

Minutes of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 10, 1992 at 6:30 P.M.

Present: Ronald W. Daniels Mayor
 James P. Hayes Trustees
 Patrick M. Kelly
 Mary E. Lowther
 Yvonne Kaye

 Thomas Troy, Village Attorney
 Elaine Smith-Honan, Deputy Village Clerk
 David Laubisch, Supt. of Public Works

Absent: Theresa L. Cummins, Village Administrator

Mayor Daniels called the meeting to order at 6:30 P.M. and stated the meeting would be adjourned to the auditorium for an informational public forum regarding Old Home Day lead by Trustee Kaye.

Mayor Daniels introduced Martin Coyne, a new reporter for the Amherst Bee, who is taking the place of Jennifer Niziol, who was leaving for Syracuse.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the regular meeting of July 20, 1992 and the special meeting of August 4, 1992 were approved.

Unanimously carried.

Mayor Daniels reported that a concert will be held in Island Park by the Maryvale High School Jazz Band on Wednesday at 7:00 P.M. It will be a free concert. In the past, they have played for Savor-the-Flavor, but were unable to do that this year, but still wanted an opportunity to perform, so they will be playing this week. The following Wednesday, the Amherst Community Band will return at 7:00 P.M. following the Committee appreciation picnic. We have invited all the village employees and volunteer members of the community to a "thank you" picnic, which is the 3rd annual picnic. We hope lots and lots of people come and the weather is good for that event.

Trustee Lowther said she noticed that there will be several concerts sponsored by the Performing Arts Group. She wondered if

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they were still in existence and that there is no longer a liaison.

Mayor Daniels responded that he was overseeing the performing arts group and they are responsible for the community band concerts, but there was no real money being allocated. The Amherst Community Band is charging \$600 and it was anticipated that Old Home Day root beer floats would pay for the concerts, but we broke even on that, so I am out of my personal pocket \$600 in the hole. Those (concerts) will go on in spite of the fact I have to pay for them out of my own pocket. The performing arts council is behind it even though only in spirit if not any other way. It is the only music in the community since the Buffalo Philharmonic cancelled the rest of it's season. There was going to be a concert in Bassett Park in about a week, but that's been cancelled, so there's not much else going on.

Mayor Daniels stated he received a letter from Adelphia Cable that rates are going up \$2.00 a month. It should be noted that they offer a broadcast service of 9 broadcast channels where the rate is \$8.00 a month and that is not going up. Cable theft and costs of hooking up to utility poles are primarily responsible for the increase.

Mayor Daniels stated the grass is coming up very well in Island Park and if you look across it, there is a nice pattern. There is some concern about Savor-the-Flavor which will be discussed later.

Mayor Daniels said the sidewalk on the north side of the Main Street bridge is closed. It's been determined by the state to be unsafe for pedestrian traffic. There is a "Bridge closed to pedestrian traffic" sign on each side. I have asked Supt. Laubisch to also put a "sidewalk closed" sign at Cayuga and Main so people can use that signal to cross over to the safe sidewalk on the south side of Main Street. The work should be completed by Labor Day but until then the bridge will be closed to pedestrian traffic. The sidewalk support underneath is deteriorated and the entire bridge is scheduled to be rehabilitated and restored in 1994. The water and gas lines are going to be underneath instead across the bridge like they do now, which will be more aesthetically pleasing. They are also going to place the sidewalks outside the bridge structure itself so pedestrians walking across the bridge can see the stonework on

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the bridge. That's going to be a nice effect when it's completed. The work being done now will be only to make it safe to pedestrian traffic until the major restoration of the bridge is done in 1994. The south side of the bridge apparently is okay.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$162,243.24 covering the period July 18, 1992 - August 5, 1992 were approved:

Payroll fund w/e 7/25/92	\$25,536.40
General Fund	121,723.13
Water Fund	746.18
Sewer Fund	360.61
Glen Park Fund	2,998.50
Trust & Agency Fund	<u>10,878.42</u>
Grand Total	<u>\$162,243.24</u>

Large Vouchers:

M & T Bank	\$45,987.32
John Deere Industrial Equip.	27,250.00

Unanimously carried.

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

RESOLVED THAT Theresa L. Cummins, Village Administrator is being authorized to attend the 1992 NYCOM Fall Training School at the Nevele Hotel from September 21-25, 1992, and the cost, not to exceed \$600.00 to be paid by the Village of Williamsville.

Unanimously carried.

Mayor Daniels stated it is to be noted that this is an annual training school. There are several points on the agenda that will

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be very helpful to us in the coming year.

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

RESOLVED THAT John Anstett and David Laubisch are hereby authorized to attend the "Safety on the Job Workshop" sponsored by the Cornell Local Roads Program on August 19, 1992 in Batavia, New York and the cost not to exceed \$50.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

D. Laubisch indicated that the paving program would be started on Wednesday. The milling will be started this week and the paving to begin, weather permitting, one week after. A schedule was prepared and will be distributed. There will be a hold on Swan Place because a water line is to be replaced. D. Laubisch assured the Board there were going to be no problems similar to those experienced last year. Mayor Daniels stated the 415 feet of Swan would provide a little cost cushion. There is no overtime problem and that the problem last year was that the Town had to quit right on the dot and that caused the costs to escalate. Thought was given to privatize or bid out the paving. D. Laubisch stated that he was in the process of working on that and it is very competitive this year. He indicated that he was going to get a price per ton for material in place. All prices are not back yet, but it looks like we are going to be able to have asphalt per ton in place in under \$6 per ton, applied to the road. Quotes are being received from competent private contractors. Under \$6 a ton including the material is very competitive and he is going to work it so we fall under the minimum amount of a public works contract of \$20,00 so that we simply have to get three quotes.

Trustee Kelly reported that his Home Occupational Review Committee have submitted their final report and copies would be given to all board members. He would like to discuss it at the next board meeting. Noting that they indicated that home occupations are not a major problem in the village, they don't really recommend doing anything except to make sure when you're enforcing it that it be enforced as strongly as possible. According to the Village Attorney, most of the changes proposed

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would be against the constitution, so it doesn't make much sense to change it. Trustee Kelly advised that Attorney Troy gave him a copy of a proposed rough draft of a satellite dish law to be discussed at the next meeting. Also the Planning Board, at their last meeting, made some recommendations to be brought to the board regarding changes in the signage code. Trustee Kelly stated the cable TV contract is being reviewed by the Local Government Advisory Board and I am starting to write letters to the other municipalities that have recently re-negotiated their contracts to see what is available. There are some little "goodies" that no one is really aware of that we can get. Attorney Troy commented that sometime in September we should be getting notices from Adelphia regarding re-negotiating their contract. Administrator Cummins has written to the various communities to find out how they have handled their negotiations and what the prevailing rate of increase is. She should have a report for us in another few weeks. Trustee Kaye stated that the Town of Amherst is looking at getting additional money. Trustee Kelly commented that it appears that most of the communities are upping their percentage to 5% plus extra benefits too - cheaper access to senior citizens and educational benefits to schools.

Trustee Lowther had no report, but wanted to know the status of the transcript.

Trustee Hayes reported that there seemed to be some concern about the Savor-the-Flavor Festival. Carolyn Schlifke, Chairman-Parks Committee met today with Sara Argen and Pat Reidel in an attempt to communicate information to some of the restaurants who might not be aware of the situation in the park. The grass is coming back and Trustee Hayes would seriously consider moving Savor-the-Flavor. There is concern over placing people and/or restaurants in the mud or dirt. The Parks Committee will make the decision on postponing or moving Savor-the-Flavor.

Trustee Hayes referred to his first resolution as a very serious matter that came to his attention last week with regard to the ball diamonds on South Long Street. Supt. Laubisch called him and said that quite abruptly the week after Old Home Days the Town of Amherst decided to stop maintaining these diamonds. He made a call first to the Town high department and was referred to Jeff Bloom, the recreation director for the Town of Amherst, and was told they had received a complaint of a village resident who sponsors an out-of-town ball team at South Long Street, that the

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town wasn't doing the best job it possibly could in keeping up the ball diamonds. The complaint was carried to the Town highway department from the town worker and the Supt. of Highways investigated the matter and in doing so found out the vast number of places, ball diamonds, firehalls and other locations throughout the town that are currently being maintained by the Town for which there is no written agreement, at which time the schedule was abruptly discontinued. Trustee Hayes followed this up by making a call to David Bremmer, Deputy Highway Superintendent, and was advised that the Town would be interested in maintaining the ball diamonds if an agreement was reached with the village in writing providing: the Town of Amherst schedule the ball teams and #2 that they would be able to charge the appropriate fees. After researching what it takes to accomplish scheduling of the ball diamonds by our office. Currently there are no Village of Williamsville teams using those diamonds. There are some residents that are a part of large Town of Amherst teams, but there are not specific Village teams. It takes approximately two to three weeks of Elaine's time to do the scheduling and we only receive approximately \$500 in revenue. Presently the DPW does not have the equipment that is necessary to line the diamonds and roll them. Grass cutting along is estimated to take several hours. Trustee Hayes stated that he was lead to believe, by conversation with Jeff Bloom and Dave Bremmer, that if the Village were to a submit a proposed agreement in writing whereby Amherst could schedule the ball diamonds and collect the fees, they would give special preference to any Village of Williamsville teams that may arise in the future. The Town does require all ball teams to submit a roster of team members for resident verification. There is an urgency for this agreement inasmuch as the ball diamonds are in a state of disrepair. The DPW has cut the grass, but they haven't been lined and there are potholes and low spots. If we can get a consensus of the Board through this resolution, Attorney Troy will compose a letter to that effect. Trustee Kaye and Trustee Lowther both commented that they felt a deep concern that the Town of Amherst would be scheduling and/or taking over a village taxpayer owned park and requested that there be a public hearing so that residents would be aware of this, referencing the fact that there was such an uproar when they one ball diamond was previously closed. Trustee Kelly made note of the fact that there was not much time remaining in the rest of the season and asked if something could be worked out with Amherst for the rest of this year. Trustee Hayes stated it would be impossible, the

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Town of Amherst absolutely refuses.

Mr. Clifford Horey, 106 Highland Drive spoke in reference to the senior citizens and their concerns of balls bounding off their cars. Playing ball at South Long Street has been in effect since 1929 and there are 50 - 70 people each night there watching the ball games. He knows that 90 percent of the kids that play ball there are from the Town of Amherst but one team was from the Infant of Prague and another from the Diocese of Buffalo. He doesn't think that they should play on our ball fields and the complaint that arose was by this individual.

David Laubisch was asked how long has the Town been taking care of the ball diamonds and he stated that he has been with the Village for 23 years and the Town has taken care of them as long as he's worked here. The only work that the Village has done is to assist the Town Parks Department by painting the bleachers, but the Town of Amherst has always maintained the ball fields.

Trustee Lowther was concerned that it is the end of the season and most teams are in their playoffs and she felt that a decision should not be made at this meeting.

Trustee Hayes was concerned there might be a liability question if the diamonds were not properly maintained and Attorney Troy advised that there was no exceptional risk, unless we placed an obstacle in the path of the players. Usually the quality of maintenance would not give rise to liability.

Trustee Kelly again voiced his objection to giving a Village of Williamsville park over to the Town and if there were complaints about non-village residents using the park that we should turn the park into a use for village residents.

Trustee Hayes asked what do we tell individuals who complain about the field. Do we tell them that they play at their own risk and that the Town has ceased to take care of it, and we are looking into a new policy for next year?

Trustee Lowther stated that they should be told that we were left high and dry because the Town pulled out of their customary and usual maintenance 2½ - 3 weeks before the end of the season and the village was not going to invest over \$5,00 in a machine to maintain it. The topic will be on the agenda at the next meeting

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and we will be having a hearing on it and we will be happy for them to participate.

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

RESOLVED THAT the Village of Williamsville hereby authorizes the Town of Amherst to maintain the South Long Street ball diamonds. As a part of this authorization, the Town of Amherst will collect all fees and be responsible for scheduling all games with the understanding that any Village of Williamsville team will be given first preference in the scheduling of the games.

Unanimously carried.

Trustee Hayes stated his second resolution advertises for sealed bids for a pumper for the fire department. This issue was discussed several months ago, whereby the fire department was authorized to appoint a truck committee to prepare the bids. The specs were prepared by the truck committee and reviewed by Attorney Troy, who made minor modifications.

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

RESOLVED THAT the Village Clerk is authorized to advertise for sealed bids for one 1500 GPM pumper for the Village of Williamsville Fire Department. Bids to be opened in the Village offices, 5565 Main Street, Williamsville, New York on Friday, August 21, 1992 at 2:00 P.M.

Unanimously carried.

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

RESOLVED THAT Eric L. Weinreber, 495 Wehrle Drive, Apt. #1, is hereby reinstated as a member of the Williamsville Fire Department, effective immediately.

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Unanimously carried.

ON MOTION BY Trustee Hayes, seconded by Trustee Kelly it was moved to suspend rules in order to introduce a resolution that was not on the agenda.

Unanimously carried.

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

RESOLVED THAT D. Anthony Schueckler, Christopher Petrie, Michael Meldrum, Richard Meldrum, Peter Strobel, Richard Maddigan and Mark Kardaman be authorized to attend the 1992 Auto Extrication Competition and Learning Symposium in Cortland, New York on August 11 - 16, 1992 at an amount not to exceed \$50 per person.

Unanimously carried.

Mayor Daniels stated additionally while under suspension of rules, we have a proposal from Nussbaumer and Clarke to use their water model to determine which lines we are going to replace with Community Development funds. He asked Mike Kane for clarification as to who could use that model and if it were possible for us to get the model from them and bid it out to other engineering companies. Mike Kane stated they would have to own the "water works" program which integrates with the Lotus 1-2-3 spreadsheet software. That is something that Nussbaumer and Clarke owns and they would be glad to give us the printouts from this software, but that would not help another engineering company do any work.

Trustee Kaye asked about the floppy disk drive they talk about. Mayor Daniels advised the floppy disk is a copy of the printout, but would not be the software package which is a \$2,000 item and even with the program package there would not be all the information needed and that the bottom line is that we are married to this firm at this point with this information. Mayor Daniels contacted the E.C.W.A. and talked to Rolf Porter, who is in charge of their computer system. They are very interested in what kind of changes we make to our system, but they do not get involved in any kind of engineering or consultation within the

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Village limits of any of their customers utilizing their new geographic system, so it's not an option open to us.

Trustee Kaye asked about the information on the floppy disk and stated she thought we owned the program.

Mayor Daniels stated it is only a copy of the printout and that the printout has to be used with the software program in order to be interpreted.

There was a question as to owning the model. Trustee Kaye stated we own the model. Mayor Daniels stated we own the printouts from the model. Trustee Kaye stated that we own the model, that if we wanted to spend the \$2,000 for waterworks, that we could physically take it and we could plug it in and we could make any changes we wanted to it.

Mayor Daniels said he specifically asked Mike Kane that and that wasn't the story. Mayor Daniels only wanted to approve this so we could utilize the Community Development money to improve those water lines that were identified. All Nussbaumer & Clarke would be doing through the water model is an \$1,125 worth of determination, which water lines would be the most effective to replace and with that information we go out to bid for the engineering and actual construction phase of the project. Right now there are 16 or 18 options and all this will do is put these options into their model and decide which is going to be the most effective in improving our system for the approximately \$53,000 that we have available. All Mayor Daniels is asking now is to approve this by resolution so they can give us this information so we can go on to the next step, which is to go out to bid on the engineering and construction phase.

Trustee Lowther was agreeable with that, but before the next meeting she wanted a paper trail brought up to date to determine what was really going on. We have paid this firm a considerable amount of money and we have nothing to show for it. Now they are telling us something 100 percent different than what they told us last time.

Mayor Daniels requested to make a motion to have Nussbaumer & Clarke assemble the information.

At this point Trustee Kaye left the meeting to conduct a public

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forum in the auditorium on Old Home Days.

Attorney Troy stated that personal matter needed to be attended to --

ON MOTION BY Mayor Daniels, seconded by Trustee Hayes it was moved to go into Executive Session to discuss personnel matters.

Unanimously carried.

Trustee Kelly motioned to move out of Executive Session, seconded by Trustee Hayes.

Unanimously carried.

Trustee Hayes advised that Carolyn Schlifke, wants some direction from the Board on Savor-the-Flavor. As liaison to the parks committee which is to have their Savor-the-Flavor meeting on Wednesday at 6:30 p.m., he would like them to discuss viable alternatives. He would not like to see the Village Board make a decision in a vacuum without the benefit of a representative of the association of restaurants and the parks committee present. He would like the parks committee to make a recommendation to the parks liaison after their Wednesday meeting and if Savor-the-Flavor will have to be cancelled, Trustee Hayes will have to make that announcement first thing Thursday morning. Concern was voiced by several other board members that if the volunteer members of the Savor-the-Flavor and Parks Committee wanted the board to make the decision that we should take on that task. Trustee Hayes did not feel that the Village Board should be the deciding vote -- he wanted the Wednesday night committee meeting to review this matter and not to have a prolonged discussion at this evening's meeting.

Trustee Hayes advised Carolyn Schlifke that the Savor-the-Flavor decision does not need to be made at this meeting. The Village Board would like the Savor-the-Flavor committee to discuss the possible options on Wednesday - whether to move forward, postpone the event or cancel altogether - these are the options given to the parks committee and volunteers.

Carolyn Schlifke objected to the timing of the seed planting which brought about the serious concern of the Savor-the-Flavor event continuing. Trustee Hayes sated on the professional advise

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of James Hornung, the seeding was done at this time in order to get the winter rooting we needed. Carolyn Schlifke continued her concern as Parks chairman regarding walking on the new grass and Trustee Hayes stated that was why it was important for the whole committee to make the decision concerning alternate sites. Carolyn Schlifke advised of concerns referencing South Long, parking, sanitary facilities, electrical. If we close Spring Street, it is not big enough and we would have same problems, electrical and sanitary.

Mayor Daniels asked about putting on at the same time as the Arts and Crafts show -- Trustee Hayes stated that we do not have representatives of the business association present to discuss it -- Carolyn Schlifke stated some of the negatives for the 13th is that is a Sunday, it isn't the kind of a day where a restaurant perhaps wants to participate as they would on a Wednesday the bigger participants such as Eagle House and Little White House do more business on a Sunday and that Wednesday was chosen because it is a slow business day. Carolyn Schlifke discussed some of the problems of moving the Craft show to Main Street, including the width of the sidewalks, the size of areas rented to the crafters. These will have to be a complete new layout.

Trustee Hayes stated is committee business which should be handled by the committee and not by the Board of Trustees. He has a file which he will share with the committee on Wednesday night regarding this event.

Carolyn Schlifke stated she has no problem waiting till Wednesday but thinks that ultimately the final decision lays with this Board.

Mayor Daniels has a real concern about it happening in Island Park and thinks the committee should come up with any other alternative except Island Park.

Carolyn Schlifke stated she has analyzed all the alternatives in her mind and does not see another alternative. Maybe someone else on the committee will come up with a viable suggestions. Academy School and Williamsville South were two suggestions made by Board members.

Trustee Kaye asked regarding Arts & Crafts, whether it was feasible to use the Town parking lot on the Sunday. Carolyn

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Schlifke stated she intended to use part of it for the show.

ON MOTION BY Mayor Daniels, seconded by Trustee Hayes the meeting was adjourned.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer