

**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, August 24, 1992 at 7:43 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 held by the Board of Trustees of the Village of Williamsville at 7:35 P.M. on Monday, August 24, 1992 in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which will amend Section 39 of the Village Code by deleting Source Separation from that section of the code.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther , the public hearing was opened at 7:43 P.M.

Unanimously carried.

Trustee Kaye stated we are taking separating source separation out of the present code, which is garbage, refuse and rubbish. We have several items that we need to be in compliance with for the September 1, 1992 state mandated deadline for recycling. We're partially in compliance right now with our residential curbside pickup and we need to add some additional verbiage to bring this into complete compliance in terms of the institutional, commercial business and residential units which have dumpsters. We found it would be best to separate the two items and to make source separation a separate chapter and deal with it individually from garbage, refuse and rubbish so there won't be confusion. So the first public hearing this evening does deal with the fact that we're going to making a separate chapter for source separation.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther , the public hearing was closed at 7:51 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer

**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, August 24, 1992 at 7:52P.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 held by the Board of Trustees of the Village of Williamsville at 7:40 P.M. on Monday, August 24, 1992 in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which will add Section 74 - Source Separation to the Village Code.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther , the public hearing was opened at 7:52 P.M.

Unanimously carried.

Trustee Kaye stated this change is really a combination of two things. One is re-evaluating and looking at recycling which has been in our code and after being in recycling for approximately a year and a half we are looking at tightening up some of the items that we need to restructure and change within the code. The second part is the change really brings us into full compliance with the state mandate. There are three primary changes from the earlier code. The first, other than separating it from garbage, refuse and rubbish, is that we will address the non-residential and residential with dumpsters. This is presently not part of our code and we do not service those people. Right now in our recycling we presently service all businesses and residents who receive municipal garbage pickup. The portion we are looking to add covers all of those people who do not receive recycling presently and that's businesses, institutions, commercial facilities, medical facilities and residences who use dumpsters. Those individuals will need to directly contract with a private company for their recycling. In researching it, we found that that is what the surrounding municipalities are doing, is to have that group of people individually contract. Those people all primarily use dumpsters and they will go out and contract with a facility to have the recyclables picked up as well. Part of the code and that's actually from the garbage, refuse and rubbish code that directly relates here is in order to receive municipal garbage pickup, only five 32 gallon containers or less per week can be placed out for collection. If, for example Canterbury Court, they right now, in their residences, use a dumpster service. If they chose to put out their garbage individually, each of those units put out, 5 containers, we would then have to provide them with municipal garbage pickup and in turn we would have to provide them with municipal recycling as well which is contracted through BFI.

**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, August 24, 1992 at 7:52P.M.**

The second change is that we will require a license of those people who pickup from these establishments that use dumpsters and we would have a whole permitting or license process criteria that those individuals would have to meet. Thirdly, we would add penalties to the code for non-participation or if there is some violation from the license for some reason if they are in non-compliance with picking up the recyclables. Those are the primary changes. We talked about enforcement and we added some language that the county has asked us to put in and also we added some definitions that we presently do not have in our code.

Trustee Kelly stated he hasn't had time to review this in detail but there are some things that we have to take a good hard look at. First, Trustee Kaye has made it a penalty if someone has recyclable materials on their property for more than 7 days, he thinks that is wrong and ridiculous. If he has a pop can sitting in his yard or in his garbage for 10 days he can be fined \$250.00.

Trustee Kaye stated it has to be more than 12 consecutive months.

Trustee Kelly stated that is not what it says, it says 7 days. The other thing is that penalties have been placed on people for not putting recyclables out. He thinks the penalties should be place on people who put recyclables into the mainstream garbage. That's what we want to avoid. He doesn't think there is anything wrong with somebody collecting things in their garage or in their basement until such time as they want to put it out. The third thing is one of the penalties calls for a \$1,000 fine and he is not really up on that but he thinks that might be more than the law allows for a violation and we should check on that.

Trustee Kaye stated this part of the structure came from the proposed code sent us by the county.

Trustee Kelly stated we'll have to check on that and make sure.

Trustee Kaye stated primarily that whole section that talks about enforcing penalties came from the county.

Trustee Kelly stated the last one is bringing violators into the court system. He would like to strengthen the language a little more. He doesn't want to see this as some sort of independent hearing that violated the law and their going in front of the judge. He thinks this is a good thing we are doing and we have to be careful and make sure we set it up properly.

Trustee Kaye asked if Trustee Kelly would let her know which particular wording changes he has, she would appreciate it.

**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, August 24, 1992 at 7:52P.M.**

ON MOTION by Trustee Kaye, seconded by Trustee Kelly , the public hearing was closed at 7:58 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer

**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, August 24, 1992 at 7:59 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 held by the Board of Trustees of the Village of Williamsville at 7:45 P.M. on Monday, August 24, 1992 in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would Amend Section 103-16 of the Village Vehicle and Traffic Code and prohibit parking on the north side of Eagle Street from Evans Street to a point 60 feet west of Evans Street.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther , the public hearing was opened at 7:59 P.M.

Unanimously carried.

Trustee Kaye stated this corner has been the scene of many parking violations and problems on this corner and difficulty. The New York State Vehicle and Traffic Law prohibits anyone parking 20' from the corner and we've had individuals repeatedly parking in that space. They have been tagged, they have been ticketed. There's many cases where they haven't been tagged or ticketed where either the Amherst Police or the Parking Enforcement Official have not caught them but it's been a regular problem for residents right in that area. It's been a regular discussion of our Traffic and Safety Committee. Trustee Kaye has also had notification from school bus drivers that they have a problem with visibility on that corner when someone actually parks in front of the first house. The 60' from Evans Street deals with is the entire frontage of the first house and the driveway of the next residence. This would really increase the visibility at that corner and our liaison with the police department has also said it is a prone corner for accidents with turning right there. Our Parking Enforcement Official has also stated that she's fully in favor of this change.

Henry. Stroman, 116 Eagle Street stated he whole heartily supports this no parking sign. We have had considerable difficulties getting out of our driveways. A friend of his almost got hit the other day. There was a car parked there. He didn't know there was a car coming around the corner on Evans Street from Main. Mr. Stroman hopes that no parking sign will be enforced. In 27 years living at 116 Eagle Street, he has never seen a ticket on a single car parked on that corner even though there is no sign right now. There is a young lady who is a baby-sitter next door at the corner house and he has asked her not to park there and he explained why.

**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, August 24, 1992 at 7:59 P.M.**

He whole heartily supports this proposed law and he hopes that it is truly enforced. It would be a great benefit to us. He was going southbound on Evans going westbound on Eagle to that trouble seeing around the corner. He thinks this would be quite an advantage to everyone. There is a stake there now. He thinks it would be a good idea to move the stake because he is sure if somebody plows his driveway that sign would suffer. If you get a little bit further west as you've done right here, you'll get protection from the side.

Trustee Kaye stated that stake is primarily 60' from the corner, it's about this public hearing. She looked at it and it looks very close to his driveway. Would it work if we moved to the other side of the tree where it's next to?

Mr. Stroman stated it is fine with him. He has no problem.

Trustee Kaye stated she did see it is on the absolute edge of his driveway.

Mr. Stroman stated it would be a little more protection for the sign.

Trustee Kelly asked if that would be about 75' instead of 60'?

Trustee Kaye stated it probably would be about 3' or less. The 60' is on the side of the driveway and the stake is exactly there. The tree is there also so if you move the stake to the other side of the tree it's about 5'.

Frank Mischler, 186 Evans Street stated he also supports that proposal and that in combination with the next hearing he thinks the board should look at the other side of Evans Street and Eagle. When school's in session there sometimes are problems on the east side of Eagle Street also with traffic and safety.

Trustee Lowther stated that she would certainly be in favor of this proposal. She uses that intersection several times a day and she finds a lot of difficulty turning from Evans into Eagle Street with the cars parked right up to the corner. She understands, as Mr. Mischler suggested, the school buses are having a lot of problems. She doesn't know how they manage to get in there because her small subcompact car will not get in there. It's a problem.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther , the public hearing was closed at 8:06 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer

**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, August 24, 1992 at 8:07P.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 held by the Board of Trustees of the Village of Williamsville at 7:45 P.M. on Monday, August 24, 1992 in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 103-16 of the Village Vehicle and Traffic Code and prohibit parking on the east side of Evans Street between Main Street and Eagle Street.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther , the public hearing was opened at 8:07 P.M.

Unanimously carried.

Trustee Kaye stated presently there is no parking on the west side of Evans between Main and Eagle. On the east side we have a no parking sign posted between Main Street and Mr. Elak's funeral home and then there is parking from Mr. Elak's funeral home to Eagle Street; however, in our village code we have no ordinance to cover that particular " parking" sign so technically there is parking all the way from Main Street to Eagle on the east side. Our Amherst Police liaison has stated that this is a problem area. One or two cars parked there, particularly at the peak traffic periods, can cause some additional congestion because people think those cars are moving when, in fact, they are actually stopped. Our Parking Enforcement Official has commented also that that is a real potential traffic hazard and there has been quite a bit of discussion about this at our Traffic and Safety Committee meeting.

Carolyn Schlifke, 192 Evans Street stated she is a little surprised that at present there is nothing in the code about the no parking from Main Street down to Elak's because she personally measured that herself about 6 years ago when the Traffic and Safety Committee was reviewing the Traffic and Safety codes for the village in preparation for the new ordinances, it existed at that time. She doesn't know what happened to it. It had been in effect for many years. She asked Trustee Kaye if there has been any reports of public liability accidents occurring in that first block due to the parked cars.

Trustee Kaye stated the police department didn't give her those records and she doesn't have them. They have said to her that they feel it's a real problem.

**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, August 24, 1992 at 8:07P.M.**

Ms. Schlifke stated she has to be more concerned with people that live on the street. People in her area lost their on-street parking due the construction of the turn lane for the Essjay Road. Until it happens to you, you don't realize how important your on-street parking is. Anytime you take your on-street parking away from a residence, you not only depreciate the value of their homes, you make it more difficult to sell but you also restrict them in such matters as social activities. She, personally, comes down that street probably more than anyone around here in as much as she lives on it. She doesn't have a problem with a car that's parked there. The people that are coming up and down Evans Street at your peak hours don't live anywhere around here. There's no reason to move the traffic any faster because it is all backlogged anyway. She really doesn't think that if there was a parked car there, it's going to cause any problems. She would say look out for the residents in the Village of Williamsville and don't worry so much about the people traveling through it just getting back and forth to work every day.

Trustee Kaye stated from Main Street to where Ms. Schlifke had measured it, it was Ms. Schlifke's understanding that it was in the code previously.

Ms. Schlifke stated the measurement was from Main Street to the telephone pole, which is to the south of the driveway leading into Cerrone Vision. Then, of course, it's illegal to park in a driveway and it is illegal to park in Elak's driveway. Therefore, it was not necessary to make the no parking in those 2 areas. The sign was measured from the corner of Main Street to the pole, to the south of Cerrone's Vision driveway. There was parking from Elak's driveway north to 20' from the corner, which is state law.

Trustee Kaye asked Ms. Schlifke if she has any problem with the first portion of the no parking.

Ms. Schlifke stated you wouldn't want to park in that road. That certainly would become a danger. She is just concerned for the few residents who live there. It's a hardship on people. Whether you use it or you don't use it. At least it is there.

Trustee Kelly commented he knows we restricted parking further up on Evans and he was wondering why it wasn't listed in the code and he realized Trustee Kaye is actually talking about a no standing area, which is even more restrictive than no parking. Can Trustee Kaye tell him why she put it in no standing instead of no parking?

Trustee Kaye stated all of the signs are no standing in the code book.

Trustee Kelly asked if there is any reason why we historically have chosen no standing rather than no parking.

Superintendent David Laubisch stated it's in the manual uniform traffic control devices.

**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, August 24, 1992 at 8:07P.M.**

Trustee Kelly stated he knows there is both. No standing is more restrictive. If it says no parking, you can pull up there, you can let people out, get your groceries out of the car, you can do many things. You can sit in the car on the side of the road. With no parking you can do that but in no standing, you can't. It's more restrictive. Why have we always taken the more restrictive one of no standing?

Trustee Kaye stated our signs all say no parking but the code actually says no standing. She has had this discussion with Attorney Troy in terms of whether we should have changed our signs or our code.

Attorney Troy stated his understanding is that the distinction between parking and standing is that standing you remain in the vehicle. The engine may be on or off but somebody is in the vehicle. He suspects if he were to check it he would find that the engine has to be on. Parking, on the other hand, means literally for the purpose of leaving the vehicle there for some time. That would be a distinction that he would make.

Trustee Kelly stated the signs say standing and the code says parking. Which is it?

Trustee Kaye stated under 103-16 they all state no standing versus no parking. If she remembers correctly a conversation with Attorney Troy at a Traffic and Safety Committee meeting, that they wanted to know why the signs didn't match the code. The question was did we need to change the code to reflect it to say no parking versus no standing.

Attorney Troy stated he will check through his files. It may be also that parking is encompassed within standing. That's a possibility under the Vehicle and Traffic law.

Trustee Lowther commented as a resident of the area, she's not just passing through when she goes through that intersection almost every night. The congestion created by 1 or 2 cars parked there, especially if it's a large vehicle and especially if people don't know how to park well and it's several feet out from the curb, really creates havoc at that intersection. She's not 100% sure that we need to restrict the parking in the whole block but she thinks being a small village and having a part-time personnel who enforce our codes, it's really tough sometimes to take care of the problems as they exist. Obviously, we can't have our part-time parking attendant working every afternoon at that intersection. She's happy to see that Traffic and Safety has really looked at this and really feels that it is needed there but she does observe a problem on a consistent basis and as a village resident, she is glad to see it's being addressed.

Trustee Kelly stated he just doesn't follow the logic of the argument of let's make a lot more restrictions in the village because we have a part-time employee. If you need a no parking area, fine but if you're doing it for the convenience of a part-time enforcement officer, then we have a problem in the village. If the person can't handle the problem on a part-time basis, we either have to get someone else or we have to get a full-time individual.

**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, August 24, 1992 at 8:07P.M.**

To design laws solely for the convenience of people who are going to enforce them, he thinks, is ridiculous. He hopes he misunderstood what Trustee Lowther was saying.

Trustee Lowther stated certainly that isn't the most compelling reason. The fact of the matter is that we have gone out of our way to try to address areas that have problems and our parking enforcement people have been very good about it. Her main objection is the congestion in that area and on a road that is carrying in excess of 20,000 vehicles per day. You have to clear it out and you have to be able to drive through there safely and she thinks right now there is difficulty proceeding through that area in a safe manner.

ON MOTION by Trustee Kaye, seconded by Trustee Kelly , the meeting was closed at 8:21 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/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, August 24, 1992 at 7:42 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 7:42 P.M.

Mayor Daniels commented on the pledge stating that it is 100 years old as of September 8th. Mayor Daniels got a few facts about it from Reader's Digest. It was written for children in the summer of 1892 to commemorate Columbus Day and it was written specifically for that occasion to be said in the schools. It appeared in a publication by its author Francis Belany, who was the assistant editor of the Youth Companion, a paper for schools. It became so popular however, after a few years of reciting it only on Columbus Day, that it became a tradition to start the school day with the verse. The original was slightly different than we hear it now. It was "I pledge allegiance to my flag and the republic for which it stands, one nation, indivisible with liberty and justice for all." The first change was from "my flag" to "the flag of the United States of America." Mayor Daniels can remember when he was in school adding "under God" to the verse which was passed by President Eisenhower in 1954 and now with those 2 small changes, that's as you say it now at all these meetings.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the special meeting of the Board of Trustees held August 10, 1992 were approved.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved at 7:43 P.M. to open a public hearing for the purpose of hearing all persons interested in discussing a proposed local law which will amend Section 39 of the Village Code by deleting Source Separation from that section of the code. (The public hearing was closed at 7:51 P.M.)

Unanimously carried.

**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, August 24, 1992 at 7:42 P.M.**

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved at 7:53 P.M. to open a public hearing for the purpose of hearing all persons interested in discussing a proposed local law which will add Section 74 - Source Separation to the Village Code. (The public hearing was closed at 7:58 P.M.)

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved at 7:59 P.M. to open a public hearing for the purpose of hearing all persons interested in discussing a proposed local law which would Amend Section 103-16 of the Village Vehicle and Traffic Code and prohibit parking on the north side of Eagle Street from Evans Street to a point 60 feet west of Evans Street. (The public hearing was closed at 8:06 P.M.)

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved at 8:07 P.M. to open a public hearing for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 103-16 of the Village Vehicle and Traffic Code and prohibit parking on the east side of Evans Street between Main Street and Eagle Street. (The public hearing was closed at 8:21 P.M.)

Unanimously carried.

ON MOTION by Trustee Kelly, seconded by Trustee Kaye, it was moved at 8:22 P.M. to open a public hearing for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 103-20 (E) of the Village Vehicle and Traffic Code and add a paragraph on Visibility at Intersections. (The public hearing was closed at 8:33 P.M.)

Unanimously carried.

Mayor Daniels thanked everyone who came to the Committee Appreciation Picnic. It was very well attended this year. He thanked former Trustee Sweeney for his idea in the first place. It seems to gain popularity every year. Mayor Daniels suspects he will have even more people attending and hopefully good weather next summer when we do it again.

Mayor Daniels reported Savor the Flavor, through many trials and tribulations and came off and he thinks, personally, very well. Trustee Hayes will be reporting on that as well. The paving program is under way. A lot of the streets have been milled and that's going along very well too at this point. The court has received a computer and the records and training so that that system can be utilized fully are occurring right now and our employees are learning how to use that system. Everything will be done and computerized in the court system and records kept through that rather than the file system we have. We have every reason to believe that this will be more efficient and safe with taxpayer dollars as we go.

**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, August 24, 1992 at 7:42 P.M.**

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$112,290.05 covering 8/6/92 - 8/20/92 were approved:

Payroll fund w/e 8/08/92	\$ 21,264.97
General fund	54,986.59
Water fund	29,858.02
Glen Park fund	856.31
Trust & Agency fund	5,324.16
Grand Total	\$ <u>112,290.05</u>

Large Vouchers:

Erie County Water	\$29,051.92
L.R. Frank & Assoc.	\$ 23,291.88

Unanimously carried.

Mayor Daniels stated the New York State Legislature has passed an incentive program for early retirement of municipal employees recognizing that we are under the same stress as businesses. has authorized another year of early retirement incentive. We have an employee within the system that would qualify and may be interested in the stipulations of this law, so we need to adopt a resolution so that we can have an employee retire early. This, in our situation, would end up not only giving more flexibility to the position and allow this person to do what the employee has been thinking of doing anyway but also would save the village money without sacrificing any of the services in that department. Basically the incentive benefit that was passed by the legislature is an additional month of service credit for each year of service, up to a maximum of being 36 months. The incentive is not available for individuals less than 55 years old and it has to be accepted within a time period of at least 30 but not more than 90 days and that's the window in which that person can decide to retire or not. It cannot extend into 1993.

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

RESOLVED the Village Clerk publish notice of public hearing to be held by the Board of Trustees on September 14, 1992 in Village Hall, 5565 Main Street, for the purpose of hearing all persons interested in discussing a proposed local law entitled 1992 Retirement Incentive Program which would provide eligible Village of Williamsville employees with a retirement incentive program as authorized by Chapter 643 of the laws of 1992.

**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, August 24, 1992 at 7:42 P.M.**

Trustee Kelly stated he notes that the law must be passed by September 22nd. If we have the public hearing on the 14th, can we pass the local law on the same day?

Trustee Kaye stated yes we can.

Unanimously carried.

Mayor Daniels stated the third resolution involves a computerized model program. We have typically been using quite a bit of our Community Development Grant money for water system improvements within the target area. Presently, we have approximately \$53,000 which we want to utilize in the most efficient and prioritized fashion in order to accomplish the most good in that area. We would like the computerized model to give us information on which part of the system would most effectively utilize that money to improve the whole area the most. We've identified actually about 27 different priority areas in that Block Grant area and this money probably will only accomplish only 3 or 4 of those. One of most compelling areas is the Swan Street water line which has had 3 or 4 water breaks within the last couple of years, and needs to be replaced. There are several valves in the area that don't operate correctly and probably are restricting flow. Those we would like to replace. In order to come up with the proper sequence and priorities, we would like to get Nussbaumer and Clarke to input that information into the water model and give us a recommendation.

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

RESOLVED that Nussbaumer & Clarke, Inc. is hereby appointed to perform Computer Modeling of Waterline Improvement Alternatives in the Community Development Block Grant Area for a fee not to exceed \$1,650.00 as per their proposal of July 20, 1992.

Trustee Kaye stated she understands that this work is basically 3/4 of the way done.

Mayor Daniels stated this actually was on the agenda at the last meeting. We came to all but a resolution being passed. It got to be very late and the situation was a little confused and he gave authorization to Nussbaumer and Clarke, through a letter, for the completion of the work; however, there was no formal resolution passed so that the work still can't be completed until an actual resolution accompanies the letter which he signed.

Trustee Kaye stated she understands we didn't have any other bids or any other quotes from any companies other than Nussbaumer & Clarke for what this work could possibly cost us.

**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, August 24, 1992 at 7:42 P.M.**

Mayor Daniels stated that's correct. He had inquired if we could and get a print out or a disk of the computer model from Nussbaumer and Clarke so that we could ask other engineering firms to bid on this and he was told by the person that handles the work that this disk was not available to us and the information was not complete. They own the Waterworks Program which runs this model so he requested a written letter from the engineer to confirm, that we had no alternatives until that water model was totally completed but to use Nussbaumer and Clarke for the information.

Trustee Kaye stated it was her understanding at the last meeting that we owned this model even if it wasn't fully completed. We have already spent \$23,000 for this water modeling and it's disk and she still feels that we had the right to have that disk whether it was fully completed or not. She still feels that we should have gone and asked other engineering firms what the price might be to run this disk. Nussbaumer & Clarke's price breakdown is \$500.00 to run the disk and then \$1,150 is basically to analyze what comes out of the disk and put it in prioritized form. She understands now that it has been determined that we do actually own a disk and that in asking Administrator Cummins to look into it, she called the engineering firm again and the disk is now on it's way.

Administrator Cummins stated per her discussion this afternoon with the vice president, the disk is on its way.

Trustee Kaye stated she hopes in the future that we may look into purchasing Waterworks so that if it costs \$500.00 to get the printout that after we spent \$23,000 to do this water modeling, she hopes we would use it at least 4 times to get our money's worth out of Waterworks which costs about \$2,000. It would pay for itself and then we would only have to retain an engineer to do the analyzation since we already own the hardware to run the disk. She would hope, in the future, we could look into purchasing this software. It is her understanding that some of these technical programs will also supply some technical support to teach staff to analyze and use it and that in the future that we go out to bid or at least get some verbal quotes to find out if, in fact, the price for this work is in line.

Mayor Daniels stated that is a very good idea.

Unanimously carried.

Trustee Lowther reported her committees did not meet last month due to the summer holiday. The Environmental Committee will be meeting this Thursday here in Village Hall at 7:30 P.M. and the Glen Park Joint Board will be meeting 2 weeks from now, September 1st at 7:00 P.M. in the Nature Building in Glen Park.

Trustee Lowther commented on Savor the Flavor. She was there and volunteered help and her help wasn't needed because they had plenty of volunteers but she had a wonderful time.

**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, August 24, 1992 at 7:42 P.M.**

Unfortunately, the park was not able to support this function but it did work out very nicely at Williamsville South and she thinks they really deserve a lot of our thanks for helping us out on this occasion.

Trustee Lowther commented on the Old Home Days public forum that was held two weeks ago.. She is really happy to see the level of public participation that we had and she was happy to see the transcript received as quickly as it was. It was very helpful to review since we missed the first portion of the meeting because we were still in a board meeting. She was happy to see how quickly that was obtained.

Trustee Lowther reported on the court transcript on the Schrader proceedings from Evans Street. The trial took place last December. regarding home occupancy use. It became such a hot topic that we created a committee to look into the problems of home occupancy in the village. By a board resolution last January we requested a transcript and we finally received it last Friday. Anyone who is interested in reading this 70 page transcript can obtain a copy at the counter at Village Hall. If they would like to look at it or they can share her personal copy, she will be happy to lend it out. She would like to thank the efforts of Theresa Cummins and Trustee Kelly and Victoria D'Angelo, our village justice. Trustee Lowther thinks Ms. D'Angelo was the final prod that finally got this moving.

Trustee Lowther stated her resolution is in response to her latest cable bill. Cable is increasing \$2.00 a month again. We are currently in the midst of negotiating a new contract with Adelphia Cable, which she believes expires next February. She is really concerned that at a time when we have the current economic problems that we have these increases happening on a more frequent basis. She has never seen an ad for any type of public hearing to get any kind of input from Adelphia and she is really concerned that they just unilaterally turn around and pass on every problem and every increase that they have. One of the main reasons they cited in their latest request for this increase is the theft of services. She feels if any company is having a problem with theft of services, that is their own problem. It isn't something that necessarily has to be passed on to the public. One other item that she became aware of is that there are other communities in Western New York where senior citizens receive free cable and they always have since the cable companies have come into being. The fact that they cannot extend this or will not extend this to any other community nor will they even give a discount to certain segments, such as the seniors, really leads her to believe that what their doing really needs to be looked at. She, personally, doesn't approve of it and she would like to ask this board to pass the following resolution.

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

**RESOLVED** that the Williamsville Village Board is opposed to the proposed rate increase effective November 1, 1992 by Adelphia Cable, of \$2.00 per month for standard cable service to the Village of Williamsville residents.

**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, August 24, 1992 at 7:42 P.M.**

Trustee Hayes stated just so that he is aware of this resolution, which he supports, has the most effect that it possibly can, normally when we pass these type of resolutions we communicate them to appropriate individuals. Does Trustee Lowther have a designation of who this resolution would be designated to?

Trustee Lowther stated she would like it to go to the Cable Study Committee from the Town of Amherst. She would like it to go to our Government Study Committee here in Williamsville and a copy should go to the Town of Amherst and Adelphia Cable. We will also send it to our Assembly and our Congressional representatives.

Trustee Hayes stated it may seem like a nit picky thing but the public should know that at the time of the announcement of the cable increase all the elected officials in this room received invitations to a private cocktail party at Artpark on September 3rd that will be sponsored by Adelphia Cable. If any trustees or any other elected officials wanted to attend they would be treated to a comedy showing of Paula Poundstone and a light buffet with cocktails. He just thinks this kind of thing smacks of a real lack of concern as to what people are going through in these economic times. Just the coincidental arrival of the invitations was enough to make him outraged enough to want to support something like this and he does support it and thanked Trustee Lowther for bringing it forward.

Trustee Lowther stated she doesn't think there is anyone on this board who didn't have a bad taste left in their mouth when they received the invitation to this very exclusive, soundingly very expensive party right on the heels of the proposed rate increase.

Unanimously carried.

Trustee Hayes reported on the Parks Committee and the activity of the Savor the Flavor festival. Echoing the words of the Mayor tonight, he thanked everyone who participated in this event. This year, really more than the past 3 years was a community wide effort to make sure this festival took place given the constraints that we had with the bad weather, the condition of the park and its reseeding. He wants to single a few people out for their hard work and their efforts. Certainly Principal D'Angelo at Williamsville South High School who agreed to allow the Parks Committee and the Savor the Flavor Committee to use their front lawn to hold the event this year. It's highly unusual for Williamsville South to allow their property to be used for this type of community festival. He thinks there has been only one or two instances in the past where they have allowed it so we are certainly grateful to Principal D'Angelo and the staff of Williamsville South High School for letting this take place this year. He also thanked all the members of the Parks Committee who worked for several months planning and organizing the event, recruiting volunteers and getting businesses to donate gifts for raffles to help raise money. They should always be thanked and certainly the chairman of the Parks Committee, Carolyn Schlifke, should be singled out. Carolyn really was the one that moved in and demonstrated considerable leadership on this project in the final week when we decided to go ahead and to have it and not cancel it or postpone it.

**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, August 24, 1992 at 7:42 P.M.**

All this in the midst of personal plans that she had, inasmuch as she married off a son just a few days before that. Also to Chief Zymanek and the Williamsville Fire Department for helping us make arrangements with the Main & Transit Fire Department. Another glitch is that we were out of our fire district and so the services that are normally provided by Williamsville Fire Department were provided by the Main & Transit Fire Department. The Amherst Police helped us as they have in the past and the Youth Committee sponsored the youth activities under the chairmanship of Carol Lanphear. The attendance in his estimation seemed to be about equal to what it was last year although it was difficult to tell because the area the public was moving around in was larger. However, the preliminary counts of the funds that have come in this year from Savor the Flavor seem to indicate that if there were the same amount of people there, they didn't spend as much money. Last year Savor the Flavor took in gross receipts of \$20,000 and this year we realized about half that amount or little more than \$10,000. He thinks that can be attributed to maybe 3 reasons. One, certainly the change in location at the last minute may have had the lunch crowd be of less attendance being out of the center of the village. Two, because of the weather. Although the rain held off, it was a very cool day so he knows for a fact people weren't drinking as much Pepsi or loganberry as they were in previous years. Three, he thinks it is just the state of the economy. There are other festivals that are seeing people spend less money such as the Erie County Fair so he thinks it's an example of the state that our economy is in. One final thank you and he thinks they are a bit of unsung heroes who don't get the kind of publicity they deserve when they do good things but they do get a lot of hassle when people want to criticize them are the Jolly Boys. Frank Mischler, who is here tonight attended our Savor the Flavor Committee meeting and made sure that additional equipment and items that we needed at Williamsville South were provided by the Jolly Boys. A big thank you to Frank and all the members of the Jolly Boys. Trustee Hayes thanked, because they also provided a great deal of help on such short notice, Superintendent Laubisch of the DPW. He and his staff carried all of the equipment that normally is in Island Park for Savor the Flavor to Williamsville South High School. We certainly appreciate all his efforts and that of his staff.

Trustee Hayes reported on the status of the testing going on at Amherst ditch #9 behind the North Long Street homes. He had a conversation again today with the Town Engineer, Paul Bowers, in an attempt to see what was delaying the report of the hydrogeologist. We were assured by the town when we first looked into this that the hydrogeologist would take a week or two to collect samples and make a determination as to what was causing the water diversion in that area. Because of some internal difficulties with the firm that was retained, Earth Dimensions, he has been assured by the town engineer that bacteriological samples of the water have now been taken and we can expect a full report at the beginning of next week. Trustee Hayes will very happily share the report with the public and get together with other members of the board who want to review it. He will then call a meeting of the neighbors in that area and share the information with them as well.

**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, August 24, 1992 at 7:42 P.M.**

Trustee Hayes reported the senior citizens meeting that was originally scheduled for August 26th, this Wednesday, has been canceled due to the fact that most of the members of the Senior Citizens Committee are on their summer vacations. We've moved that to the regular meeting and adjourned all business to September 23rd.

Trustee Hayes stated his resolution involves awarding a contract for a 1500 gallon custom pumper for our Williamsville Fire Department. This is an issue that has come before the board several times in recent months. Members of the board and the public will recall the Fire Department came to us and requested direction on establishing a truck committee to study the preparation of the specs for the purchase of a new pumper to replace a current pumper. They were authorized to do so by the village board and they proceeded to draw up the specs. At our last meeting we approved those specs so the fire company could go out to bid for the apparatus. The bids have come back and in a presentation this evening before the work session Chief Zymanek outlined many of the highlights of the proposal. He also mentioned that Williamsville has traditionally done a terrific job in terms of purchasing and maintaining its equipment. He thinks the village boards, both past and present, have made it a high priority to insure that our volunteer fire department have the first class equipment they need to protect life and property here in our village community. This is a continuation of that support that the Village Board and Board of Fire Commissioners have given to the fire company. The purchase price of the new vehicle is \$232, 148. In terms of payment, this will break down as follows: Approximately \$100,000 that has been allocated to the Capital Replacement Fund in the Fire Department and we anticipate receiving somewhere between \$60,000 and \$75,000 on the proceeds of the sale of the used vehicle. Bids will be advertised for that vehicle so that we can be assured of getting the highest price we possibly can. The village is going to bond the remaining \$50,000-\$60,000 depending on the bottom line figure after the gross proceeds are subtracted. The effort to purchase this truck has probably amounted to an investment of over 100 volunteer hours by members of the Fire Department and their truck committee and he knows that Chief Zymanek personally has met with Administrator Cummins to talk about specifics of the bonding details, the bond, looking for the best and most cost effective way for the Village of Williamsville to go out to bond a portion of this that needs to be included. Ms. Cummins shared with us this evening because she is preparing a bond issue for January and because of the opportunity to beat several price increases, we would like to move up the date of the purchase of this vehicle for delivery by April 1st, 1993.

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

WHEREAS the Village Clerk has advertised for sealed bids for one (1) 1500 GPM Custom Pumper fire apparatus for the Williamsville Fire Department, and

WHEREAS American LaFrance, Bluefield Virginia submitted its bid meeting all specifications,

NOW, THEREFORE, be it resolved that the contract for one (1) 1500 GPM

**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, August 24, 1992 at 7:42 P.M.**

custom pumper is hereby awarded to American LaFrance for its bid of \$232,148 to include the option bid of \$5,203.00 for wooden ladders.

Unanimously carried.

Trustee Hayes wants to commend Chief Zymanek, First Assistant Chief Schueckler and past Chief Olivieri for all the hard work and dedication that they have put into this project and we look forward to seeing a brand new vehicle very soon.

Trustee Kaye reported that Traffic and Safety will not be meeting in this month of August due to vacations as well. Our next meeting for Traffic and Safety will be on September 17th. We did receive a note recently from BFL, who collects our recyclables, that a resident in the community states that they are very pleased with BFT's service. They had accidentally dropped their set of keys into their recycling bin and that the driver and collector for the recyclables had noticed them and had brought them back to the home. The resident commented on how pleased they were that the individual had taken the time and the effort to bring them back rather than to toss them in with the rest of the recyclables. They were very pleased with the service that was being provided.

Trustee Kaye commented on how pleased she was to see over 85 people come to the public forum on Old Home Days two weeks ago and talk about any possible changes to the festival. She was very pleased with the level of participation and the good comments that came out of the exchange of information. There were many suggestions for improvements for Old Home Days. Many people spoke of benefits of Old Home Days and members of the community also spoke about their concerns that remain about the event. The Old Home Days Committee and Jolly Boys have been very receptive to make this a safe and happy event and one that is the least disruptive to our community and will benefit everyone. We are continuing to have discussions about Old Home Days. It is her understanding that Amherst Town Board is compiling a letter that is going to be sent to the Old Home Days Committee or the director of the Jolly Boys with some of their concerns about Old Home Days. A copy will be sent to the village board sometime at the beginning of next month. She also understands that the Old Home Days Committee is putting together some thoughts of their own on the event. We look forward to continuing this open dialogue to make sure that we have happy, healthy, safe events.

Trustee Kelly thanked the Youth and Recreation Board for all their events this summer. Having 3 children himself, it was nice to be able to take them to some free movies. They, too, were a part of Savor the Flavor having the horses there for children to ride and some of the other events. What's nice about our Youth Board, contrary to many of the other communities, is most of the events that they put on are free and that allows neighborhood kids to come and have a good time. He hopes to see all their events continue.

Trustee Kelly reported the rest are building and code matters that come up from time to time.

**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, August 24, 1992 at 7:42 P.M.**

The Planning Board has sent him some information with respect to some beginning changes they would like to make in the sign code. They've indicated they would like to go it through it completely and make a number of changes. He asked that anyone that is interested in signs including the businesses along Main Street to him with their comments and information. Some indications he is getting from members of the Planning Board is they would like to see some pretty significant changes, the size of signs and the type of illumination. At the same time, we're going to work on some of the changes in the building code. We have some problems with enforcement in such as problems with absentee landlords and he thinks we'll be having some pretty major revisions in that code in the future. One of the things that he is going to explore, because of some comments he is getting from residents in the community, is looking at the cost of a full time building inspector as opposed to a part-time building inspector. We've been having some problems getting resident buildings completed on time because of the inability of a part-timer to be there. On the enforcement side, a part-time person simply does not have enough time to look at all the construction and also to make sure that the present housing stock and commercial stock is up to code. Anyone having any comments on that subject should contact him. Also, even though the Home Occupation Review Committee has been disbanded and has expired June 1st, he will make a copy of the transcript available to them and if any of them have any comments he will ask them to put add it to the report that was delivered to the board.

Mayor Daniels stated we would like to thank Glenn Murray also. He did a good job filing that report.

Superintendent of Public Works, David Laubisch reported we have milled South Long Street, Wellington Court and North Ellicott. As Mayor Daniels mentioned earlier, Swan Street is being considered for a water line replacement so it has been removed to prior to final pavement of the streets. The DPW will give all residents at least 24 hours notice that we will be paving the streets the next day. This way they can make arrangements to park your car at the corner if they have to get out in the morning. The only time we will actually be an inconvenience will be as we immediately go past driveways during paving operations. At that time it will be about a span of 40 - 45 minutes that you will not be able to get on the paved surface. We expect to commence our final paving in approximately 5 - 7 working days.

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

Unanimously carried.

Maryanne Avery, 64 Garrison Road stated the town board has been talking about the celebration of the 175th anniversary of the Town of Amherst. She asked Ms. Grelick today if they were planning anything in the village. Ms. Grelick said she wasn't aware of it as yet other than that they were going to have a parade. Ms. Avery wonders if the village board is going to have a liaison to this celebration and if we're going to have a repeat of the other 2 Sequa centennials in which they had Old Home Days and the Centennial running together simultaneously with the carnival.

**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, August 24, 1992 at 7:42 P.M.**

Mayor Daniels stated George Measer approached him to see if he would want to be on that committee but Mayor Daniels has heard nothing since they approved Mr. Measer as the coordinator. The next step would be discussions with that committee and the planning of it. If she has things that she would not like or is opposed to, she can just drop him a note or Mr. Measer a note.

Ms. Avery commented on a meeting with Mr. Lane at the Williamsville Southeast Amherst Homeowner's Association about the Oakgrove stub road. The town is planning on designating that area as being part of a trail area that would extend from Erie Community College to College Park. Then it would come out through that stub road as a foot path or a bike path. It occurred to her that the board might sell off part to the resident who wants to buy it and keep the rest of it for a path. She doesn't know if any of the board has gone back there but a path is still there even after they bulldozed everything. People went back to using it again. They go through there even though there is a barrier. They get around it. There's a path that goes a ways and then it branches off in 2 directions. That's been used apparently for ages and it's the only way to get around the ditch which extends to the south. Maybe the board would consider that since it has been traditionally used as a public egress.

Trustee Lowther asked Ms. Avery if Mr. Lane specifically discussed the path. She didn't hear it at the meeting and she thought maybe she had missed something.

Ms. Avery stated Trustee Lowther didn't miss anything. The only reason she knows about it is because she happened to be there where they make the decisions about College Park and they happened to bring up the fact that this does exist. Since then, the town has been mapping out with all these designated foot paths. Apparently that is part of a plan. She didn't know if the village was aware of that.

Trustee Lowther stated she had no information on it. If it becomes a formalized recreation area right behind a section of the village residents, she thinks the board should be aware of it and she thinks the board and the residents should be given an opportunity to have some input. She thinks the residents have gone through great pains to control what happens behind them. It's been a number of years in the development stages.

Mayor Daniels stated he will look into both of those items which Ms. Avery brought up, the celebration and Hirschfield.

Trustee Kaye asked Mayor Daniels what the status is of that parcel.

Mayor Daniels stated there is some question as to what is possible and not possible on that lot. There's been a request by the homeowner to the north who wants to purchase it and to extend his dwelling onto that lot. He already has a parking pad on the area.

**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, August 24, 1992 at 7:42 P.M.**

He then talked to Trustee Kelly about it. He has some question as to whether we can actually sell that or whether it is a case of abandonment. Then it would just go to the adjoining homeowners.

Trustee Kelly stated he would like to make sure it's locked up permanently rather than just have somebody extend their family room a little bit. He would rather sell it as a lot and use it. He has talked to several realtors about it. He may be getting a cost on it soon but basically they feel it's worth somewhere in the \$10,000 range as a lot. One of the reasons it is so low is that the lot is fairly small but more importantly, it's built on rock and you can't put a basement in there. He'd much rather see it used as a single family home rather than see somebody's family room extend over into it.

Mayor Daniels stated by selling it for a single dwelling it seems the best course because it eliminates the possibility of a path going through there and will bring in income by placing it back at the tax rolls.

Carolyn Schlifke, 192 Evans Street stated she's not going to repeat all the thank you's that Trustee Hayes made but she does want to make a special thank you to David Laubisch. We put a lot of demands on the DPW that day. They had to move a lot of equipment. They did come through with flying colors and she drove by the school on Thursday about 5:00 P.M. and except for the fact that they hadn't picked up the port-o-lots, it looked like we were never there. She's sure the school was very pleased with the cleanup that occurred there and as she said, she thinks it was all due to the help of the DPW. At the Committee Appreciation picnic, she brought to Mayor Daniels' attention the sign over Main Street for the Ninja Turtle Race. She's never attended one of these but it is her understanding that a truck drops off the turtles in the creek. Ms. Schlifke said she saw an article in the Metro Community News regarding the Ninja Turtle Race. It reads "In addition children will have the opportunity to try their hand at kiddy kerioche presented by Magic Moments Sound System". After just going through a very trying time of moving an event out of Island Park so that we can grow grass, she's afraid this article upset her a little bit. She knows it's a Mayor's Permit. Last year the Parks Committee asked that it not be held. It was held anyway and she is really concerned about bringing too many people into the park at this point. The grass expert has said that if we're going to get this grass to grow and become strong, it should not have any use until at least October. She wonders what these people are planning and what it's going to involve.

Mayor Daniels stated after he discussed it with her, Elaine in the Village office contacted the organization. The person in charge of the event said all they do is to take a truck back there with 1200 turtles with numbers on them. They may have 100 people who watch the turtles float from the dumping point which is about where the pavilion is towards the dam where they set up a net. It takes approximately 20 minutes for the turtles to go that distance and several turtles cross the finish line. Those were the ones that win the prizes and within an hour and a half everyone is gone. Last year there was no concession stand, there were no other activities associated with it. When he signed the permit this year that was his understanding as well.

**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, August 24, 1992 at 7:42 P.M.**

When Ms. Schlifke brought it up to Mayor Daniels attention that there are to be refreshments and games, Elaine called the person in charge who said they are planning a couple of low key activities. This was not in the original understanding for the permit that he signed and he thinks maybe after this meeting the board can discuss this as to what we should do and also what recourse we have legally and if we can, at this point, cancel the activity.

Ms. Schlifke stated she is sure that these people are not paying the village to come into the park under a Mayor's permit. The paper says 10:00 A.M. - 1:00 P.M.. Here again it's a case of charity but she thinks sometimes we just have to say no to something when we are trying so hard to repair something that happened through nobody's fault. The more you advertise, the more you offer, the more people you're going to get, free entertainment, whatever. The park, she feels, can't handle it right now. The Parks Committee is in the process of trying to work something out for the Arts and Crafts Show, which was started last year. It would have been so easy on Island Park. It was something that was by someone else and all she had to do was to update whatever had been done last year. All of a sudden she is thrown into a turmoil of 75 crafters and where is she going to put them. It's not as easy as it sounds. These people come with all types of equipment, some need grass, some have to be in the shade. There's all kinds of things that she has to take into consideration and while we're trying to move it to Main Street, it's not as easy as it looks. Some areas of Main Street don't have enough room to accommodate a 10x10 space for a crafter, which is another thing she would like to ask this board this evening. If we are able to move this to Main Street, is the board going to allow us to put 2 or 3 tents up on the village lawn? She has approached the Town of Amherst and they are going to get back to her. She has the library. Those really are the only 3 grass areas in the middle of the village. You have to keep your people near lavatories. We have no lavatories except in Island Park so therefore it has to center in this area. Is the town going to let us use their parking lot to put some of the crafters in? There are many things that you have to think about. This is all due to the fact that we can't go into Island Park and she has accepted that but when she accepts it, she certainly doesn't like the idea of somebody else going into Island Park when the Parks Committee is trying so hard to raise some money for the village and for the parks and we are having all these obstacles thrown at us. We're trying to carry through and other people are being allowed to use the park. This bothers her. So she hopes the board will do whatever it possibly can to see to it that no more damage happens in the park so that perhaps by next year we can move village functions back in there.

Ms. Schlifke stated about 5 years ago when the Meeting House parking lot was repaved, there was an area between the edge of the parking lot and Mrs. Earhart's house. That is village land. The village line goes to within about a foot or so of her house. At that time Ms. Schlifke made a promise to her that we would put some topsoil in there because it's all full of stones and gravel. Ms. Earhart cuts the grass at this location. She had asked to have a load of topsoil put in there so that it could be seeded and Ms. Earhart said she would water it and cut it. It is village property and she cannot cut it now with a lawn mower because of the condition it is in. So Ms. Schlifke is asking again, would somebody please take care of that strip. It is a piece of village land and she thinks we owe that much to the lady who has taken care of it for so many years and she is quite elderly. It's very difficult for her to do it in the condition it's in right now.

**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, August 24, 1992 at 7:42 P.M.**

Trustee Lowther stated Ms. Earhart did call her a couple of weeks ago. A week or so ago she was over at her house in the evening to talk to her. She had a problem with a box elder that's growing on the village property and it's already leaning on her house. She said that she is getting to the point now where she is getting too elderly to even be able to cut that strip. Trustee Lowther is writing a memo to send over to the DPW that when they mow the front would they please also cut that area.

Ms. Schlifke stated fine but she still thinks that it should be cleaned up.

Trustee Kaye asked Superintendent Laubisch if he can make sure that that happens to get some topsoil and some grass seed are placed in that area.

Superintendent Laubisch stated immediately when we're done with our paving program.

Henry Stroman, 116 Eagle Street stated regarding the beautiful, now legal fence across the street from him, a number of things amaze him about this fence and the lawsuit that followed the erection of it. First of all, we did bring suit against the man to have him move the fence. Repeated questions about how the suit was progressing brought no reply. It was still on the calendar. Sometime in late May, early June he decided to find out for himself so he called the court in Clarence and was amazed to find out that the suit had been dismissed on the 7th of October, 1991. He is completely amazed that nobody in the village knew a thing about this. Now somebody, the prosecutor, must have know something. Didn't anybody know anything about this? What happened to the communication? He finds that now the case has been dismissed. Why was it dismissed? Because the building inspector didn't appear. He was in Colorado. Mr. Stroman would hope that the prosecutor would have known when this case was coming up and could have communicated with this individual as to when it was going to be. If the building inspector already made plans, he's sure that an adjournment could have been arranged. But none of this happened. The building inspector didn't show up so the whole thing is dismissed. Trustee Kelly now tells him that's it. We got the fence, legal or not. He just cannot accept this sort of reply. There must of have been something. He would hope that now that we have the village administrator, she can sit on this building inspector and whoever else is involved and get some action. He doesn't know whether the prosecuting attorney, Ms. D'Angelo, ever informed the individual as to when the case was to be heard. Nobody knows that. Further more, Mr. Stroman found out in Clarence that the prosecutor, and he hopes the Clarence court clerk was misquoting, said the fence was protected by the grandfather clause. He doesn't believe that this prosecutor would have said that. The building inspector might have said that but he wasn't even there. Another thing that happened was that the case came up either 2 or 3 times before one of the jurists in the Town of Clarence and it was postponed because of a conflict of interest. Why would it come back one or two more times after it had been postponed once because of a conflict of interest? Something doesn't come out right on this whole deal. Something is very smelly. He told Mr. Laubisch about that fence has gates.

**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, August 24, 1992 at 7:42 P.M.**

When the gates are open, as this resident leaves them in the winter time when he has to get his truck off the street, you can't get your sidewalk plow down there because there is not enough room between the gate and the tree to get the plow so the plow has to go into the street. The employee has no other way to do it. What do the pedestrians do? Children walk down through there. Kids in high school walk through there. Aren't you going to plow it anymore? This is all because of this fence that this building inspector seems to think is all right. Mr. Stroman would like to know what is being done about this employee.

Trustee Kelly stated he thinks Mr. Stroman sat here earlier today when he mentioned that he is exploring having a full-time person. Trustee Kelly has also explained to Mr. Stroman on numerous occasions that once it is in the court system, he doesn't have control over it.

Mr. Stroman stated the thing he didn't understand was the fact that there was no communication between the board and the court in Clarence. Somebody in the village had to know what was going on. He realizes that once it is in the court system neither Trustee Kelly or anybody else in here can do anything about it. It has to take it's turn. Yet, the case got dismissed in October and nobody knew about it. You said there was nothing in the files and here he is, his only official position in the village is he is an official taxpayer, he called up and he found out what is going on.

Attorney Troy asked Mr. Stroman if a permit was ever issued for the fence by the building department.

Mr. Stroman stated he understands there was. The permit was issued but the permit stated that the fence had to be moved back 18" from where it had been 18" back.

Attorney Troy stated what Mr. Stroman is saying is that the fence was erected before the permit was issued.

Mr. Stroman stated the resident just didn't comply with the permit after he got it.

Trustee Kelly stated before he was on the board this resident had an existing fence. He came in for a permit and Mr. Stroman sat at one of the compliance meetings where there are some scratches all over the survey showing where the fence was located. There were a couple of "x" outs here and there and apparently a permit was granted. It was put in the exact same spot it had been and it should have been, in Trustee Kelly's opinion, it should have been moved in to go along with the side lot.

Attorney Troy stated this could be put on the agenda for compliance for further investigation to see what's going on.

Mr. Stroman stated right now if we're stuck with it, Superintendent Laubisch is also stuck with the problem of how does he follow the sidewalk.

**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, August 24, 1992 at 7:42 P.M.**

Attorney Troy stated if it's an illegal fence, it's has to come down. There are no variances granted for fences by the Board of Appeals. A fence code is strict compliance and if it's an illegal fence, it has to come down. If it doesn't comply with the permit, it has to come down. He maintains that even if the case was dismissed in Clarence there is nothing to prevent the village from bringing a new suit because the matter exists as an illegal fact. All we were doing was fining him for each day's violation, in which the fence was improperly kept in place. There is no reason in the world why a new suit couldn't be commenced.

Mr. Stroman stated he would leave that up to the board. It was very amusing because as he stood there while waiting for these people, the file was open and lo and behold we have a parking ticket in there too from last August, 1991, a Town of Amherst parking ticket that had not been satisfied. He happened to note that on the parking ticket that the fine doubles every 10 days.

Trustee Kaye stated it is doubled once rather than every 10 days. Right now in our present system, we don't have a way of collecting those tickets if someone doesn't pay after the first or second notice. What she has asked Administrator Cummins is that since the court has become computerized to find out from the computer programmer if there is a way to put those tickets back into our system for sending out additional warnings, letters or some other communication to those people who have not paid. That is something she hopes, Trustee Kelly as liaison to the court, is going to work on. This person is not the only person that has an outstanding ticket that hasn't paid. In other communities, those tickets continue to double and continue to have compliance levied against them.

Trustee Kelly stated he is assuming it is for the same reason that the fence was sent to Clarence that at the time, Judge Robinson was one of the judges here and it was against his son-in-law. If you are a judge, you are not going to hear a parking case if the defendant is related to you.

Trustee Lowther asked if a ticket is something you go to trial for.

Trustee Kaye stated you can contest it.

Trustee Lowther asked if we could put the fence on the Compliance Committee agenda as Attorney Troy had suggested.

Trustee Kelly stated that could be done.

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

Unanimously carried.

**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, August 24, 1992 at 7:42 P.M.**

ON MOTION by Mayor Daniels, seconded by Trustee Hayes it was moved to adjourn the meeting at 9:45 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer