to become a more stable taxing entity.

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

RESOLVED THAT pursuant to Section 6-C of the General Municipal Law, as amended, this Village of Williamsville Board of Trustees does hereby establish a Capital Reserve Fund to finance the cost of acquisition of equipment for the Department of Public Works.

The Village Clerk-Treasurer is hereby directed to deposit monies of this reserve fund in a separate bank account to be known as the "DPW Capital Truck Equipment" Reserve Fund.

The Village Clerk-Treasurer is authorized to invest, from time to time, the monies of this fund pursuant to Section 6-F of the General Municipal Law.

No expenditure shall be made from this fund except upon authorization of this Board pursuant to Section 6-C of the General Municipal Law.

Unanimously carried.

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

RESOLVED THAT Superintendent of Public Works, David Laubisch is hereby authorized to attend the Superintendent of Public Works School, Cornell Local Roads Program, in Ithaca, New York from June 7-10, 1992 and the cost, not to exceed \$400.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

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

<u>FROM:</u>		<u>TO:</u>	
1900-1910-4000	5,552.00	1000-1010-4010	95.00
1900-1990-4000	30,000.00	4450	35.00
1600-1620-4230	4,000.00	1100-1110-4020	645.00
4260	3,000.00	4040	15.00
1900-1991-4000	7,188.01	1200-1210-4040	85.00
		4450	280.00
		4430	660.00
		4040	20.00
		4450	30.00
		4460	220.00
		4110	2,070.00
		4120	1,060.00
		4450	90.00
		1400-1450-1000	95.00
		4080	520.00
		1600-1620-4070	505.00
		4071	218.00
		1600-1640-4070	1,700.00
		4160	5,610.00
		4260	1,000.00
		4440	600.00
		4450	450.00
		3300-3310-4450	35.00
		3400-3410-4070	975.00
		4220	210.00
		5000-5010-4460	25.00
		5100-5110-4180	60.00
		4450	80.00
		4600	310.00
		4610	260.00
		5100-5142-1000	151.00
		4161	395.00
		4162	335.00
		4290	3,770.00
		4450	6.00
		5100-5182-4450	330.00
		7100-7110-4070	410.00
		4360	1,225.00
		4910	90.00
		7100-7122-2010	1,190.00
		7300-7310-4170	780.00
		7500-7530-4440	290.00
		7500-7550-4410	885.00
		7500-7550-4950	2,825.00
		8100-8160-4160	80.00
		4161	4,110.00

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	8100-8163-4330	300.00
	8500-8510-2000	45.00
	8500-8560-1000	605.00
	9000-9030-8000	7,650.00
	9000-9041-8000	.01
	9000-9060-8000	6,310.00
<u>\$49,740.01</u>		<u>\$49,740.01</u>

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the Water Fund:

<u>FROM:</u>		<u>TO:</u>	
1900-1990-4000	3,714.00	8000-8340-4020	140.00
		4070	500.00
		4160	2,300.00
		4161	235.00
		4450	17.00
		4610	52.00
		9500-9552-0000	470.00
<u>\$3,714.00</u>		<u>\$3,714.00</u>	

Unanimously carried.

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

RESOLVED THAT the 1991-1992 General Fund budget is hereby amended as follows to reflect unanticipated State Aid received:

Increase Revenues as follows:

3001 Per Capita Aid	\$44,962.00
3005 Mortgage Tax	13,257.00
3501 Chips	<u>24,703.00</u>
	<u>\$82,922.00</u>

Increase Appropriation Expense as follows:

5110-1000 Street Maintenance	
Personal Services	\$55,773.00
5110-4271 Street Maintenance	
Blacktop/Oil/Stone	22,294.00

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9060-8000 Employee Benefits	
Hospital & Medical	<u>4,855.00</u>
	<u>\$82,922.00</u>

Unanimously carried.

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

RESOLVED THAT the Village Treasurer is hereby authorized to make additional year-end transfers after all the adjustments have been placed on the books.

Unanimously carried.

Trustee Kelly reported the Home Occupation Review Committee and the Board of Appeals Committee are meeting right now in another room. If you would like to attend those, they are open to the public.

Trustee Kelly reported the Insurance Committee spent some time together today speaking about some policies that are coming up for renewal June 1st. We will continue to work on that as time goes on. It appears that we are going to have a substantial savings from what we've paid in previous years.

Trustee Kelly stated that at the last meeting Ms. Schlifke spoke about the project going on right now on Evans Street where there appears to be a large berm placed at the rear of the owner's property. The village code does not provide any relief whatsoever for neighbors of people who are putting berms on their property. He has been contacting some of the adjoining municipalities to see what type of laws they have. It would be Trustee Kelly's intention to bring forth an addition to our code at the next meeting to protect it's residents against berms being placed all over the village. Trustee Kelly doesn't like what's there now but the village can't prevent it. We're working with the homeowner to see if they will tone it down to get it lowered. Hopefully we will be successful in doing that. He considers this a potentially disastrous problem and doesn't want to see it extended throughout the Village of Williamsville.

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

Unanimously carried.

Trustee Kelly stated this resolution is with respect to the Fire Department. We have had bids go out for approving breathing apparatus for them. We've had one bidder. After speaking with Clerk Cummins, it is a responsible bid and has asked that the board move it forward.

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

WHEREAS the Village of Williamsville advertised for sealed bids for Breathing Apparatus for the Williamsville Fire Department, and

WHEREAS Comprosec Corp. Buffalo, New York, submitted the only bid,

NOW, THEREFORE BE IT RESOLVED that the contract for Breathing Apparatus be awarded to Comprosec Corp. as follows:

4 Complete sets -	\$7,682.60
4 Spare cylinders with mounting brackets for	
	<u>\$1,946.72</u>
Grand Total	<u>\$ 9,629.32</u>

Unanimously carried.

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

Unanimously carried.

Trustee Lowther reported that the Beautification Committee has been at work and she thanks the board for their thoughts tonight about the work they've done. They planted flowers along Main Street in time for the parade yesterday and they will be continuing their work throughout the summer. They do a wonderful job and she is sure everybody in the community does appreciate the work they do for the village to really improve the looks of our business community and our Main Street area.

Trustee Lowther reported the Environmental Advisory Board meeting will be held on Thursday, May 28th at 7:30 P.M. We will have a Glen Park meeting in Town Hall on June 2nd at 7:30 P.M. That will be the final meeting prior to the Glen Park Appreciation celebration that we're going to be sponsoring at the end of June. She will have more information on that at our next meeting.

Trustee Lowther stated her first resolution is a budget transfer for the Glen Park Fund and it covers some minor overspending on our miscellaneous line items in the budget and for garbage liners.

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

RESOLVED THAT the following budget transfer is hereby made in the Glen Park Fund:

<u>FROM:</u>		<u>TO:</u>	
7000-7141-4101	<u>361.00</u>	7000-7141-4351	151.00
		4450	<u>210.00</u>
	<u>\$361.00</u>		<u>361.00</u>

Unanimously carried.

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

RESOLVED THAT Michael Kiebala, 139 Cadman Drive, Williamsville, New York, is hereby appointed Seasonal Laborer in the Glen Park and the Village Department of Public Works effective May 26, 1992 at the rate of \$4.75 per hour.

Unanimously carried.

Trustee Kaye reported we've had 2 representatives from BFI come in this evening to talk with the board about the village's recycling program. The village has been in recycling just over a year now and we're looking at some changes to the program. In this one year the market has changed. Some items we are adjusting and some items are going to be added. She is pleased that BFI reported that the village has a 75-80% participation rate per week, which they felt was above average. We're taking in about 7 lbs of recyclables per household per week, which they also said was above average.

We're talking about the possibility of picking up magazines and they will also be picking up aerosol cans as long as we make sure that the contents of those are completely empty. There is a change in the #2 plastics. BFI will be picking up the small mouth ones only. We have been informed that there is no market for all #2 plastics. We will be going through a re-education process in the community and letting everyone know the details of that as soon as it takes place.

Superintendent of Public Works David Laubisch reported we're in the second week of our annual trash pick up. In his travels around the village, he has noticed numerous piles of small loose debris, which are basically comprised of yard rakings, leaves, twigs and small branches. We do not pick these items up unless they are containerized.

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Mr. Laubisch also noticed there are tires at the curbs. The village does accept automotive tires from village residents but they must be dropped off at the DPW between the hours of 9:00 A.M. and 1:00 P.M.. The DPW charges the resident \$1.25 per tire, exactly what it costs the DPW to have it processed. A question that has been forwarded to the DPW is "I saw the DPW truck go by and they didn't pick up my branches". The DPW has, at any given time, 3-4 trucks on the road picking up debris in the village. Tree branches are chipped and then the DPW utilizes those chippings in our parks. We have distributed chippings to village residents upon request because it costs the DPW nothing to process this material in this fashion. Presently, all the chippings that are created in the Village of Williamsville are used in this fashion. The only cost is the cost to chip them. There is no disposal cost for chippings in the village. If you have any questions about pickup of material, you can call the DPW. We also have sheets at the Village Clerk's office that explain how materials should be put out at the curb for pickup. It is very simple and he hopes we can avoid any problems this way.

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

Unanimously carried.

Jonathan Guillaume 100 North Long Street, member of the Parks Committee, spoke about trees in Island Park. (Copy attached)

Mayor Daniels stated it is unfortunate that Ms. Schlifke and Trustee Hayes are not here tonight. He assumes that they apparently made a decision from what was discussed in the minutes of the meeting.

Clerk Cummins stated she spoke with Ms. Schlifke today. Ms. Schlifke said she wasn't going to be here and that Trustee Hayes was the one who voiced the most concern. He was afraid the board was going to be upset about planting along the avenue as there was concern with what a prior board had done regarding benches and trees.

Trustee Kaye stated to clarify that, the prior board to this one had approved that avenue effect of planting so their was no problem with it prior to this board coming on. The last board approved of the benches and the avenue effect of the trees. She has no problem with it. She agrees whole heartily with it. As liaison to Old Home Days, she called Bill De LaPlante also, who is chairman of Old Home Days and he indicated to her Old Home Days had no problems last year with the trees or the benches. In describing to him what was going to be happening with these proposed plantings, he indicated he didn't have a problem. His only concern was getting the equipment in place and over the bridge, which is only 9' and the path was 11'. So he didn't see a problem with that.

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Mr. Guillaume asked where does this decision rest, the Village Board, the liaison to the board or the rest of the committee through the liaison? If it's the board's decision, then he hopes the board will discuss this at their board meeting. If it is the liaison, he would hope that this would be something for the committee to approve through the liaison to the board on that position.

Mayor Daniels stated at this point it is going to have to come back to the board. In theory, all expenditures are supposed to come back to the board for approval. The actual placement has been something the board has trusted the judgment of the community on but has had some problems with that in the past when there was not awareness by the Village Board that something was occurring. Mayor Daniels thinks the scenario now is going to be that Mr. is going to talk with Bill De LaPlante and hopefully Trustee Hayes will be there too and something can be arranged. Hopefully, it's not too late to get trees in some places.

Trustee Kaye stated she's read it in the minutes of the Parks Committee each month. Trustee Hayes brought what the Parks Committee proposed spending Savor the Flavor monies on to the Village Board months ago. The board never talked about it. Trustee Kaye asked Trustee Lowther if she had a problem with it.

Trustee Lowther stated no.

Trustee Kaye asked Mayor Daniels if he had a problem with it.

Mayor Daniels stated he would have to go walk out in the park. He wasn't aware that the trees were to be planted now.

Trustee Kaye asked Trustee Kelly if he had a problem with this.

Trustee Kelly stated he has no idea.

Mayor Daniels stated at this point 2 days aren't going to make a difference. In Mayor Daniels' experience, if Trustee Hayes has a reservation about something, there's usually some reason behind it. Mayor Daniels wants to give Trustee Hayes the opportunity to respond before the board makes any kind of decision. Mayor Daniels stated he is sorry it happened but at this point we have to wait until Trustee Hayes gets back to find out what the problem is.

Trustee Kaye stated her understanding is no one here on this board tonight has expressed a concern, so it lies with Trustee Hayes.

Mayor Daniels stated he was unaware of it. You can't express a concern over something you don't know about.

Trustee Kaye stated it has been in the Parks Committee minutes every month for the past 6 months.

Mr. Guillaume hopes when the board gets the minutes, they read them because he types them.

Trustee Lowther stated just for his information, the bulletin board that's out front, the minutes for every meeting are posted there once a month so the public has an opportunity to read those minutes too. Trustee Lowther does read the minutes. She was secretary to those committees for too long not to read them.

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

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Unanimously carried.

Mayor Daniels stated there is one additional item that really needs to be put into the budget process for this coming year and that is the naming of an insurance carrier of record for the village and the amount of policy . Since we would like to do that before June 1st, Mayor Daniels is calling for a meeting at 8:00 A.M. on Friday, May 29th at which point the board will discuss the options between carriers and the Insurance broker of record.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to adjourn the meeting at 8:12 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer