

**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, October 13, 1992 at 7:37 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*

*Absent David Laubisch, Supt. of Public Works*

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7: 37 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held September 29, 1992 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther , the minutes of the public hearing of the Board of Trustees on a proposed local law on a water rate increase held September 14, 1992 were approved.

Unanimously carried.

Mayor Daniels stated that a resident had come to the Village Board about a drainage problem on Farber Lane. No storm sewers were ever put in on Farber as the street grew and developed. There's a storm sewer on Main Street with a stub that probably was thought would sooner or later be connected to that street. There is a rain water problem on that street and it has been especially severe with all the rain we have had this past year. Many years ago, a very shallow well was drilled around 102 Farber Lane that was intended to receive much of this rain water and carry it away in the underground water system. That hasn't functioned well for a number of years. The alternatives for Farber Lane other than the great expense of a national storm sewer project goes back to that well that was drilled. Technology has improved since that one was dug and has been done successfully in many locations around Amherst in this area above the escarpment, specifically at Ingram Micro Development and parking lots around Transit and Main. In researching this for the resident, Mayor Daniels found that the company now involved in these projects is Frey Well Drilling. The owner met with Superintendent David Laubisch and the resident this morning and looked at the present well. He thinks that it can be improved greatly and will offer a solution for the problem on that street. Mayor Daniels asked him to give the board some sort of proposal on the costs involved.

**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, October 13, 1992 at 7:37 P.M.**

Generally, the drilling fee is \$20.00 a foot for a 6" hole, 8" diameter hole is \$30.00 a foot. The estimated depth for a successful drain hole is 60' and 120' deep. He will be giving the board a proposal on that. A number of months ago, we received a complaint from a resident on North Ellicott who has been receiving increased water from the Orchard, Eagle area. Mayor Daniels met with Mr. Azzarella and the well driller in the back of his yard. A possible second storm receiver could be drilled in his back yard with an easement to relieve the situation. Mr. Frey is going to give us a proposal on that and also the village board can consider it along with the Farber Lane project for relief of the water problems that the residents have been experiencing.

Trustee Lowther asked if we would be putting a drainage system right in his back yard rather than at the end of Orchard Place.

Mayor Daniels stated there are 2 alternatives. One we thought was probably better since there will be water draining the other way as well and Mr. Azzarella's yard is actually the lowest spot. There would be a receiver there with an easement for it. If we put it up farther on Orchard Place it won't receive some of the water that is his problem now. This is strictly something that we need to get costs on and take a look at and then build from there. We're basically gathering information from which to proceed.

Trustee Lowther asked if these will be available for the next meeting.

Mayor Daniels stated he doesn't know when Mr. Frey will submit his proposal.

Mayor Daniels stated the Historic Preservation Committee will have a meeting next Monday. Sue Grelick, the Amherst Town Clerk, has made available photographs of 1956 vintage of all the area homes and businesses throughout Amherst that can be viewed. He knows the Historic Preservation Committee will be interested in looking at all of these pictures because some of these homes or businesses may have been of a historic nature and are no longer here. Mayor Daniels has arranged, with her kind cooperation, to have the meeting at Town Hall in her office next Monday evening at 7:30 P.M. to look at the pictures of all the homes and businesses in the village area of Amherst. Mayor Daniels thanked her kindly for that offer and the village will take her up on it. It should be fun looking at all these businesses that are no longer here and some that still are, through good fortune. It brings back a lot of good memories from 1956.

**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, October 13, 1992 at 7:37 P.M.**

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$118,448.09 covering 9/24/92 - 10/07 /92 were approved:

Payroll fund w/e 10/03/92	\$ 17,766.82
General fund	58,794.64
Water fund	34,146.75
Sewer fund	360.61
Glen Park fund	301.40
Trust & Agency fund	5,675.37
Community Development	1,402.50
 Grand Total	 \$ 118,448.09

Large Vouchers:

Erie County Water Authority	\$32,457.68
Lancaster Stone Products	\$21,837.91

Unanimously carried.

Mayor Daniels stated his second resolution is a culmination of the water rate proposed by Erie County Water Authority. No one on the board is really comfortable with this increase. This is the third increase in as many years and now tonight he understands from Administrator Cummins through a reliable source that there may be yet another 10% or so increase next year in our water rate charge by Erie County Water Authority. What the increase to the village amounts to is a 15.52% increase over what we paid last year and we have elected to pass that percentage increase on. There's one stipulation that the board would like to insert to give some relief even though this is nothing we feel good about doing, at least give some relief to the senior citizens who use very little water in this year's billing. Presently we have a 5,000 gallon minimum that users are charged. Even if they use less than that there's a \$11.85 bill that is sent out. We propose by this resolution to lower the minimum to 4,000 which even with the 15.52% increase will result in a \$10.96 billing for those people using 4,000 or less. That would actually save those residents almost a dollar on that billing and at this point that's really as much as we can do. The other part of the proposal by Erie County was a surcharge on summer usage. Anytime they use 120% of their winter consumption, consumers will be billed an additional .51 per thousand for during the summer months. We are going to withhold that approval on that portion of the rate increase because there is considerable discussion through all the users in Erie County on that cost in the hopes that Erie County will amend or eliminate the surcharge or in some way change that to a more fair structure. We would like to not pass on that at this 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, October 13, 1992 at 7:37 P.M.

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

WHEREAS a public hearing is required by Section 107-13(B) of the Water Code before a water rate increase is enacted, and

WHEREAS the public hearing was held on September 29, 1992,

NOW, THEREFORE, be it resolved that effective October 5, 1992 the water rates charged by the Village of Williamsville shall be as follows: \$2.74 per thousand with a minimum billing of 4,000 gallons at \$10.96.

Trustee Hayes stated he casts his vote against the resolution.

Trustee Lowther stated it should be clear to everyone that we don't like to pass on water rate increases; however, we don't have any choice unless we want to run a department with a deficit. She is not prepared to do that and that is the only reason she supports this pass through increase. The village is not going to get rich off this increase by any means. We will be facing this again in the spring when we have to resolve the surcharge if in fact it does not get repealed. That's the only reason she is voting for it.

Trustee Kelly stated he is also regrettably voting for it for the same reasons outlined by Trustee Lowther. He would like to add that even with this increase, our charge is pretty much right in the middle of the charges throughout the county for all the villages and the towns. If you figured it out, on a median level, we're actually less than average. So we're still fighting to give the village residents the cheapest rates we can and at the same time run a ship that's going to stay afloat.

Trustee Kaye stated she too regrettably votes for this for basically the reasons that Trustee Lowther and Trustee Kelly have stated and she feels it is unfortunate that we are faced with this situation. We feel that it is not responsible to run our Water Authority into deficit.

Mayor Daniels stated we have an unusual situation in the village because of the escarpment and our difficulty in finding the leaks in our system. This gives us a very great incentive to become as efficient as we can, not only as users but as overseers of the system and the mechanics of it. This past week we uncovered a leak on Main Street. We had noticed through our surveillance that we had been running a very high loss and finally discovered a leak in the line on Main Street that was probably, at best estimates, leaking about 120,000 gallons a day into the bedrock. That one was corrected. You can see with the surcharge system that it could be even a worse scenario if that leak occurred in a June, July, August billing where any usage into the village that represent more than 120% of the winter billing would be a .51 per thousand gallons more. If you multiply that times 120,000 gallons a day you look for bankrupt water funds very quickly. So what we need to do is tighten up our system for leak detection.

**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, October 13, 1992 at 7:37 P.M.**

We are doing everything we can to address the problem and to also look towards ways that we can encourage people to be very economical with usage.

Motion Carried.

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

Unanimously carried.

Trustee Hayes stated once again it seems as though the water consumers of the Village of Williamsville are being hit with an outrageous increase at the direction of the Commissioners of the Erie County Water Authority. As we have just heard the amount of this year's increase is 15.52% and includes a newly established user surcharge. Despite the Authority's attempt to explain away these dramatic hikes and the fee structure, he believes these increases are unwarranted and once again points to the deplorable mismanagement of the public's trust that is occurring at the Water Authority. The insensitivity and disregard for public accountability that has been demonstrated by the Water Authority in recent years must stop. This latest issue combined with the much talked about part time commissioners' salaries, "company" cars, credit cards and expense accounts continues to erode the public's confidence in the management of the Authority. The time for reform is now. He is sending a letter to Governor Mario Cuomo dated today with copies to be sent to the majority leader of the New York State Senate, the Speaker of the New York State Assembly and our local representatives in Albany asking them for their assistance in supporting a meaningful change in the way the Authority is governed. Specifically, he is asking that the village board tonight give their support to a proposal in the State Legislature that would amend Title 3 of the Public Authority's law by the State Legislature and remove control of the Erie County Water Authority from the three member board of commissioners and change that to provide for management of the Authority operations by a representative body of municipal users. This could be accomplished by eliminating the positions of the commissioners and appointing instead a board of users comprised of 6-8 chief executive officers of both large and small Erie County municipalities.

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

WHEREAS, the Erie County Water Authority has continually demonstrated insensitivity and disregard for public accountability through their outrageous rate increases, and

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, October 13, 1992 at 7:37 P.M.

WHEREAS, this year's increase is 15.52% and includes a newly established surcharge, and

WHEREAS, this latest outrage, combined with the discussed part-time commissioner salaries, "authority" cars, credit cards and expense accounts, continues to erode the public's confidence in the management of the Authority,

NOW, therefore, the Village of Williamsville Board of Trustees hereby supports a meaningful change in the way the Erie County Water Authority is governed. Specifically, we propose that Title 3 of the Public Authorities Law that gives control of the Erie County Water Authority to a three member Board of Commissioners be amended to provide for management of Authority operations by a representative body of municipal users comprising of six to eight chief executives of both large and small Erie County municipalities and

BE IT FURTHER RESOLVED, that current chairman of Erie County political parties be prohibited from serving on any such Board, and

BE IT FURTHER RESOLVED, that the Village Clerk be directed to send copies of this resolution to all area State Senators, Assemblymen, the Majority Leader of the State Senate and the Speaker of the Assembly.

Unanimously carried.

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

Unanimously carried.

Mayor Daniels stated he is going to withhold his third resolution. We're going to ask for another round of proposals on this project that will vary in it's original scope and be very much more specific in what we are requesting from the engineering firms involved.

Trustee Kelly reported there was discussion at the work session in regarding the fact that the State of New York has done a horrendous job on the bridge on Main Street. In doing some repair work they paved over some of the brick pavers, spilled oil on it, left holes and did incomplete repairs. He requested that the village send a letter to the State of New York asking that this job be completed properly and our pavers be put back in their original shape. He asked that the village send a letter on behalf of the board to the appropriate official of the state to have this work rectified.

**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, October 13, 1992 at 7:37 P.M.**

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

RESOLVED that Village Justice Victoria D'Angelo, is hereby authorized to attend the 83rd Annual Conference and accredited Advance Training Course of the NY State Magistrates Association at the Nevele Hotel, Ellenville, New York from October 19-22, 1992 and the cost, not to exceed \$500.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Lowther reported there is a dangerous situation also very similar to what Carolyn Schlifke called to the board's attention when they didn't bother to close in the bridge and we had to put the chain link fencing over it. Trustee Lowther stated there is a large gap and she wants to make sure it is restored immediately. She told Mr. Laubisch today to close it up immediately.

Trustee Lowther reported the Glen Park Joint Board and the Environmental Advisory Council will be sponsoring LeaFest this Saturday. It's the first time we have tried something like this. We're trying to encourage our residents to recycle and to reuse. A number of distributors of equipment that grind up leaves and take care of garden waste will be present and they will be demonstrating their equipment. We will also be having refreshments. It will be running from 11:00 A.M. to 3:00 P.M. She hopes members of the board will stop by. Our next meeting for the Environmental Advisory Council will be on October 22nd. We will be having only one meeting for the Glen Park Joint Board in the next 2 months. We will not be meeting in December so we will be meeting a little bit later in November. The meeting will be held on November 17th.

Trustee Lowther thanked the members of the Beautification Committee for the planting they did during the summer months. All of our public areas were kept up nicely and she received many positive comments. They deserve a big thank you because they did a beautiful job as usual. She is very appreciative of what they have done.

Trustee Lowther reported on the photographs that the Mayor discussed. She has been in contact with the Town Clerk and they were discussing the idea of using some of the photographs of the village and the town in a souvenir booklet that would be available during the centennial. Possibly the proceeds that would be raised with this booklet would be split between the Historical Society and the Village of Williamsville and Amherst Museum with the thought that it could be for sale on a permanent basis out at the museum. She would like to explore this as a collaborative event between the Village and the Town and she thinks it could be very beneficial to all of us. She will be working with the Town Clerk to see if something would be feasible on our limited budget.

**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, October 13, 1992 at 7:37 P.M.**

Trustee Hayes announced that he has received a letter from Richard Tobe, the Commissioner of the Environment and Planning regarding the continuing dialog that is going on between the County, the Town and the Village with regarding the traffic conditions in southeast Amherst. At the last meeting Trustee Hayes reported that he sent a letter to Commissioner Tobe reminding him of his commitment in an August 12, 1991 letter to give the assistance of the County of Erie to any possible improvements that would be needed to be made to the roadways in southeast Amherst after the conducting of an independent traffic study. The task force has been underway and we will soon receive the recommendations of that committee. In his letter, Commissioner Tobe indicated "I expect that when the study is completed it will be forwarded to Commissioner and myself and after reviewing the study it would be our expectation to act in accordance with the policy statements enunciated in the letter of August 12, 1991" This may seem like it is a little bit of a rigmarole but when you are dealing with the county, it's very important to get them to commit and to live up to their commitments in terms of assisting local municipalities. Trustee Hayes will keep the public informed as we continue that battle.

Trustee Hayes reported on the Park Committee has sent a memo recognizing the DPW services in the village parks this summer. The Parks Committee expressed their appreciation to the Board of Trustees for the services that were received from the DPW during the summer season and while they indicated they were critical earlier this year, whatever differences did exist, have now been ironed out. During a summer of varying inclement weather our parks have always been clean and well maintained. Additional work due to the reseeded of Island Park was done in a timely manner and the beauty of that park is now once again visible to all. The committee asked that we pass their appreciation on to the staff and the Superintendent of the DPW, which Trustee Hayes thinks we all whole heartily do. Also in a memo to the Board of Trustees, the Parks Committee indicated their disappointment with the parks' security guards that were selected this year through the competitive bidding process. We've discussed that publicly before but it's good to have the Parks Committee now on record about that issue. He has addressed the issue with Administrator Cummins and we believe that for the future for next year now that we have something in writing from the committee that we will have some greater recourse and some greater latitude in selecting the security company that performs the security service for the Village of Williamsville.

Trustee Hayes announced that he has received communication from the Town of Amherst Youth Board indicating that the Amherst Task Force on Substance Use and Abuse will sponsor a rally on Wednesday, October 28th in recognition of National Red Ribbon Week. The rally will take place at Williamsville South High School, 5950 Main Street from 10:00 A.M. to 11:15 A.M. At that time students from our public and private schools will make presentations to an audience of their peers and hear from people who are leading the way for legislation restricting alcohol and substance use and abuse in our community. He would invite any interested residents from the Village of Williamsville to attend that rally.

Trustee Hayes stated his resolution involves the settlement of a claim that was brought against the Village of Williamsville by one of its employees.

**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, October 13, 1992 at 7:37 P.M.**

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

RESOLVED that the Mayor is authorized to settle the Claim of Michael Moritz against Village of Williamsville for the amount of \$735.07 in exchange for an appropriate release form signed by Mr. Moritz or his duly designated agents or attorneys.

Trustee Kelly stated he is voting against the resolution for reasons that he stated since June, 1991. His opinion hasn't changed since that time at all.

Trustee Lowther stated it should be noted for the public record because this has all happened in Executive Session for the last year, that the only next consecutive step that could have happened would have been an arbitration hearing and the price would have amounted to a starting fee of about \$2,000. While no one on this board is happy to see this board expending money to settle a suit by one of our employees, it would be financially irresponsible to continue this case at the increased costs that were involved.

Trustee Kelly stated his opinion is that from day one it should have never gotten this far. We had the right to stop this a long time ago and he believes that the proper procedures weren't followed here. For those reasons, he is voting against it.

Motion carried.

Trustee Kaye reported that Superintendent Laubisch has done some research for her regarding recycling in the Village of Williamsville. Right now we are recycling 35 tons of material a month so we're pulling 35 tons of recyclables out of our waste stream, which she thinks it's something to be very proud of. Our Superintendent is also working with the Town of Amherst on the details of using the Amherst Composting Facility. By the time we get into grass clipping season next year, we should be to have that all in place. Right now we will be disposing of our leaves at no charge at all, so that will be very nominal. She understands that the Town of Amherst is looking at a very nominal fee of about \$5.00 per truck load for us to dispose of our compost materials, which is very reasonable. Also, Superintendent Laubisch has determined that the cost per household to pick up all the disposables that are put out in the village including garbage, refuse, trash, and recyclables is \$128.00 annually as compared to \$192.00 in the Town of Amherst and that doesn't include their pickup of white goods, refrigerators, stoves, etc. So the Village of Williamsville has been able to take the recyclables and the garbage out of the waste stream for considerably less per household than the town. She is really pleased to see that.

Trustee Kaye stated her first resolution calls for a public hearing on Chapter 39 Garbage, Refuse and Trash. Two meetings ago we had a public hearing to amend this chapter by deleting the recycling portion.

**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, October 13, 1992 at 7:37 P.M.**

In reviewing recycling and Garbage, Refuse and Trash we found that the chapter on Garbage, Refuse and Trash really needed to be strengthened in some areas. So there are some items that we would like to add to this code.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Village Board of Trustees at 7:30 P.M. on October 26, 1992 in the Village Hall, 5565 Main Street, for the purpose of hearing all persons interested in discussing a proposed local law which would delete the current Section 39 of the Village Code, entitled Garbage, Refuse and adopt a new Section 39 entitled Garbage, Rubbish and Trash..

Unanimously carried.

Trustee Kaye stated her second resolution deals with adopting a new chapter, Section 74, which is entitled Mandatory Recycling. This is has been in creation four months now and has gone through many revisions. We've looked at many different recycling codes from many municipalities, we've looked at our own, we've studied the needs and we feel that we have come up with a very comprehensive recycling chapter. This chapter really adds to the mandatory recycling we have had in place for primarily residential and commercial users who receive garbage pickup from the Village of Williamsville and this now encompasses everyone else who had been previously excluded. It deals with anyone who uses portable transfer containers, (dumpsters). That would be anyone who generates 5 containers of trash of 32 gallons or more per week. Also, it outlines some ownership of recyclables placed for collection. It outlines licensing required for collectors who will be picking up recyclables from those units that have dumpsters. It talks quite extensively about reporting violations, approval, denial, suspension, revocation of a license, enforcement and penalties for offenses. Those are really the primary changes.

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

RESOLVED that Local Law #7-1992 adding Section 74 to the Village Code, entitled Mandatory Recycling, which was the subject of a public hearing on August 24, 1992 is hereby adopted.

Trustee Kelly commented he thinks it's a significant improvement over what was previously presented. In the past the penalty was that if you didn't put your recyclables out you were going to be fined. He didn't that should be the way to do it. He thinks the fine should be if you are putting recyclables in the garbage or down the drain.

**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, October 13, 1992 at 7:37 P.M.**

He does have a number of concerns about this law but he thinks it's important that we get the mandatory recycling in place so he will be voting for it. He would like us to review it further. He, personally, does not believe the Mayor should be the one handling hearings with respect to whether someone is going to have his license to collect recyclables suspended or revoked. He believes that should be under the Building Department. He also has some concerns that if we enforce this to the letter of the law and that is how every law should be enforced, if he puts a syrup container into his recycling bin he could spend 15 days in jail. He is concerned that some parts of it may be a little bit stringent but it's important to at least get this moving and maybe we can work out some of the details later.

Trustee Kaye stated she appreciates his input in making it as good as it is. In terms of the Mayor handling the hearings, that was the recommendation of our Attorney. Originally, the Village Justice was to handle that situation and the Attorney felt it should be the Mayor. In terms of the syrup container being put in the bin and put in jail for 15 days, one of the problems in the past year and a half was that many people were putting things that just couldn't go into the recycling container such as batteries and tires. It's very difficult to fine tune it to say what you could and what you couldn't put in and make it more generic. She doesn't think anyone's intention ever was or will be to not have some leeway in those things that we can't take because there is no market for them. But it is for those serious abusers that were putting mufflers and batteries in on a constant basis that we are trying to address.

Trustee Kelly stated he agrees with that. Maybe in the future when we review this again the proper procedure might be that there should be a warning provision so residents are given a warning first. He doesn't think a warning is necessary when you have hazardous waste but with some of the other things it might be important.

Trustee Kaye stated that has been the procedure that they physically stop at the house and talk to the people and send a letter out.

Unanimously carried.

Trustee Kelly asked if it is the village's intention to have a law requiring separation of lawn clippings.

Trustee Kaye stated yes. We need to do that but we didn't want to hold up the recycling code until that was formulated because it may not be for months down the road. Under the New York State Law we have to separate the grass clippings out from the waste stream but since we didn't have to deal with that for a few more months we decided to hold on that.

Mayor Daniels stated Superintendent David Laubisch is not here this evening. Today was trash pickup in the village and very soon pickup will be by appointment only. It would be a good time now to get rid of anything that you been meaning to throw out. The leaves are a problem every year.

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, October 13, 1992 at 7:37 P.M.

We try to keep residents reminded that when they rake the leaves towards the curb to try to keep the sewers clear, don't pile them in the street but right along your property line so that the street remains clear.

Mayor Daniels stated there is a lead testing now that is mandated by the state. Homes built from 1982-1986 are targeted. At that time a lead solder was used for the joints for pipes inside the home. Now lead is taken out of solder for water pipes. The interest here is to determine how much lead in parts per billion there is in the water of all the residences in Erie County and especially those homes that were built or had major additions put on with new plumbing between 1982 and 1986. We have to have a certain number of homes tested every six months until the study is done. That is an undetermined amount of time at this point. There will be a certain number of residents asked to allow their water to be tested. We are going into a joint testing program with several municipalities.

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

Unanimously carried.

Joyce Troy, 71 Mill Street stated she is here tonight on behalf of the Williamsville Historical Society and the Glen Park Joint Board. She was at a meeting last night of the Historical Society and they raised the question of the Main Street bridge. There is some concern about the quality of work. She spoke with Administrator Cummins and she did reassure Ms. Troy that the work that has been done so far is really temporary and it will all be redone. The year is not yet determined. In walking over here tonight she noticed that the blacktop on the east side of the bridge was done rather neatly but the blacktopping on the exit of the bridge on the west side is just appalling and if we have to wait 5 years to correct or ever 2 or 3 it's terrible. The village spent a lot of money on the brick pavers and now they are covered with the blacktop that looks to her like it's forever.

Trustee Lowther stated we have had much discussion this evening on this subject.

Ms. Troy stated she got a call from Joan Fishburn who is now on our Glen Park Joint Board. She's just besides herself with what to do on Main Street on that side of the bridge because they have put a lot of work into beautification for the past 15 to 16 years and there's no way that they are going to make that area beautiful under the present circumstances.

Trustee Kelly stated during his report this evening he requested that a letter be sent out under the boards attention to the appropriate state officials requesting that they fix it as soon as possible. It sure is horrendous looking.

Mayor Daniels stated he has the name of the person in charge of the bridge program and Mayor Daniels is going to give him a call tomorrow morning. Hopefully, they will do it right away because it is a mess.

**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, October 13, 1992 at 7:37 P.M.**

Ms. Troy stated there is an opening on the west side of the bridge as it goes towards the park. A woman mentioned that she was concerned about it because a child could fall through there. It's not finished. As far as the Historical Society, they are concerned about their time capsule which she thinks is going to be exposed in 2085 or thereabouts. When the bridge is replaced, could that be retrieved?

Mayor Daniels stated what is going to happen is that bridge is going to be dismantled and then reassembled the way it appears now only restored. The time capsule will be in the same place unless someone requests a different place for it.

Ms. Troy stated what's happened with the sidewalk that has been raised, the time capsule is beneath the sidewalk.

Mayor Daniels stated his understanding in talking to the fellow that is in charge of the project is that the sidewalks are going to be cantilevered over the creek so that as you walk across you'll be able to see the stone work on the bridge.

Carolyn Schlifke, 192 Evans Street asked some questions on the Mandatory Recycling Code. She never felt too secure about corrugated cardboard. Does the village really receive much corrugated cardboard?

Trustee Kaye stated businesses put out quite a bit of corrugated cardboard. She thinks it is about 5%.

Ms. Schlifke stated she has a lot of empty boxes due to the fact that her husband receives various articles delivered to him by UPS from his company. All the tape, the staples must be removed and they have to be broken down in order to be recycled. She thinks it is a little unclear here where it says "sections shall be broken down to 3'x3' pieces". It makes it sound as if that's the size you are supposed to put out rather than no larger than. Is that what you are trying to say, that they cannot be no larger than 3'x3'? Many items would not be that large when broken down. Should they should be broken down?

Trustee Kaye stated that's correct. The way BFI has instructed the village is the only way that they will take them is if we instruct our residents to remove the tape and the staples and the strappings.

Ms. Schlifke stated say she has a box 4'x5'. Is there some reason for the 3'x3'? Won't it fit in their truck?

Trustee Kaye stated she could cut it in half two ways and pile it up or it won't fit. It's also because they feel that their drivers can't handle pieces that are larger.

**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, October 13, 1992 at 7:37 P.M.**

Ms. Schlifke stated another item in the code, Leaves, Brush and Tree Parts, "#1, During the months of October, November and December, leaves may be placed in piles not exceeding 6' in diameter at the curb or pavement line and shall not be placed in the paved portion of any street. At any other time of the year, leaves and similar material must be suitably bagged or be placed in an appropriate container." We don't control over weather. What happened last year in October, she believes we had snow very early. This took the DPW men away from leaf collection. It froze the leaves to the ground and made it almost impossible to pick it up. She has one very large tree in front of her house and 3 very large trees in the back yard. All together they produce a lot of leaves. They don't all fall at the same time so she may end up with 3 different piles in front of the house. Composting is a wonderful way to go but she might end up with a berm in her back yard if she were to put all her leaves in there because composting doesn't happen overnight. It takes quite a while for this to break down. Therefore, the early dropping of the leaves gets picked up. If you're saying that nothing can be bagged, in October, November and December but must be placed at the curb, not bagged, this could cause problems. She lost a good portion of her front lawn which had to be completely reseeded this year because of the leaves being frozen to the ground. This was nobody's fault. She's not blaming the DPW. They do as good a job as possible under the circumstances but when you're saying that if we know we are going to get bad weather and she still has leaves in front of her house and she can't put them in bags and she has to leave them there to freeze to the ground and ruin her lawn again, she's afraid she's not very happy about that.

Trustee Kelly asked if she is saying she wants to put them in bags.

Ms. Schlifke stated no, she would prefer not to.

Trustee Kelly stated if she puts bags out in October, November or December, she is still fine under the law because the code says may be placed in piles.

Ms. Schlifke stated Trustee Kelly brought up the item of the used oil and the paint, which is S74-7. It states that "all used oil and paint shall be disposed of properly." What is properly?

Trustee Kaye stated that's about 15 pages that the DEC puts out.

Ms. Schlifke stated last year she tried to get rid of an empty paint can for about 3 weeks and it was left there. It was completely empty but she left the cover on and they couldn't look inside. She sees where the code says that the tops must be removed.

Trustee Kaye stated the reason why we stated 74-7A the way we did is because Superintendent Laubisch said he would rather have residents call the DPW and explain what they have to dispose of so he can tell them how to properly dispose of it because the DEC regulations keep changing so often.

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, October 13, 1992 at 7:37 P.M.

Ms. Schlifke stated she knows Trustee Kelly mentioned about the paint brushes or if you are using a latex paint in your house and you have to wash out the pan somewhere. Where's it going to go? It's going to go down your basement drain. You certainly wouldn't do that with an oil base but with a latex it's something you're going to do.

Trustee Kelly stated he knows technically it's a violation of the DEC. The problem is how do you do it?

Trustee Kaye stated they suggest to soak it up with kitty litter and then to put it out when the hazardous waste disposal for Erie County comes along.

Trustee Kelly stated he has a big sense of frustration in trying to get a law into effect. As it is, we are late. We are required to have one already. Very few municipalities do and he is happy we at least have a law in the book and hopefully as time goes on it will be easier to include proper scenarios.

Trustee Lowther asked Trustee Kelly if any progress has been made on legislation of berms.

Trustee Kelly stated big frustration is where do you draw the line. It looks to him that he is going to end up proposing a law that's going to draw the line at about 36" to 40". He thinks that will pretty much save any flower bed or planting area. Everytime he comes up with what he thinks is a proper thing, he drives around somewhere and sees something, that looks fine but would violate what he is going to propose and there is really nothing wrong with it. It is real obvious to him that what happened on Evans is something we want to avoid. He doesn't want to get into a situation that we are cutting out people's planting beds. What happens when you get to a situation and there are several houses right around the corner from you where your house is markedly higher than the roadway. The whole property slopes towards the road and although he hasn't measured those he bets they are 4' or 5' high where there plantings are. How do you avoid putting them in noncompliance and at the same time protect us from the type of hill that grows on Evans Street. Trustee Kelly asked Ms. Schlifke if someone had put a berm in 10' high, would she be upset. He thinks depending on where it is, certainly.

Ms. Schlifke stated this berm doesn't go with the lay of the land. It's a berm that was built on a hill in the first place. You would expect a hill to go downgrade. Now what you have is a roadway which is going down and you have the lay of the land coming over like this and cutting off which of course then leads into the next piece of property which could be a problem when that person decides to develop. She thinks that is probably her biggest concern. These people and are protecting themselves from certain things whether it be noise or sight that they don't want to look at. She thinks it is finished. They have put some Christmas trees on it. It is not terraced but it is one height which slopes down. The sidewalk is in. It's unfortunate that the sidewalk has to end but that is the end of his property which does protect people to a certain extent while they are walking down the hill, especially the residents of the Blocher Home.

**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, October 13, 1992 at 7:37 P.M.**

So there are some good things that have happened overall but what concerns her is that next spring this berm is going to start to grow. Right now it is dirt. She didn't see any seeding but she has to assume it is there.

Trustee Kelly stated he is not so sure and he has asked Dick about it. The owner hasn't gotten full approval from us. He knows there are some things still outstanding. It his understanding at least from some informal discussion that he wasn't going to be growing grass there, he was going to grow something else like an ivy type plant.

Trustee Kelly asked Ms. Schlifke if she saw a berm 10' high would that concern her?

Ms. Schlifke stated she thinks 10' is quite high.

Trustee Kelly asked how about 5'?

Ms. Schlifke stated unknown to many people they think there is only one other berm in Williamsville. There was a second berm built at the direction of the Village Williamsville Building Department and it's out at the Blocher Home. It's because when they put their new signs in, the sign they had purchased did not qualify for height. The Building Inspector said just build the ground up. So there is, perhaps, a 1' berm that was built there also to accommodate the height of the sign. How high do you ever build on a flower bed. 10' is too much. Ms. Schlifke thinks 5' is high for any type of landscaping.

Trustee Kelly stated as he said before, he was thinking of something in the neighborhood of 36" or 40". Does Ms. Schlifke have a problem with that?

Ms. Schlifke stated she would gladly take it across the street.

Trustee Kelly stated he has a better idea on where Ms. Schlifke stands. As he stated before, he started to get in the direction of somewhere around 3' to 3 1/2' and could take care of pretty much any scenario he could think of.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, it was moved to adjourn to Executive Session for the purpose of discussing the union contract negotiations with the village employees.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, 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, October 13, 1992 at 7:37 P.M.**

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to adjourn the meeting at 9:50 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer