

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, February 22, 1993 at 7:33 P.M.

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

*Theresa L. Cummins, Village Administrator, Clerk-Treasurer
Thomas Troy, Village Attorney*

Absent: David Laubisch, Supt. of Public Works

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

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the regular meeting of the Board of Trustees held February 8, 1993 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the public hearing on a proposed local law to amend Section 103-16 of the Vehicle and Traffic Code - No Standing on the north side of Milton Street of the Board of Trustees held February 8, 1993 were approved.

Unanimously carried.

Mayor Daniels reported on the redesigning of the meteorological facility at the Buffalo International Airport. Some special interest groups have been circulating information on this facility door to door. The material is basically unsigned and states that this new microwave radar weather monitoring tower has potential health hazards attached to it. In response to that type of interest, the Erie County Legislature and Legislature Swanick have scheduled a meeting on Thursday evening, February 25th. Chairman of the Erie County Legislature Energy and Environment Committee, Charles R. Swanick announced today that a public information meeting will be held Thursday, February 25th at 7:00 P.M. at the Chambers of the Legislature, 25 Delaware Avenue. The purpose of this meeting is to discuss the new radar tower proposed for Cheektowaga. The first hour of this meeting will consist of a presentation from the National Oceanic Administration regarding their proposal. Then a brief question and answer period will follow. Afterwards, comments will be taken from the public regarding this tower. Legislator Swanick stated "he's had lots of calls on this tower mainly since one of the proposed sites is near Aero and Wehrle Drive. Mayor Daniels hopes that this meeting will clear up a lot of the questions so that we can get at the truth, if there are hazards or if we really need to get involved. He's done some research on his own that indicates that it's probably something that is over blown quite a bit but he is interested in hearing what the experts from the National Oceanic Weather Service have to say.

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Trustee Lowther asked if Mayor Daniels will be there to represent the village.

Mayor Daniels said he could not attend but he will make sure that he is represented. Some people have also requested that a similar meeting be held in this area and the proper format for that is to request a meeting at the meeting downtown. He has been in contact with Tom Johnson who is the Environmental Councilman in the Cheektowaga Town Board. He has spoken to Legislator Swarick and Donna Lhu, who is in charge of the NFTA work at the airport and several other people in the meteorological bureau. Mayor Daniels said he has sort of a good overview of exactly what this tower is at this point.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$404,483.19 covering 02/07/93 - 02/10/93 were approved:

Payroll fund w/e 02/10/93	\$20,135.93
General fund	34,981.19
Water fund	854.42
Sewer fund	342,382.00
Glen Park fund	893.61
Trust & Agency fund	<u>5,236.04</u>
 Grand Total	 \$ <u>404,483.19</u>

Large Vouchers:

Town of Amherst	\$342,382.00
Niagara Sanitation.	\$6,614.75
Hawkins, Delafield and Wood	8,552.23

Unanimously carried.

Mayor Daniels stated the second resolution involves a Public Works meeting entitled "Productivity Improvement for Public Works Supervisors" that he would like Superintendent David Laubisch to attend in Syracuse. It's a two day conference. The programs to be discussed go into efficiencies of Department of Public Works Departments and the services which that unit provides for the village. This is the most critical of the village operation, the most physical with the snowplowing of the streets, mowing of the parks and maintaining all of the municipal property in the village.

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

RESOLVED THAT David Laubisch, Superintendent of Public Works, is hereby authorized to attend a two day workshop entitled "Productivity Improvement for Public Works Supervisors" in Syracuse, New York, on March 1 and 2, 1993 and the cost, not to exceed \$400.00.

Unanimously carried.

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

RESOLVED THAT Theresa L. Cummins, Village Administrator is hereby authorized to attend the New York State Government Finance Officers Fourteenth Annual Conference in Albany, New York. March 24-26, 1993 and the cost not to exceed \$425.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Hayes reported that the Parks Committee met last Wednesday evening and had a very productive discussion about projects for the future especially those coming up in this next budget year. The committee conducted a review of this year's budget and found that we are in very good shape for the coming year, underspent in every single budget category. The projections that we have for expenditures through the end of the year will bring us right on target. Also some general discussion of items and projects for next year focused on the possibility of having the apron at Garrison Park pool redone and some of the benches repaired. There's asphalt that surrounds that pool has been degenerating for a number of years and replacing it with concrete would be one of the items on the Parks Committee Wish List as we head into budget negotiations. We also had a discussion about the possibility of doing some additional beautification at the Lehigh Memory Trail including a partnership with the Western New York Railroad Historical Association in building a railroad platform which we think would both be a beautification of the area and also a historical appeal to residents in the Village of Williamsville.

Trustee Hayes reported the date for Savor the Flavor has been established after consultation with members of the business community and looking at other activities and events that are being held this year especially the World University Games. The committee felt that it was important to get a date established early and get that information out to the public. This year's Savor the Flavor will be held on July 20th with a first time rain date established as July 21st. In the past several years there has been no rain date and if it rained, that was it. Savor the Flavor got rained out and unfortunately it wouldn't happen. This year we are predicting, based on what we had last year, the possibility that it might rain and so we have that rain date established.

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Trustee Hayes commented on a question that came up at the last board meeting about the town tax rate and the village tax rate differential. There's a study available to the public which shows just how the calculations are made both at the town level and the village level for the amount of money to be raised every year by taxation. He thinks one of the things we came away with a better understanding of tonight is that most of the money that is used each year by the municipalities is expended and then the sales tax money that comes into either the Village of Williamsville or the Town of Amherst is appropriated, considered surplus and used to reduce the tax rate. He thinks that is important, given what we have been reading in the newspaper recently about the whole controversy surrounding the 8% sales tax at the county level. As a matter of state law, villages, towns and school districts are entitled to a base 3% of that sales tax money that comes into the county. The additional 1% that the County Legislature just imposed is going strictly to the county. There are many who feel that the villages, towns and school districts should share in that additional 1% sales tax revenue. When you see how sales tax revenue has as an impact on our tax rate, he thinks the public will understand how important that fight is and how we as a municipality should lobby the county for our fair share. He knows Mayor Griffin, in the City of Buffalo, has consistently fought for the City's share and he thinks the village, as a municipality, would be remiss not to be on record as being in favor of receiving this additional 1%. He will, at the next village board meeting, draft a resolution and ask this board to go on record of asking County Executive Gorski to share 2/3 of that 1% sales tax revenue increase with villages, towns, and school districts as has been provided by state law. They seem to be ignoring that law and he thinks unless the village speaks up and gets it's fair share, it is missing the boat.

Trustee Hayes stated his resolution authorizes Mayor Daniels to sign an agreement with the Human Resource Corporation of Erie County. Under this agreement the village would be granted the use of one youth employment and training program worker for this coming summer. It would be someone aged 14 to 21 years of age and who would participate in a work program in our municipality from Tuesday, July 6th, 1993 for approximately 6 weeks. This is a county training program that's paid for by Federal, State and private funds and it is provided to the village at no cost to our taxpayers. Since we are invited to participate in it he is sure the village can find work for six weeks for a young person, especially at no cost.

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

RESOLVED THAT Mayor Ronald Daniels is hereby authorized to sign a worksite agreement between the Village of Williamsville and the Erie County Human Resource Corporation wherein Williamsville agrees to operate and function as a Worksite for ECHR in the operation of a Summer Youth Employment and Training Program pursuant to Title IIB of the Job Training Partnership Act of 1982.

Unanimously carried

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Trustee Kaye reported that the Village of Williamsville has been honored once again by the AAA, the American Automobile Association with a Pedestrian Safety Citation for 1991. This is the tenth year that the Village of Williamsville has been honored with that award. Basically the citation goes to a municipality who has no pedestrian fatalities within one year. We did receive it for 1990 as well. She also anticipates receiving it for 1992. We have just completed that request again and we will be looking at 1993 as soon as it is concluded. They have changed their program somewhat and it's now called Pedestrian Safety checklist. We, as a municipality, now have the opportunity to talk about some of the additional things that we are doing for pedestrian safety such as sidewalks, programs that we have, talking about intersections as well. We talked particularly about sidewalks. The Traffic and Safety is currently looking at our sidewalks and doing a survey right now to look at where the village does and does not have sidewalks for pedestrian safety. Trustee Kaye said she is pleased that we will be receiving our plaque very shortly so we can add it to our other nine that we have.

Trustee Kaye reported that BFI, who picks up our recycled items, has collected 148 tons of recyclables for the period of October 1st, 1992 through December 31, 1992. We received a check for \$538.82 which is our 25% revenue sharing. The amount is down slightly over other checks that the village has received and it appears that the net market price for recyclables is down versus recyclables that get picked up.

Trustee Kaye stated her resolution is regarding a public hearing we had at our last meeting concerning Milton Street. The public hearing called for prohibiting standing on the north side of Milton Street between S. Cayuga Road and the west end of the street. This section was inadvertently omitted from our code in our 1990 revision so primarily what we are doing is just reinstating it back into our code. This will be for "no standing" which is the most restrictive form within our parking code so it will cover standing, sitting and parking. We did have residents who spoke up wanting to make sure that we did cover standing on that street as well.

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

RESOLVED THAT Local Law #2-1993, Amending Section 103-16 of the Village Vehicle and Traffic Code, which would prohibit standing on the North side of Milton Street between South Cayuga Road and the west end of the street, and which was the subject of a public hearing on February 8, 1993 is hereby adopted.

Unanimously carried.

Trustee Kelly stated that most people don't realize what kind of impact sales tax has on their government. For example, if we got the proper share of the 8% sales tax, that we should be getting, we would have another \$205,000 of receipts in our budget.

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With no other changes, we could have dropped taxes 22% last year. That shows what a tremendous impact it has on the little villages and towns throughout Erie County by having the County swallow up the additional 1% and not share as they do in every other county in the state, that share of the sales tax.

Trustee Kelly commented on a problem associated with the last big snowfall and that is that a number of the fire hydrants are completely covered by snow. He thinks it is very important that the people who live in the neighborhoods shovel out the hydrants. If one happens to be in front of an elderly person's house, it would be a terrific project for some of the kids in the neighborhood to go and shovel it out. God forbid if we ever had a fire and the firemen couldn't get to the fire hydrants. It's very important to shovel the hydrants out when we have a snow storm.

Trustee Kelly reported the Local Government Advisory Board is having a meeting on March 11th at 7:30 A.M. At that time we should have our water study completed by the engineers. He looks forward to that being a major topic and discussion of that meeting. The Local Advisory meeting, as well as every other public board meeting, is open for anyone to come in and watch. One thing missing from the meeting schedule is that there is another Village Board meeting Wednesday evening, the 24th. It will probably be held in our conference room. The sole topic is the budget and anyone may attend. We encourage people to get involved and listen to the discussions on the budget as we move on.

Trustee Lowther reported she was lucky enough to sign on and take the volunteer training for the World University Games. Anyone who is going to be involved in the games needs to have a four hour training session. They are offering them several times a week at Erie Community College, North Campus. They have evening hours, daytime and Saturday, so if anyone is interested in becoming involved in the games, a call to their office will sign you up for the training session. She is looking forward to seeing the village work in concert with the games and perhaps plan some activities. She has discussed this with Mayor Daniels several times already and she thinks it will be a real worthwhile event here in Amherst and the Village of Williamsville.

Trustee Lowther reported there is an Environmental Advisory Committee meeting this Thursday evening here at Village Hall at 7:30 P.M. We just found out Sunday that Glen Park will be receiving a grant that had been applied for to do some nature education for children during the summer. We have reworked, cleaned up and finally fixed up the Nature Center on Glen Avenue and now have an opportunity with this additional funding to have someone there to teach children a couple days a week about the park and how the park and the ecology of the park works in our community. The group is the Environmental Education Institute Incorporated here in Buffalo and one of the board members is Paul Bowers who is the Town of Amherst Engineer. The president of National Fuel Gas is also on this board. The Assistant Commissioner of Environment and Planning of Erie County is the Chairman of the Board and in speaking to him, he has told Trustee Lowther that the exact dollar value of the grant will not be determined until their next meeting when they pass their resolutions for the grants but that we are going to be awarded the grant for this project.

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Mayor Daniels stated that last week the DPW was grinding stumps for residents. They do that generally when the ground is frozen so that the heavy equipment doesn't damage the landscaping around the tree stumps. They did make quite a dent in the list of trees that residents had requested to be ground. The DPW does not only those on the street, our municipal property, but also those in the resident's backyards if the equipment can gain access to it. They need a certain amount of width to get into the back yard. Some of the lots in the village are too narrow to accept our equipment but we do have a new narrower stump grinder now. So if any resident has a stump to be ground they can go to the Clerk's office and ask for a form requesting for the stump to be ground and you will be put on the list on a rotation basis.

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

Unanimously carried.

Trey Measer, 90 South Ellicott stated there are two trees in Glen Park in the area where we sled. They are no more than 3" in diameter and about 10' apart and many children run into them. He was wondering if they could be taken down or looked into.

Trustee Lowther stated we will discuss those at our next meeting. Also, she and the Fire Chief were discussing it at Winterfest. Other years we have put bales of hay around them. There's been talk of trying to move them. She does intend to bring it up at the next meeting which is March 2nd.

Joseph Frese, 275 Mill Street stated just recently in the newspaper there were a couple of articles that he is concerned and confused about and he would like to get them clarified not only for himself but for the public. In one article from the Buffalo News dated February 16th, it states "Williamsville seeks to keep tax constant", Trustee Kaye stated in the article that "I for one, won't be satisfied with no increase and will press for a reduction". He read an article yesterday in the Community News dated February 21, 1993 that states "My goal this year is to once again have no tax increase in the village". Mr. Frese asked Trustee Kaye what her stand is on taxes in the village. Does she want to cut the taxes as she said in the Buffalo News or does she want to maintain the no tax increase that has been upheld since last year.

Trustee Kaye stated as her release stated, she would like to see the village once again have no tax increase. Idealistically it would be wonderful if we could have a cut. The budget sheets that she turned in reflected a cut in requests for spending. She felt that that was very important to look at every single line item and cut wherever we could knowing that there are some areas that will go up and will offset it. We hopefully will have no tax increase and idealistically it would be wonderful if there were a cut. There may be that possibility if we receive an additional share of the 8% tax down the line. As Trustee Kelly said, if you look at that \$205,000 then that certainly would help reduce the rate.

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Mr. Frese asked Trustee Kaye if she voted for the budget in 1989 and 1990 and if that year contained a 24% increase.

Trustee Kaye stated she voted for the budget but doesn't believe it was a 24% increase.

Mr. Frese stated in 1988 and 1989 the tax rate was \$3.46 per thousand. In 1989 and 1990 the tax rate was \$4.29 per thousand. The way he looks at it, this is about 24%.

Administrator Cummins stated she thinks when you take the sewer in with it, there was a cut in sewer, there was an overall 7% increase.

Mr. Frese asked if the next year Trustee Kaye voted for a 9.3% increase, that was the 1990-1991 budget.

Trustee Kaye stated she doesn't have the exact percentage in front of her but it is on record. The village did buy quite a bit of equipment in those two years. We did go into a recycling program, we bought a garbage truck, a new fire engine so there were many things purchased.

Mr. Frese asked if the following year, 1991-1992, her party proposed an increase somewhere around 28%.

Trustee Kaye stated that is not correct.

Mr. Frese stated he thinks eventually it was 28% but then towards election time it was reduced to 12.4% and then eventually reduced down to 8%.

Trustee Kaye stated in that year the quote was made that if there were no state aid monies and that if all the budget requests were met from all the departments that the village could face a 28% increase; however, she thinks that if we looked at all the budget requests we have right now for the DPW, we would be looking at something that would be significant as well. She thinks this happens every year, generally speaking, but when we sit down, as a board, and look at the requests line by line, we scrutinize them and decide what can and what can't happen within a village tax rate for that given year. So that is exactly what did happen in that year.

Mr. Frese asked if Trustee Kaye went on record stating that with that tax increase of 8% that it was an inadequate budget at that point. Trustee Kaye stated she doesn't remember. Mr. Frese stated last year she was quoted in the News saying that the budget of last Spring that the village was going to have \$100,000 deficit. Was there indeed a deficit of \$100,000 at that point?

Trustee Kaye stated she doesn't have the figures in front of her.

Mr. Frese stated in fact there was no deficit whatsoever.

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Trustee Lowther stated she recalls when that article was published and she thinks that Dick Dawson did talk to her at the same time. They were talking about overspending. At that point in time, there was overspending in the budget on overtime and a couple other significant items that totaled over \$100,000. That was one of the reasons she had difficulty with the budget last year because we did not budget certain items. Other trustees made their position clear at the time too. She felt that we do have overtime and it was an item that she felt very uncomfortable with at the time but we did overspend in excess of \$100,000 on certain budget line items, the major one being DPW overtime last year.

Mr. Frese stated that did not create a deficit. Trustee Lowther stated no, it did not. Mr. Frese asked if the article in the Buffalo News of that date stating that there would be \$100,000 deficit is false.

Trustee Lowther stated she would have to see the article.

Mr. Frese stated last Spring we had a no change in tax rate. He is interested in knowing for his exactly on how the board voted on that.

Trustee Hayes said, as part of his campaign last year, he proposed a five-point plan to hold the line on village taxes and we went into budget negotiations proposing that and then when the final budget vote came in April, he voted yes on the budget.

Trustee Lowther stated she voted no.

Mayor Daniels stated he voted yes.

Trustee Kaye stated she wasn't there because she was hospitalized.

Trustee Kelly stated he voted for the budget.

Mr. Frese stated it seems ironic that for the last four years Trustee Kaye has been in favor of tax hikes and now all of a sudden Trustee Kaye has said in the article in the Metro Community News, "My goal this year is to once again have no tax increase". From what he determined by the statistics that he found, Trustee Kaye has never really been a part of the no tax increase and he is wondering right now if the village residents are hearing exactly what we are trying to say here. Trustee Kaye has been for tax hikes all along and all of a sudden during election year, she is against the tax hikes to the point of where we are taking tax reductions. He knows through his research that the village not only has a service award program for the Williamsville Fire Department for approximately \$40,000 but it has negotiations going on right now with the unions and it also has about a 4% decrease in it's assessed valuation because of some of the properties. For anyone to say that they are going to reduce taxes in this time is redundant.

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He wants to clarify that and go on record that what we are saying here in the newspaper may not be what we are necessarily saying or doing after the election occurs.

Trustee Kaye stated that Mr. Frese commented that for four years she has been for tax increases. She participated last year in preparation of the budget which did come as no tax increase.

Mr. Frese stated unfortunately her vote was not voiced nor was it publicly mentioned on how she would have voted if she was present for that meeting so it can't go on the record as Trustee Kaye being for the budget. He has to take it that she would follow the party line at this point and be against that. That's the way he takes it and that's the way the Village of Williamsville should look at it. No one has gone up to Trustee Kaye and said, how would you have voted if you were present for that meeting?. He is very sorry that she wasn't at that meeting. He wanted to clarify things because he was totally confused because at the record and the news articles are saying two different things. He wants to make sure that the village residents get what they deserve and that is an open form of government where everyone can come up and talk to each and every board member and get an honest and true answer.

Trustee Lowther asked Chief Zymanek if we have a program in the village where we have markers at the hydrants so people can locate them and clean them out.

Chief Zymanek stated no markers but he hopes that everyone who has a fire hydrant in front of their house knows that it is there.

Trustee Lowther stated she knows some communities do put sticks out in the Fall and she knows there's a hydrant across the street from her home and she cannot see it.

Chief Zymanek stated some places do use markers on the hydrants; however, they do get vandalized, they get bent, somebody falls on them or somebody gets hurt by them. The Fire Department would specifically state the address of every fire hydrant and the size of the water meter on each one. As far as the Fire Department going through it, you've got a very good idea where it is on the property. The DPW went down Main Street today and cleared all the hydrants on Main Street. If the snows do get deeper and we do have a problem with it the Fire Department always goes out, and clears specific hydrants in certain areas that serve apartment complexes, the Merken houses, they are more important.

Trustee Lowther asked is he thinks there is any merit to a marking program.

Chief Zymanek stated there are different things you have to consider when you look at a marking program. In the past, some of the fire companies have painted the tops of the hydrants a florescent orange color which is nice but there are some people that say they don't like the florescent orange hydrant sitting across from their house. People that have markers say they don't like that either and say "I've got this stick sticking up out of my fire hydrant "and even though they have the fire hydrant there, they don't like those.

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The kids bend a lot of them and there have been instances where kids have gotten hurt by them. Basically it is good to know where your fire hydrants are and let the residents take a few minutes to clear them out.

Trustee Kelly stated he thinks it is important to get away from the marker situation because that doesn't do what needs to be done, that is, shoveling them out.

Chief Zymanek stated most markers are out at the industrial park are where you do get a lot of high drifting because there are no buildings around. The way the village is situated, you've got so many residents and buildings around you've got to addresses so it's not that hard to find them once the DPW goes around and starts cleaning them off.

Mayor Daniels stated we've had a couple of complaints from residents who are near a home who employs snow plowing service. According to our village code, it is illegal for a snow plow to plow a driveway and then leave any of the snow in the right of way, whether it is in the sidewalk area or in the street. Quite often, these plows that have a large route to do will clear a driveway as quickly as they can and go on to their next client. That leaves mounds of snow in the street and creates a hazard to vehicular traffic and, therefore, pedestrians as well. Obviously, we can't monitor a situation like that. When we get a heavy snowfall everyone is getting the shovels out and getting plowed and it creates a hazard. We'd like to ask residents to tell the snowplow drivers to not stop at clearing their driveway but if they leave snow in the streets to push it against the sides so that there won't be a hazard to the traffic that is coming down the street after the snowplow clears the driveway. Mayor Daniels stated that many people will call and complain but not want to leave their name so they won't be labeled as a bad neighbor. They are very upset that the snowplow left the snow. One resident wouldn't even give him the name of the snowplow company or the license number and only identified the address of the house that had been plowed out. Mayor Daniels drafted a letter and mailed it to the resident. It's sort of a general announcement to people that there is an ordinance on the books and please become a responsible citizen in the village and monitor the situation and mention it to the driver that they need to clear the street as well.

Cliff Horey, stated the board paid \$21,000 for the sidewalk plow and if you go up Main Street where the "Little Bit of Sicily" is they've got a mound of snow there that the snow plow can't get through. Kids walking to the high school, with the school guard there, have to walk on Main Street. On Highland Drive the "Little White House" plows the driveway and the guy across the street plows the sidewalk. He's sure the Village Plow Jockey could write these down problems and do something about it. He shouldn't have to go out in the street and go around a snow bank. He's driving the plow, he could have a pad and pencil and put the address down.

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

Unanimously carried.

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Trustee Hayes asked Trustee Kaye if she had been at the budget vote last year would she have voted for the budget?

Trustee Kaye stated yes.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, it was moved at 8:23 P.M. to adjourn to Executive Session for the purpose of discussing union negotiations.

Unanimously carried.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, it was moved to return to the regular agenda at 9:00 P. M.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the meeting was adjourned at 9:01 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer