

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 Tuesday, October 12, 1993 at 7:39 P.M.

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

*Thomas Troy, Village Attorney  
David Laubisch, Supt. of Public Works  
Theresa L. Cummins, Village Administrator, Clerk-Treasurer*

*Also Present: Sherry Brink, Recording Secretary*

The Clerk read the notice of public hearing being held by the Board of Trustees on Monday, August 23, 1993 at 7:30 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Chapter 84 of the Sign Code with respect to free standing signs and the requirement for photographs.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to open the public hearing at 7:39 P.M.

Unanimously carried.

Trustee Kaye stated the public hearing this evening deals with changing a local law, Section 84-3(D) and 84-4 (B), (5), (F), (2) of the Village sign code. It pertains to free standing signs and the submission of a photograph for approved signs. This has been something that the Planning Board has been talking about since July, 1992. She knows the Planning Board had many discussions about this proposal with Trustee Kelly when he was liaison of the Planning Board also. This change in the code would reduce the size of a free standing sign to a maximum of 60 square feet. Right now is 80 square feet is allowable. A 60 square foot sign might equate to a 6x10 sign or an 8x8 sign. An 80 square foot sign is much larger. We don't have anyone in the Village right now who does have that size sign but the Planning Board is concerned that that size would be inappropriate in the Village. The second part of the change would require that once there has been approval of a permit for a sign, the applicant would have to submit a photograph of the sign to the Building Department within 30 days after the erection of the sign. This would do two things: one, it would, on a consistent basis, update the Building Department's file so they would always be current on the Village signs so that a person from the Building Department would not have to physically go take a picture of the sign. Also, it would allow the Building Department to quickly analyze if, in fact, the sign that has been erected is the same as the sign that was approved.

There was no comment from the audience.

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Trustee Kelly stated he is glad to see the proposal finally come about. There's been a lot of discussion, as long as he has been on the Board, regarding changing this to some extent but being unable to come up with a consensus as to the sign size. It appears that the Planning Board has pretty much agreed on the size and he is glad to see it. Trustee Kelly stated he doesn't believe we have any other R4 districts.

Trustee Kaye stated yes, we do. We have two of them, one is Towers and one is the Carriage House.

Trustee Kelly stated they are shown as R3M on our map but he understands that is inaccurate.

Trustee Piazza stated the idea of a photograph is excellent. He thinks that provision will help keep people honest as far as doing what they say they are going to do.

Trustee Lowther stated she is happy to see the photograph idea too. It will establish a permanent record of what's been approved and what's up. There've been questions many times in the past as to what has been approved by the Planning Board and what actually is installed. She remembers one time in the past Trey Measer and his son volunteered to take pictures of the signs and this way by putting the responsibility back on the petitioner for the sign, we do have the permanent record. If we don't receive the picture within 30 days, we can contact them directly when they're still new and familiar with the sign permit and it isn't something we are going to try and track down at a later date. She thinks it is a good move.

Trustee Kaye stated she agrees that it gives the Building Department a better photo in a timely fashion.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to close the hearing at 7:44 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 Tuesday, October 12, 1993 at 7:38 P.M.

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

*Thomas Troy, Village Attorney  
David Laubisch, Supt. of Public Works  
Theresa L. Cummins, Village Administrator, Clerk-Treasurer*

*Also Present: Sherry Brink, Recording Secretary*

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:38 P.M.

ON MOTION by Mayor Kelly, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held September 27, 1993 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to approve the minutes of the public hearing of the Board of Trustees held September 27, 1993 to amend Section 103-16 of the Vehicle and Traffic Code regarding "No Standing" on the west side of South Ellicott Street.

Unanimously carried.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to open a public hearing at 7:39 P.M. for the purpose of amending Chapter 84 of the Sign Code with respect to free standing signs and the requirement for photographs. (The public hearing was closed at 7:44 p.m.)

Unanimously carried.

Mayor Daniels reported he has received a communication from the New York Department of Transportation since the last meeting on two items. One was the proposed repaving of Route 5, Main Street, from the thruway entrance near Kensington and Main to Mill Street. As part of that project they are going to be doing some culvert work at McDonald's near Union and Main. It's going to be a resurfacing. They are going to mill off 3" of old pavement and put on 3" of new. No widening is going to be done. That is going to start late April or early May of 1994. The second project is much more ambitious. DOT representatives came in with aerial photographs of Main Street from Mill Street to Youngs Road.

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They have outlined three possible alternative widenings of that area, anywhere from adding one turning lane in the middle plus improvements at each intersection including improved turning lanes at Youngs and Main, to five lanes with a bike path, to seven lanes with a bike path. The most intrusive would be the seven lanes with bike path which would take 18 more feet off of each side of Main Street which would put it to within 3' up of the Little White House's door. That doesn't look like a feasible plan. We will be discussing whether we want to include a bike path with that. They seem to be most cooperative and willing to go along with our requests at this point. This project is two years into the future, and will be noticed especially from Hirschfield out because that is where the lanes converge into two at this point and they will all be 4 or 5 lanes in the new widening. At the same time they are going to be rebuilding and reconstructing the bridge over Ellicott Creek and Main. That may take about two years to complete. They are going to restore the bridge and cantilever the sidewalks out removing the stones and replacing them. We now have the two pipes. One is for gas, one is for water that will be suspended underneath that cantilevered sidewalk so they will be out of view. It will be much more esthetic. There is also a time capsule that is concealed behind one of the granite rocks in the bridge itself which would necessitate very carefully removing the capsule and replacing it as the bridge is restored. Mayor Daniels is looking forward to the end product of the reconstruction, not particularly the work that is going to be involved. We will have to work very closely with the fire department making sure that during all this reconstruction on Main Street we still have good access and speedy delivery of fire services along Main Street even during this constricted flow that is obviously going to occur when they start to do the widening.

Mayor Daniels reported he received notification from the New York State Thruway Authority that they are going to start an "easy pass" system, an electronic toll collection on Grand Island bridge this year. What that means is that with a sticker on your car you can drive right through. It is electronically monitored and charged to you through a prepaid account system. That's the coming thing with tolls. It is actually technology that is coming to us from Europe where this has been done for several years now. He is hoping it will extend to the 16 or so Depew toll barriers because one of the real problems for us is the sounds of all the trucks gearing up as they stop to pay their toll. Trucks especially, will be part of this "easy pass" system so that they will be able to go quickly through a toll area without any back ups like you've seen on the thruway especially during the summer tourist months. That is coming to pass in the near future for everybody.

Mayor Daniels reported Administrator Cummins attended a fall training school and has given the Board an overview of all of the sessions that she attended. There was a legislative update and municipal requirements for re-regulating CATV. There are all kinds of cable things happening now including New York Telephone and the telephone company is getting involved in the cable industry and personnel policies, employment, hiring under the American Disability Acts, civil service, employee relations. It's nice to see all these things that show us that Administrator Cummins is being very up to date on all of the things she needs to be an effective Administrator. There is also a talk about games of chance. We are, as a municipality, able to license games of chance. If you go to a bingo game at the VFW or a church, that is licensed through the municipality.

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He has always asked why can't the Village have a lottery like the State does to defray property taxes. He had a slogan, "all you need is a buck and some luck". Apparently when the state started it's lottery system, the law was passed that they are the only ones legally able to have a lottery. He thought a Village lottery would be a nice way to raise money for all the things we like. That is not something the Village can do but it can issue licenses for that.

Mayor Daniels thanked the Hutchinson Hose Fire Company for their great display of apparatus. The weather certainly did not cooperate for it this weekend. They had an extrication display in the back parking lot and many items that were of special interest to the children and adults of the community. All the new equipment was on display. Mayor Daniels thanked them for extending that outreach program into the community again.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$ 141,868.22 covering 09/24/93 - 10/07/93 were approved:

Payroll fund w/e 10/06/93	\$19,906.43
Capital fund	27,668.75
General fund	56,100.96
Water fund	28,114.40
Sewer fund	342.42
Trust & Agency fund	5,160.53
Glen Park fund	<u>1,397.73</u>

Grand Total \$141,868.22

Large Vouchers:

L.R. Frank & Assoc.	\$21,506.00
E. C. Water	\$27,610.34
John R. Schuler, Inc.	\$27,668.75

Roll Call:

Trustee Kaye	yes
Trustee Lowther	yes
Trustee Piazza	yes
Trustee Kelly	no, regarding John R. Schuler, Inc.
Mayor Daniels	yes

Trustee Lowther stated one of the things that there was a lot of concern about this evening in the work session was a voucher that was made payable to John Schuler, Inc. for \$27,668.75. That is the company who is doing the water line replacements on Garrison and Swan.

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We still have approximately \$27,000 left in the payment schedule before their final payment and any questions or concerns that have been raised and any withholding of money will come out of that final \$27,000. In discussion with Attorney Troy, he indicated that the work that is being billed for tonight, the \$27,668.75, has been performed to our satisfaction even though there are still some concerns left with the project as a whole. The Board discussed this voucher this evening and discussed Mrs. Plubell so it would know where she was on this project but she is very comfortable approving this last \$27,000 still having the additional \$27,000 to address any future problems before the finish of the project.

Mayor Daniels stated we are going to have a final meeting at the end of this project, which Mr. Schuler assures the Board will be completed this week, where Mr. Schuler will submit his final billing. The Board will adjust it according to some of the items that we feel should be adjusted. As the project progressed and he uses that term loosely because Mr. Schuler should have been done September 15th and then the Board gave him an extension of another 15 days. He is now 12 days beyond his extension. During that time we feel some of the costs and some of the inconveniences should be borne and reflected in the final payment to him. We are still able to do that because his final bill will still be somewhere in the neighborhood of \$27,000.

Trustee Kelly stated he wants to send a message to Mr. Schuler that what was essentially a two week project is now a two month project and the Board is not happy. It's a shame that the only way to do this is to vote against all the vouchers but he thinks the message had to be sent. Hopefully we will have some resolution with the final product.

Motion carried.

Mayor Daniels stated his second resolution is a budget transfer. We now have a new system where every budget line has an amount attached to it that we project for the year. For instance the DPW may have \$1,000 in their shovel account. If they buy \$1,100 worth of shovels, that voucher gets kicked out of the computer system and cannot be paid until we find another account within the DPW that the extra \$100.00 could be drawn from because now we do not allow any of our accounts to be over drawn. It is a great accounting procedure and immediately picks up anything in a budget that is in the arrears. These are budget transfers due to over drawing in certain accounts, transferring from items that were not overdrawn that the Board feels comfortable withdrawing those funds from to an account that is in the red.



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

RESOLVED that the firm of Robert J. Miller & Associates is hereby appointed as grant writer for the Village of Williamsville at a fee of \$13,000 for a year, per their proposal of June 7, 1993.

Trustee Kaye asked Administrator Cummins, she knows the Board spoke about this in the work session but for the record, if she would share with the Board where the money will come from to pay for this since it has not been budgeted.

Administrator Cummins stated the Village has to pay Robert J. Miller & Associates a quarterly fee so the first quarter will be \$3,000 from the Contingent fund: \$1,000 from the General fund, \$1,000 from the Water fund and \$1,000 from the Sewer fund and hopefully before we have to pay any more money we will see some of the grants coming in.

Trustee Kaye asked Administrator Cummins if she feels comfortable that the Village will have enough money.

Administrator Cummins stated yes.

Trustee Kaye stated, as we also talked in the work session, she is pleased that the Board will have a prioritized list to submit to them along with as Trustee Lowther said, the wish lists that everyone completed when the Board originally looked at the Government Advisory Committee doing some grant writing for the Board. She would like two of the top priority items to be addressing the sewer infiltration problem which last year raised our sewer taxes in the Village \$.46 per thousand and will raise them again this upcoming year another \$.46 per thousand. We have not had success with the Town Engineering Department help us with the sewer infiltration and she would hope that on a future agenda we will have a resolution requesting help formally from the Town since the Village does pay a portion of the engineering fees. The second item is addressing the American Disabilities Act particularly when it comes to the installation of sidewalks and the curb cuts that we need to put in and hopefully fixing our elevator in this building.

Unanimously carried.

Trustee Lowther reported the Traffic and Safety Committee will be meeting on October 21st. We are continuing our work on the sidewalk survey and she thinks it might be appropriate to add the curb cuts to comply with ADA as long as we are going to be compiling this information throughout the Village. She thinks it might be helpful along the way to have that rather than have our employees go ahead and do it as long as we are going to be putting this together. Trustee Lowther thanked the DPW for getting the signs up on South Ellicott for the "No Standing" in the area where we had a couple of public hearings. We finally got that situation taken care of and the person is now being able to access his property completely.

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Trustee Lowther reported at the last Glen Park meeting which was held last Tuesday in Town Hall, we have begun a program of fertilizing trees throughout the park. We have lost a number of trees throughout the park in the last couple of years. After 15 years, these trees are beginning to reach maturity due to insect infiltration and lack of fertilization, we are beginning to lose some of them. We have decided to try and turn this around and rather than plant new trees to try to keep some of the old trees there that have reached full height or close to full height. We have also been discussing the purchase of a new storage shed for our equipment which would be located in one of the areas off the parking lot near the nature center. The nature center, at this point, is being used almost full time as an education facility and even when it is not physically being used, we have a lot of classroom equipment, such as microscopes that have been donated, as well as showcases that are holding nature exhibitions. We really do need the storage shed to hold the equipment that we use to maintain that almost 10 acre park. Last week she received a call from Superintendent Laubisch that we had a collapse on of the walkways in Glen Park. Mr. Laubisch graciously provided photographs of the hole this evening. Trustee Lowther showed a picture where a DPW employee is standing full height in that hole up to his chest. Apparently there was some infiltration along the concrete wall next to the creek and the water leaked underneath and undermined a portion of the pathway. With no warning at all, it just dropped and collapsed. Mr. Laubisch has taken his heavy equipment and driven over the paths to assure us that there are no other areas in bad condition that or will be collapsing on us. They did dig the hole out a little bit, filled it with stone and packed it down. It is very safe right now but it is an area that we need to address. She thinks possibly having a grant writer on basically full time on behalf of the Village that this might be an area we can have them look at because she thinks it is going to be very expensive to start repairing these original poured concrete retaining walls along the creek. That was a concern last week and she is glad to see that has been taken care of. The DPW worked very quickly to take care of the safety problem.

Trustee Lowther reported on an awards dinner that is being held on Thursday at the Little White House at 6:15 p.m., sponsored by the Town of Amherst Conservation Council. It's going to be their first annual awards dinner and they are giving awards to a number of residents in the community, some of whom are Village residents. One in particular is Ruth Hansen, a member of the Glen Park Committee, for her work in implementing and staffing the Nature Center education programs over this past summer. She has done a wonderful job and Trustee Lowther is really happy to see her being honored like this. She thinks Ms. Hansen really deserves it.

Trustee Lowther also reported that the Williamsville Southeast Homeowners Association is going to be sponsoring a Supervisor Candidate Forum here in Village Hall on Tuesday, October 19th at 7:30 p.m. The public is welcome to come and listen to all three of the candidates who are running for Town Supervisor. Even though we are in the Village and have our own independent government, what happens around us in the Town is of great importance to us and she thinks if someone wants to get some information on the candidates who are running, they will have an opportunity to ask questions of them on October 19th.

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Trustee Lowther reported we are going to have phone book recycling during the week of October 18 from 9:00 a.m. to 1:00 p.m. The Environmental Advisory Council and a few other people are volunteering to keep the DPW gates opened and accepting telephone books for recycling on Saturday, October 23rd from 9:00 a.m. to noon. We would urge all the Village residents who want to get rid of those bulky phone books from last year to bring them to the DPW and we will be glad to recycle them for the residents in cooperation with BFI.

Trustee Lowther stated her first resolution is in regard to Jerry Gordon's piece of property at 23 Rinewalt Street. Mr. Gordon has built a new home on School Street and he is interested in donating a piece of property that he owned at 23 Rinewalt Street to the Village for use as public green space and/or park if the Board chose to turn it into a park. That would be the only restriction on it, that it not be developed or resold, that it be used as a green space. There has been much discussion back and forth on the Board and many articles by Jerry and of Jerry. She thinks what Mr. Gordon was trying to do was a good thing for the Village. We encourage people in this community to give back to the community. She thinks when you have a small Village atmosphere that happens a lot. She knows many of the people in this audience have given so much of their time and so much of their money over the years to make this community a better place to live. She guesses that was Mr. Gordon's motivation to do this. However, there are certain problems involved with this offer because there is a home on the property and the Board had hoped to see the Town of Amherst Museum remove the home from the property. They were very interested in it; however, they are operating under severe budget restraints this year and do not have any room in their budget to acquire the house even though they are interested in it. We think the house dates back to the 1830's, according to the deeds we have and the property searches. She decided to put this resolution on the agenda in order to give Mr. Gordon a formal answer to his generous offer.

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

RESOLVED that the Village of Williamsville hereby accepts the offer of Jerry Gordon, of a gift of conveyance of the entire premises owned by him, at 23 Rinewalt Street, in the Village of Williamsville, with the limitation that said premises be used exclusively and perpetually for recreation and/or public park purposes by the Village of Williamsville, and that the Mayor is hereby authorized to accept such conveyance on behalf of the Village.

Trustee Kelly stated although he asked a number of times that this matter not be brought up until the house issue is taken care of, apparently it was decided to bring this up tonight. He doesn't know if his vote will change either way. He has a real problem with such a small parcel of land being made into a park especially when most of it is concealed or hidden by a commercial building. He thinks we are just asking for trouble as a Village entity and setting ourselves up for some very serious potential lawsuits. He thinks if anyone wants to take a look at the history of pocket parks, they don't have to look any further than the City of Buffalo.

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The City of Buffalo for years would accept essentially vacant city lots from various individuals either in lieu of taxes or foreclosures or deeded for some green space. They have a significant problem taking care of these lots whether it be from just dumping things there or whether it be from its proximity to a high school similar to this where in the early morning they have problems with kids going there and smoking and whatever. It has caused a great deal of problems for the city. He thinks likewise it has the potential for causing a lot of problems for the Village. We have five parks in a one square mile Village area and he thinks we have a number of good parks. They need constant care and maintenance. Trustee Kelly also pointed out that we were each given a petition. It's nice to see that people are involved. The Mayor tallied that out of 144 names, 105 that were not Village residents. Trustee Kelly counted 107. Either way that is about 70% of the people that signed the petition aren't even Village residents. If anybody wants Trustee Kelly to sign a petition to have another park in the City of Buffalo, he will be happy to do that because he won't have to pay to maintain it. The Parks Committee, that we have also, discussed this matter at great length and he has a copy of their last minutes. There was a consensus on the committee that they recommend against the Village Board accepting this property for use as a passive park so he is going to vote against it. One of the things that he mentioned early on is that although property this has always been used as residence, it is in a commercial area. Apparently the two lots next to it going north are in a commercial area and have been used as residential property. If part of the reason for doing this is to keep it from being used commercially, it is his suggestion that a petition be brought for those three parcels of property to be rezoned to residential usage and he would be very happy to look at that and recommend that the zoning be changed to residential. In light of all the negatives with this, it's been a nice offer but it is one that he is going to have to vote against.

Trustee Piazza stated initially it did look like a very generous offer and probably it still is a generous offer but the fact is it will cost the Village taxpayers, that's us, money in various forms, either for destruction of the building or destruction of the garage or repair of the site or perhaps fencing in the future, a lot of little things. His concern has continually been the potential cost to the Village taxpayers in real dollars as well as loss of whatever income we now receive from that property. So for various reasons that were already mentioned plus his main concern of what it might cost us, he also has to turn down the offer at the moment.

Trustee Kaye stated she thinks it is very unfortunate that the Village is choosing not to take advantage of this opportunity. She has heard many people who live on the north side of Main Street west of Mill say that they wish that they had an opportunity to be able to walk to a park without crossing a busy street such as Main Street. Even though we can agree that Evans may be a busy street, it is not as busy sometimes as Mill or certainly Main Street or Garrison. She thinks that Jerry Gordon's offer is very generous. She thinks that this would be a real attribute to people in the Village to have this kind, what Jerry Gordon has referred to, a non park, a resting area. Trustee Kaye stated regarding Trustee Kelly's comment about the petition with a number of signatures that were not Village residents. In her discussions with Mr. Avery and with Mr. Gordon, their feelings were also to look for support not just from the immediate residential area but also to look at the people who worked there as part of the community.

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Maybe those people don't necessarily pay taxes into the Village of Williamsville but they certainly feel as though they are part of the community by spending the majority of their day here in the Village of Williamsville. Mr. Avery and Mr. Gordon felt that those people should have a say because those people would be primary park users. In the work session earlier it was discussed that it may be a four to one ratio on the petition of who would be a taxpayer, who would use the park and who wouldn't. She thinks probably you could have gone around the entire Village and gotten many more signatures if you had enough legs to always do that. Being park liaison for two years what she found, particularly in Island and Garrison Park, was that is probably a very accurate way our parks are used right now and she thinks someone commented to that earlier. We don't restrict use of our parks as the Town of Clarence does to solely Village or Town residents so that many times, in the pools particularly, there are people from out of the area, out of the country. She was surprised about the number of people from Canada and Toronto who come and use our parks and pools. She thinks it is unfortunate that we are not accepting this offer.

Trustee Kelly stated as a Village Trustee he is not here to please somebody from Snyder, Grand Island, Depew, Lancaster, West Seneca. If they want some parks, let them talk to their trustees. We have five other parks, they've already driven into the area to do some business, they can drive the two extra blocks to the other four or five parks that we have. He is not here to make extra money for them. He appreciates Mr. Gordon's offer but it is one in conscience that he can vote for.

Trustee Kaye stated if she understands Trustee Kelly correctly what he is saying is that his concern is not with the people who work here on a daily basis but only those who pay taxes here in terms about making a decision about a park. She can appreciate that; however, what she was sharing was what she understood to be the rationale of having those people sign the petition.

Trustee Kelly stated what Trustee Kaye just spent five minutes talking about these wonderful people from Toronto who use the wading pool. His concern isn't with them. He has concerns for many people that work here and there are five wonderful parks for them to use. He is not going to have an extremely small lot that has no great visibility on to anything for them to sit on a bench for five minutes when there are five other parks that they can do that with.

Mayor Daniels stated this isn't the City of Buffalo. There is plenty of green space within the Village of Williamsville. In fact, a great portion of the homes within the Village enjoy larger lots than Mr. Gordon's. Personally, he would not walk down to Rinewalt Street to sit in Mr. Gordon's lot. He can do that in his own back yard. He wouldn't send his kids there to play because one, there is nothing to do and two, they would be unsupervised. They can play in his own back yard and have a heck of a good time. We are not a citified little community with no trees, grass, bushes, fruit, vegetables, birds and butterflies except for Jerry Gordon's lot. You are taking something off the tax roll and then Rinewalt has a pocket park, then so should Cadman, so should Highland, so should Hirschfield, where does it end. It is \$220.00 off the tax roll so we have to find \$220.00 elsewhere. There are the maintenance costs year round. We have to find where that money is going to come from.

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If the Board accepts his offer tonight, it would have to come up with the money to demolish the building, fill in the basement and landscape that to bring it up to a standard with our insurance liability to call it a park. Where is that money going to come from? We don't have it right now. It's a great pie in the sky idea from somebody who is truly an idealist. In practical terms, with the responsibility of balancing a budget and doing things for the common good, he doesn't see that it is going to have universal use for the Village residents. That is our main concern. They are the people who put us here to protect the community and to keep it a place that they want to be able to utilize. We are not against business. We are not against people from those businesses coming out and enjoying our community. Within walking distance and one square mile, if you have the number of parks that we have you can see that one more that is 60'x160' is certainly not something that is screaming to be done in a community with nothing but blacktop and rooftops. If there was a way that we could do this and not cost the Village any money and find another way to make up the amount that we are losing in the assessed valuation, he would not particularly be opposed to it. No one has come forward with a plan of that nature. None of the people that have been proponents of this proposal have gone the extra step to look into ways they could creatively make this a win/win. It's definitely a loss on the expense column and liability columns so he has to vote no.

Roll Call:

Trustee Piazza	No
Trustee Kaye	Yes
Trustee Kelly	No
Trustee Lowther	Yes
Mayor Daniels	No

Motion Defeated.

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

RESOLVED that the following budget transfers are hereby made:

<u>FROM</u>		<u>TO</u>	
01-7500-7530-4450	75.00	01-7500-7530-2000	75.00
09-7000-7141-4070	<u>2.00</u>	09-7000-7141-445	<u>2.00</u>
	77.00		77.00

Unanimously carried.

Trustee Piazza reported there was a minor break in at Garrison Park at the pump house. There was minimal damage.

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Trustee Piazza reported the next Parks Committee meeting is October 20th. There are some long range items that we need to discuss at our work session and he will hold off commenting on those until they have had a chance to discuss it at the work session.

Trustee Piazza reported the Senior Citizens have not had a meeting since our last meeting so there has been no recent new activity. The next meeting there will be the 27th of this month.

Trustee Piazza reported on the proposed cable contract. the Government Advisory Board is working along with the Town of Amherst in negotiating a contract with Adelphia Cable. Trustee Piazza thanked Ed Rath from the Village and Jim Nesper from the Town for doing a tremendous amount of work in trying to hammer out a contract. Although it hasn't been finalized yet, most of the items have been agreed upon. First, at the moment, Adelphia only pays the Village 3% of its gross where it pays the Town of Amherst 5%. That will be changed to 5% when the contract begins and when it does begin we will receive retroactive payment back to June 30, 1993. As of right now we are not losing anything because the contract has not yet been signed. That part is a win/win for the Village. As far as the payment schedule, in the past it has been on an annual basis. In the future it will be a semi-annual basis and we have to work out the nuts and bolts of that once it is finalized but essentially the Village will receive money more frequently which is in our favor again because rather than Adelphia holding that money for about a whole year, the Village will be receiving the money and it will be in our pocket. They have agreed to an accountability system and he is not exactly sure how it is going to work. Trustee Piazza read the way it is worded at the moment. "The Cable Company has agreed to periodic performance evaluations to be conducted by the Town and Village. This will be a way that the Village can monitor the service that Adelphia is providing to it's residents. Additionally, the cable company has agreed to four public hearings per year to provide a forum for the residents of the Village to voice their concerns regarding cable TV". We may not want to do it four times a year because it is a time consuming process just setting it up but that is what they have agreed to at the moment. They are also in the process of upgrading their services. "Adelphia is currently upgrading their cable service it is providing to its subscribers. It has already upgraded some areas of the Town and the Village will be completed in the near future." He doesn't know exactly what the "near future" means but certainly we should within the year we should all have more channels and better reception. The senior citizens did not receive any specific break. The only thing that Adelphia gave in on is that there would be a one time decrease of 25% installation costs. Effectively that is probably meaningless. His suspicion is people already have it. As far as multiple TV set charges, the current charge is \$3.00. That is going to be reduced upon contract signing to \$.95 per TV set; however, according to the way it was worded, during the discussion it was pointed out that Adelphia has not pursued this particular issue. They have not gone into the houses and they don't intend to go into the houses looking to see if we have installed a splitter on our own. Although it has been reduced to \$.95, he thinks it is probably a moot issue because Adelphia has not been pursuing that particular item anyway. As far as municipal facilities are concerned, they have agreed a two-way cable hook up into the Village and Town Halls. He guesses that means if we desire, these Board meetings could be on television sometime in the future. The new contract will be for ten years.

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He did not want to go with a ten year contract because of the explosion of technology. The savior on our side is a non exclusive contract. So even though it is for ten years, it does not prevent telephone companies or any other carriers of future cable service to provide service here in the Town and Village. What that means is if Adelphia doesn't keep on its toes and keep upgrading itself, the telephone company which now has a technology available to it, might move in and reserve their position. Contractually, that could be done. All in all, it's not exactly what we wanted, but it is a lot more than they were originally willing to give. We expect this to be signed some time between now and February 1st. He can't guarantee when the next hard negotiations will take place to finalize this contract. There has been quite a bit of movement and he does expect to see some change this year. The highlight for the Village is it will be getting the 5% retroactive to June 30th so we are no longer losing anything. That would amount to probably several thousand dollars of money that the Village will be receiving.

Trustee Piazza stated his resolution involves budget transfers from one spot to another to make sure that no particular line item goes over budget.

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

<u>FROM</u>		<u>TO</u>	
01-7100-7110-4350	\$800.00	01-7100-7100-4040	\$ 23.00
01-7100-7110-4360	700.00		
01-7100-7110-4430	173.00	01-7100-7110-4230	131.00
		01-7100-7110-4670	140.00
		01-7100-7110-4111	1,369.00
		01-7100-7110-449	10.00
01-1000-1010-4450	35.00	01-1000-1010-4010	35.00
	<u>1708.00</u>		<u>1708.00</u>

Unanimously carried.

Trustee Kaye reported the Youth and Recreation Committee meeting is just ending in the other room. We do have the Halloween event coming up on Saturday, October 30th. It will be the parade and party which traditionally has been held for many years. The parade will start at 6:00 p.m. at the corner of North Ellicott, as it always is. The Williamsville South marching band will be leading off the parade which will be winding up at Sts. Peter and Paul where there will be all of the usual fun. There will be songs and dancing by Glen Colton and Johnny B. They will have magic by Dallas, pumpkin decorating, cider and donuts. You will be seeing these orange signs go up all over the Village. It's an event that children always enjoy.

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Trustee Kaye reported she, too, was at the Hutchinson Hose Open House this past weekend. It was a wonderful event even though unfortunately they had bad weather. Chief Zymanek informed her that over 400 were in attendance which they were quite pleased with.

Trustee Kaye reported the phone book recycling will occur at the DPW starting on Monday, October 18th through the 22nd from 9:00 a.m. to 1:00 p.m. On that Saturday from 10:00 a.m. - 12:00 p.m. we will also be distributing an updated list of recyclables. Trustee Kaye thanked the Environmental Committee for their help on that project. She understanding that there will probably be Girl Scouts assisting as well.

Trustee Kaye reported that the Planning Board met on October 7th. She shared some of the highlights which the residents will see visually in their community. Marine Midland Bank, across the street, will be changing their drive thru in the back and they will now be having three lanes and they will be adding ATM machines so you can have 24 hour banking if you are a Marine Customer. The Williamsville Inn has a proposed an outdoor cafe to be erected as part of their premise. That was tabled for some further discussion on at the sidewalks and the closeness of the area and some of the overhangs that were being proposed. Those residents who have driven past the Pancake House soon will be noticing that it will be getting a face lift. They will be changing many of the windows and doors and the whole facade of the building will be getting a 90's look. Those are some changes that residents will be seeing around in the community. Also, there will be some changes on Garrison. Trustee Kaye will be requesting a suspension of rules later to introduce a resolution about 31 Garrison Road, a house that unfortunately has been boarded up for many years. Our Building Inspector has been working on that for quite a while and has deemed that it is dangerous and in unsafe condition.

Trustee Kaye reported that on December 5th at 7:00 p.m. the Youth Committee will have caroling in Island Park. Santa will make his appearance and there will be a bonfire as there typically has been in the past and candy canes and hot chocolate for all those coming out and braving the cold.

Trustee Kaye stated her first resolution calls for a public hearing which will amend a section of the sign code. She has been working with the Planning Board on some revisions for quite a while. This one has been a concern regarding wall signs that may be above the second floor of a building and there are some concerns that they are unsightly. It has taken quite a while to work out the exact wording of this proposal whereby we are be looking at having no wall signs above the sill of the second floor window.

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

RESOLVED that the Village Clerk is hereby authorized to publish notice of public hearing to be held by the Board of Trustees on Monday, November 8, 1993 in Village Hall, 5565 Main Street, at 7:30 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 84-4 (B) (5) (a) of the Sign Code regarding wall signs.

Unanimously carried.

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

Unanimously carried.

Trustee Kaye stated this resolution deals with 31 Garrison Road. The Village Building Inspector, acting as the Code Enforcement Officer has done inspections of that premises and found that the property is dangerous and unsafe and doesn't comply with parts of the Village Code and the New York State Fire Prevention and Building Code. The framed garage that sits there is in such a state of disrepair that it causes an immediate danger. He feels that it must be demolished because it is beyond repair. There is also a yellow house that has been vacant and boarded up for approximately 11 years. This resolution is mandating the owner to repair the structure; however, if the cost is deemed beyond control, the structure must be demolished. Unfortunately, the Building Inspector has sent notices and phone calls which have not resulted in any action.

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

WHEREAS, the Village Building Inspector, acting as a Code Enforcement Official, has conducted an inspection of premises at 31 Garrison Road after receipt of reports that buildings located on the premises are in a dangerous and unsafe condition, and

WHEREAS, in accordance with Section 15-5(A) of the Village Code, the Building inspector has forwarded to this Board a written report of his findings and recommendations, summarized as follows:

- (1) The subject property due to the dangerous and unsafe condition to the two buildings located thereon, fails to comply with the Village Code and the New York State Fire Prevention and Building Code. The same must be brought into compliance.

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(2) The existing condition of the primary structure on premises, a frame dwelling, permits of repair. Repair for the same must be undertaken. However, if the owner thereof deems it not cost effective to do so, the structure must be demolished.

(3) The accessory structure on premises, a frame garage, is in such state of disrepair and constitutes such an immediate danger that it must be demolished immediately. It is beyond repair and is in present danger of collapse; and

WHEREAS, this Board having considered the report and recommendations of the Building Inspector does RESOLVE and ORDER as follows;

RESOLVED, that both structures located on premises at 31 Garrison Road are hereby determined to be a hazard to public health and safety; and it is further

RESOLVED, as to the primary structure on premises, the same is specifically declared to be dangerous and unsafe and is ordered to be repaired so as to be brought into full compliance with the New York State Uniform Fire Prevention and Building Code and the Codes of the Village of Williamsville regulating such structures, or in the alternative, that said structure be razed; and it is further,

RESOLVED, as to the accessory structure on premises, that the same is specifically declared to be dangerous and unsafe, beyond repair, and in extreme danger of collapse and is ordered to be demolished immediately, and it is further

RESOLVED, that the owner of premises at 31 Garrison Road is hereby ordered to commence repair or demolition as hereby required within fifteen (15) days of receipt by him/her or his/her agent of a true copy of the Resolution and Order. Service upon said owner or his/her agent shall be by certified mail, return receipt requested, or by personal service, and it is further

RESOLVED, that demolition or repair, as the case may be, shall be completed within 60 days of receipt of said Order, all in accordance with Chapter 15 of the Village Code.

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Mayor Daniels commented that this particular building was old enough and historic enough to be of interest to the Amherst Museum. They had inspected the house before Andrea Shaw passed away and expressed some interest in moving it out to their site. In a way he thinks that if this building ends up being demolished, it's unfortunate that something could not have been worked out. The Amherst Museum is the subject of incredible cost cuts and it looks like it is virtually going to be unable to function at all if the proposed budget in the Town takes effect. He believes that is one of the real reasons that they can't move that building out to a site where it could stay as part of our past. He regrets that the only choice now is to repair it, which probably won't be done, have it demolished or end up in the courts for a lengthy battle. It's only too bad that we don't have a place that we can preserve it.

Trustee Kaye stated she was there the day that the Amherst Museum came to look at the moving of the building. It is unfortunate that it can't be preserved. She thinks what is most frustrating for her, personally, is that even though the owner of the building had expressed an interest to have it moved to the Amherst Museum or had said that he would personally pay to move the building to one of his other parcels of property, that he has continually failed to respond to any phone calls or to any letters about this parcel of property and what might happen to it. She thinks it is very unfortunate and as you have seen the copies of the letters which our Building Inspector has sent, he has talked about the fact that the Board is aware of the initial interest on the part of the museum; however, we need some kind of verification from him or from the museum and we have received no correspondence nor any calls. What has really happened is the health and public safety issue has now prevailed and it's really forced the Board into this situation. She feels strongly that if the owner really wanted to preserve that building, he would have returned at least one of the phone calls or made a comment or sent any one on the Board a note. We all know that he lives here in the community and she feels that it is very unfortunate that it has come to this; however, she certainly would not want to see anyone injured on the property, particularly the garage collapsing.

Trustee Kelly stated he thinks this is a very significant example of why he has been pushing, for a number of years to increase the Village Inspector's hours and to focus on existing structures more so than just new builds or changes in designs. This is one of several in the Village that he has been calling for in the past couple of years. It's something to be done on and it's a shame in many ways that we had to wait to this long date to have it done. Hopefully other structures will be taken care of before we get to the point that they can't be saved. He wasn't here in the Village when it was lived in but he has been told that it was a very nice cottage. It is a shame to see something like this fall into disrepair and hopefully everyone on the Board will continue to focus the Building Inspector's time and energy in taking care of existing structures.

Unanimously carried.



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Trustee Kaye asked about Item #14 on Swan Place. Did that have anything to do with the way the temporary hook ups?

Trustee Kelly stated no. He talked in length with Superintendent Laubisch. It had nothing to do with that or he would have refused to bring it up today. It had to do with the way it was tapped into North Ellicott. This resulted in some savings and some time and materials and it was an advantage to the Village.

Unanimously carried.

Superintendent of Public Works, David Laubisch, stated tomorrow starts another trash pickup in the Village. The last pickup will begin on October 26th. There will be no regularly scheduled pickups of trash after the week of October 26th. During the winter months you may call the DPW and weather and work schedule permitting you can make arrangements for special pickups from November through next May.

Mr. Laubisch reported that he went through their leaf pickup records that they have been maintaining since he has been Superintendent. We have, over the last three years, commenced leaf pickup approximately October 20th-October 24th. This year Mother Nature decided that the leaves should come off the trees a little bit earlier so we will be starting leaf pickup at the end of this week immediately after trash pickup. That will be either on October 14th or October 15th and we will be on leaf pickup until leaves are picked completely throughout the entire Village. We have no schedule for leaf pickup, one of the reasons being that we cannot control the weather. If we get into a couple of weeks of sunny, mild, warm weather, nice weekends, everybody is working out in their yards and we get a tremendous volume of leaves out into the curb in a very short period of time. We are not able to pick them up entirely in one week. We keep going through the Village and picking up the leaves until the job is completed in its entirety and that usually ends on or about the first week in December.

Mayor Daniels stated it has been mentioned to him several times by Mr. Laubisch and by a number of neighbors that residents are throwing out their trash early. One of the problem areas is Highland Drive where you have a lot of tenant occupied properties. They move out and you'll see many items at the curb sometimes for a couple of weeks. He would like some of the more transient households identified so that garbage trucks start marking them down. Mayor Daniels was called by somebody because of three or four households items at the curb for a long extended period of time. If our Building Department and DPW can identify those, we know that the Building Department can follow through, legally requiring them to take it back into the house or be subject to fines and court proceedings. He thinks for the health and welfare of our neighborhoods, we need to be a little stricter.

Mr. Laubisch stated that problem came to light this year. The new families that moved into the Village get the words "trash" and "garbage" confused. That problem was quite extensive throughout the Village.

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This is the first time since he has been Superintendent that he had to send out warning letters to two specific residents about putting material out to the curb. The trash crew would go down the first street, Hillside Drive today, tomorrow people would be putting trash out to their curb, one day after the trash crew went through. We did our best to try and stay on top of that this year. This is the first year that warning letters did go out informing these repeated offenders that this would not be tolerated in the future.

Mayor Daniels stated it is getting much more difficult to find places to dispose of items. If you throw out an air conditioner or refrigerator you have to call somebody in to remove the freon before the Village will cart it away. That runs about \$25.00 a unit. There is an offer by the electric company to give you \$50.00 for a refrigerator that you plan to throw out if it is still running. That might be something a resident might want to look into.

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

Unanimously carried.

Isabelle Bodnor, 180 Columbia Drive read a letter addressed to Mayor Daniels regarding the Village's water tank. (Copy attached) She noted in the article in tonight's paper that the projection was \$256,000 a year added to the General fund. For how many years will that run? That is very important.

Trustee Kaye asked Administrator Cummins if she remembered when she figured that calculation out for the Government Advisory Committee.

Administrator Cummins stated she believes it was either 20 or 25 years because it is very difficult to get 30 year bonding now. She didn't know that this was going to be brought up so she didn't bring the sheets with her.

Ms. Bodnor asked what percent interest would that bond carry?

Administrator Cummins stated it varies. Right now you can sell a bond for maybe 4 1/2% but in a few years you might be back up to 7 or 8%. It varies every year with the market.

Ms. Bodnor asked if Administrator Cummins used 20-25 years as the projection?

Administrator Cummins stated she thinks that is what the projection was, for 20 years. She just did a quick analysis dividing the 30 into the 2.3 million. That would be \$76,666.00 a year. At 5% interest the first year would be a total payment of \$191,000.

Ms. Bodnor stated she doesn't have an amortization schedule but she knows a 30 year usually doubles and she just backed into it.

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Trustee Kelly stated he would like to divorce a couple of issues. He would like to divorce the Ciminelli water tank from the whole water system because he thinks we should tread very lightly with anything to do with the water tank. Separate and apart from that, our whole water system needs approximately 2.3 million dollars worth of repairs or replacements of different items. When he was starting the new budget in June he did some calculations. We have to service our residents with water. If we did those repairs and got a 75/25 matching grant where the Federal Government or some other entity would pick up 75% of the cost and the Village would pick up 25% of the cost. Just the projected savings in how much we are losing by leakage in the water system wouldn't cost the Village tax payers a penny. Historically in the last four or five years, we lose approximately 22% or 23% in leakage. It has been getting better as we have been doing repairs on and off. In other municipalities the leakage may be neighborhood of 12% to 14%. If we get our leakage down to that amount, just the sheer amount of money that we would be saving by not having to pay the County of Erie, those kinds of monies for that water would more than pay for any sort of repairs. The second item, with that 2.3 million dollar figure, and he had nothing to do with this being in the paper but he is familiar with many of the issues, that is what the Erie County Water Authority would like to see the Village expend on its system before they take it over. It begs one major question. Are we going to have the Erie County Water Authority take it over? Maybe, maybe not. Many of those things that they want done are simply changes of good proper pipes or hydrants because they don't conform with the ones that Erie County uses. We have a certain type of fire hydrant here in the Village. It isn't what the Erie County Water Authority uses. If the Water Authority is going to take over our system, they want every single fire hydrant in the Village replaced, many of which work fine. There are some very small streets that have four inch water pipes instead of the standard eight inch water pipes that the County uses. That is not to minimize the problems we have in the water system. Ms. Bodnor mentioned the Harmony Party, which is one of the things Trustee Kelly ran on, is that we have a major problem with the water system. We have been studying it for a couple of years now. Something has to be done to improve it. He would like to divorce that totally from this offer of Frank Ciminelli that we have not yet talked about as a Board. That was one of the things the Board was going to be speaking about in their agenda afterwards because he thinks we need to have some caution with that for a couple reasons: one, he is liaison to the Fire Department. The Fire Department says we don't want that tank coming down unless we are assured of adequate water flow into the Village to fight any sort of fire that comes in. Two, if we can get rid of the tank, do we want to sell it to Mr. Ciminelli or do we have other uses for that area. He would like to divorce the two because he thinks they are two very different topics. One, yes we have an obligation and duty to our taxpayers to keep the tax rates as low as possible and also to supply them with a viable water system.

Ms. Bodnor stated she is just replying to the Mayor's press release in the Amherst Bee regarding all these figures. She would assume it would be accurate. Mayor Daniels did the quoting.

Mayor Daniels stated the article that she saw that was mostly quoting him and then today's article from Trustee Kaye gives both sides of the issue. It is good that Ms. Bodnor has both sides. His article is gee, we've got a problem.

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Let's look at all the ways we can address that and have minimum impact on the residents in the Village and what if we do this, what if we do that. What if we get \$80,000 from Frank Ciminelli? What if we annex the 24 home subdivision and build out which would net us \$61,000 a year in Village taxes without really costing the Town any money. What if we add that to some grant money we can get and to the fact that Erie County Water Authority has offered to hold the bonds for us and also the fact that if we were in the Erie County Water System you would pay \$1.00 less per thousand gallons for water. Mayor Daniels didn't say we were going to do any of those things. He has a 2.3 million dollar problem that needs addressing and was neglected for many years. It's what you don't see. It is the same as our sewer system. A lot of people say if you don't see it, I'm not going to get involved. He is here for four years, however long his term is, let the next guy down the pike look at it. Mayor Daniels doesn't do things that way. He sees a problem and he looks for creative ways to fix it. In today's paper the picture of the water tank has trees on it. Mayor Daniels painted those on there. He tries to look for creative solutions. He doesn't look for, which was in the article tonight from Trustee Kaye, of I think I can't, I think I can't.

Ms. Bodnor stated in the article in tonight's paper it said the tax rate would increase from \$5.07 to \$6.44 so that is an increase of \$1.37.

Mayor Daniels asked under what circumstances?

Ms. Bodnor stated under the \$256,000.

Mayor Daniels stated what he is trying to do is knock that figure down so that it is not going to cost us anything.

Ms. Bodnor stated she is merely addressing what is in the paper. She calculated an average home would use 50 million gallons of water a year.

Mayor Daniels stated 50 million gallons is ridiculous.

Ms. Bodnor stated many people only use the minimum which is about 24 million.

Mayor Daniels stated he thinks she means thousands.

Ms. Bodnor stated the minimum is 24 times \$2.74. If someone uses a unit of 50 in a year so that would be a savings of \$50.00; however, if the tax rate is increased \$1.37 on a house assessed at 60,000, they would be paying \$82.20 so they would be losers. They would pay \$32.20.

Mayor Daniels stated that is why we can't do that 2.3 million as just a property tax increase. We are looking for ways to avoid doing that. The ways that he put out there were ways to minimize that \$2.00 a thousand impact on the Village residents. He thinks there are ways to do that that will get us what we want for a minimal amount of money.

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We haven't even started talking about this. In a month, or six weeks or whatever when we finally waded through all the possibilities we may be able to come up with recommendations based on a lot more than just these preliminary articles that were in the paper, both of which have to melt together to come up with a final solution. He would be glad to go and ask Frank Ciminelli for 2.3 million dollars tomorrow as she has asked him to do. He can tell Ms. Bodnor what Mr. Ciminelli would say. Even suggesting that is really ridiculous.

Ms. Bodnor stated if Mayor Daniels hadn't put this press release in the paper she wouldn't be standing here with this letter.

Mayor Daniels asked if she would rather not be informed at all.

Ms. Bodnor stated that Mayor Daniels said if she had come in a month after he had examined all the facts, why didn't he examine all the facts before he gave the press release, then that would have saved her time and she wouldn't have had to come in at this point with this letter.

Mayor Daniels stated he didn't initiate that article.

Ms. Bodnor stated Dawson quotes Mayor Daniels.

Mayor Daniels stated Frank Ciminelli's letter initiated that article. It was originally going to be a story on the painting of the water tank, pure and simple.

Ms. Bodnor stated if Mayor Daniels hadn't examined all the facts and weren't able to discuss it at this point, he should have simply told Dawson that the facts weren't available.

Mayor Daniels stated he is asking Ms. Bodnor to relax. Nothing is cast in stone. Nothing is carved in granite at this point. We're not selling the Village down the river. We're looking at ways to get out of a rather important problem without causing too many problems for the Village residents.

Ms. Bodnor gave her letter to the Board for the record.

Mayor Daniels stated we all live in the Village and we are not interested in raising taxes but we are interested in providing the best services for the dollar. We are looking into all possibilities.

Trustee Kaye stated she wanted to make a comment since Ms. Bodnor mentioned her name as well since she was quoted in the article appeared this evening. She felt it was important also to share some information that she received when sitting in on the Government Advisory Subcommittee which is looking at the water situation. Many of those numbers came out of the subcommittee which Administrator Cummins had provided them. She thinks it is important when Ms. Bodnor is looking at all of the issues and as Mayor Daniels said, looking at blending them all. She doesn't appreciate being framed with the fact that "I think I can't, I think I can't".

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That is certainly not her feeling whatsoever. She thinks we need to be very cautious and calculating and yes, we need to look at all the options that are available. We need to look at all the issues. She thinks we need to be very careful about not putting the cart before the horse. She agrees with Trustee Kelly about separating or divorcing the two issues and looking at them independently. We need to look at it and examine all the options, such as looking at all the communities who have chosen to give their water system to Erie County, over all the ones who have chosen to keep it and making a decision that is best for our community which impacts the tax payers the least. Unfortunately, what's happened, even though in the past three years we haven't raised the General fund, as you know your tax bill in the Village has gotten bigger because last year we raised the sewer charge \$.46 per thousand and that is going to happen again this year. We need to be careful of not pricing people out of the Village and making sure that we examine everything so we can make good choices. She appreciates how Mayor Daniels shared the fact that he was the one who painted the water tank and Dale Bosworth helped with that and in turn he received \$600.00 payment for it.

Mayor Daniels asked if Trustee Kaye thinks he was overpaid.

Trustee Kaye stated she was just making a point.

Mayor Daniels stated it is to be known too that that was not taxpayer money.

Trustee Kaye stated she understands that. That Frank Ciminelli sent the check to the Village of Williamsville and the Village of Williamsville technically cut a check to Mayor Daniels.

Mayor Daniels stated that's right. It cost the tax payers zero.

Trustee Kaye stated probably, ultimately, he did save money because the report from the tank repair company stated that they wanted to charge \$45,000 to paint the exterior of the tank.

Mayor Daniels stated only because they had to sand blast all the lead paint underneath it which still would have to be done.

Trustee Kaye stated if it is covered and at this point that was one of the big concerns was that it be covered.

Mayor Daniels stated they were recommending removal of the lead paint.

Trustee Kaye stated right, and that is what it cost; however, it has been painted and necessarily we wouldn't need to proceed with that portion of it.

Maryanne Avery, 64 Garrison Road, stated if the Board is going to have Mr. Miller tear down his building and also his garage, is the Board also going to allow him to take down all his shrubbery so the public can get a wonderful view of his filthy parking lot.

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Mayor Daniels stated we cannot prohibit someone from removing a shrub.

Ms. Avery asked if there is no law saying you have to shield the residential area from a parking lot? She was under the impression that there was.

Mayor Daniels stated we could take that through the Village Code if she wants to.

Ms. Avery stated alright, that is what we will do.

Trustee Lowther stated she thinks it would constitute a change of use and in a change of use he would have to comply again with the zoning because it is a residential property abutting a commercial property.

Ms. Avery asked if he is out of compliance as it is.

Trustee Lowther stated he has been out of compliance for 11 years as far as she can see.

Ms. Avery stated he is out compliance in more than one respect, not only his building but also he doesn't have any sort of barrier, fence or shrubbery between the parking lot and the residential property.

Trustee Lowther stated only when there is a change in use or something happens to the existing structure then you would have to come again to the Village for a permit of some kind.

Ms. Avery stated they did change the use. It use to be residential.. The whole street was residential when she moved there.

Trustee Kelly said Ms. Avery is talking about the park fronting on Main Street. She is saying that the commercial area on Main and Garrison does not have a fence between the parking lot and the residential zoning. Again he goes back to the law, is let's enforce it. Trustee Kelly doesn't know what happened when Mr. Miller applied for his permit, however long ago, when Garrison Square was built. He thinks you have to look to the resolution from the Planning Board on that as to whether it was even required back then. But certainly if it is something that is required that he is not in compliance with then he just calls to the Building Department to enforce it. That is the way it should be.

Ms. Avery stated you realize that you are forcing the neighbors to look at a dirty parking lot that is not even paved. The building is not attractive but having nothing there would be considerably less attractive and when you consider that of Mr. Ahern gets in and we have a re-evaluation and our house goes up \$40,000 and she already brought it up with the assessor and he says it doesn't matter that we have to look at this lousy thing. It really stinks.

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Trustee Kaye asked Attorney Troy if Section 57-04G applies.

Attorney Troy stated it reads as follows: "Where any area is regulated by this chapter abut a residential district the abutting lot line shall be screened in accordance with Chapter 112-22B Subdivision 14 C. The character of screening shall harmonize with the existing character of the plantings in the abutting residential district." Chapter 112-21 B Subdivision 14 C reads as follows: "Where a parking lot area abuts or faces upon a residential district or use the view of that parking area from the residential property shall be effectively screened with an opaque fence or a dense planting of Evergreens. That screening shall be maintained within the property boundary at a height of six feet at a rear or interior side yard."

Trustee Kaye stated she will discuss the information with David Sutton, the Building Inspector.

Bob Kreiter, 62 Eagle Street asked why can't the Board get the Town to help pay the taxes with the water infiltration.

Mayor Daniels stated we have. We have asked Paul Bowers and his department through Frank Finara.

Trustee Kelly stated again we have to divorce the situation. The Town of Amherst has nothing to do with our water system. Is it a separate problem than what has been discussed so far?

Mr. Kreiter stated the comment was made we pay taxes.

Trustee Kelly stated it has nothing to do with the water.

Mr. Kreiter asked then we can't get the help from them?

Trustee Kelly stated no and we don't get help from the Town with the water.

Trustee Lowther stated we are looking for help on the sewer because we pay sewer tax to the Town.

Trustee Kelly stated with respect to the sewer we've been asking the Town and they said okay. It's just a scheduling problem. Part of our taxes go to the sewer.

Mayor Daniels stated they are supposed to televise our sewers, our sanitary and storm sewers.

Trustee Kelly stated he wants to make it clear that they have nothing to do with our water system. We are a separate entity. They don't have their own water system.

Mr. Kreiter stated he didn't realize so much water went into the sewer system from other sources besides sewer.

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Mayor Daniels stated it is storm water that infiltrates.

Mr. Kreiter asked how does the storm water get in there?

Mayor Daniels stated it is from breaks in the pipes. In some cases the storms are laid above the sanitariums so if there is a leak in the storm it drains down in the sanitary and infiltrates. Wehrle Drive is an area, for example.

Trustee Kelly stated on a larger scale you could have the problem in your own house and you have to get Roto Rooter in to take care of it. That is just magnified.

Mr. Kreiter asked when they get in there, they should discover where some of these problems are?

Mayor Daniels stated they will do smoke testing and televising.

Trustee Lowther stated we have been asking since April for some assistance on this and they've had some scheduling problems. We were discussing it this evening at the work session. We are going to make a written request that they give us some help on this because it's really been dragging out a long time. Ultimately what is happening is we are paying to have storm water treated at the sewage treatment plant. That is the bottom line and we need to correct that problem.

Mr. Kreiter asked that is happening on Wehrle?

Mayor Daniels stated that is one of the infiltration points. There are some parking lots with some problems. The infiltration is all over the place and it correlates with the amount of rainfall we have and reflects in the sewer bills from the Town. When there is a lot of rainfall the bill will go up and when there is less rainfall, the bills will go down. That's an indicator that we are getting rain into the sanitary lines and every system does but we are getting too much.

Wally Pacer, 87 Monroe, stated he is going back six weeks ago. He has had a chance to listen to the tapes of that meeting. He was as much interested in being cut off at the end of it.

Mayor Daniels stated as he was in being called idiotic three times by Mr. Pacer.

Mr. Pacer stated Mayor Daniels then used the quote later on in referring to somebody else on the Board. He won't get into that but he will start quoting from the minutes as he listened to them. He doesn't think they have ever been accepted, have they?

Mayor Daniels stated that is part of the work agenda tonight. Mr. Pacer stated in dealing with that Friendly situation, he is sure Mayor Daniels will recall that, Mayor Daniels had said initially, and the Friendly situation had to do with Mayor Daniels selling ice cream on behalf of the Amherst Museum and/or on behalf of the Christian Central Academy.

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He believes those activities are still being reviewed to see whether or not, in fact, they are legal, that kind of activity by or on behalf of the Village. When you were asked about it by Trustee Kaye if any kind of funds were used, any Village funds Mayor Daniels quoted "No Village funds were used in the Friendly's venture. It was strictly my own initiative to try and raise money." It turns out the Village share was zero. Then Trustee Kaye asked Mayor Daniels if he obligated the Village in any way. Mayor Daniels said "No, I don't get involved in those things." Mr. Pacer listened to the tapes a number of times to verify what he heard. Again Trustee Kaye asked if Mayor Daniels did this the same as the Jenny's ice cream deal strictly his own private kind of venture without using Village funds and Mayor Daniels chimed in "that's correct" or obligating the Village in any way and again Mayor Daniels chimed in "that's correct". It is at this point that Trustee Kaye then starts reading from the lease agreement that Mayor Daniels apparently denied signing but which has his signature on in one, two, three, four, five places. It is captioned Equipment Lease Agreement between Friendly's ice cream and the Village of Williamsville signed by the Mayor Ronald Daniels, Mayor of the Village of Williamsville. He guesses his first to the Mayor-and then after it is pointed out to Mayor Daniels by Trustee Kaye that that, in fact, is what the lease agreement says, then all of a sudden Mayor Daniels says "Yes, Friendly's required proof of insurance, yeah, I used the Village on that form from Friendly's ice cream to bind the contract". His first question to the Mayor tonight is why did he deny obligating the Village until it was brought up to him by Trustee Kaye that, in fact, there was a lease that had his signature on it as Mayor and had it on in at least five places.

Mayor Daniels stated he guesses what he is looking at is the total liability on the part of the Village and what he was entering into and it extended no further in insuring that the cart had no damage when returned.

Mr. Pacer stated it also obligated the independent contractor, the Village of Williamsville to provide insurance, comprehensive public liability insurance in the amount of one million dollars plus \$50,000 property damage. It also obligated the independent contractor to assume all risks and to indemnify the company, being Friendly's. It's a standard lease agreement. He sees these quite a lot. It's not simply something that says you'll take care of the cart and return it. It's more than that but he thinks the larger issue is why Mayor Daniels denied signing this until it was brought to his attention that, in fact, somebody else apparently had it other than himself.

Mayor Daniels stated he never denied signing that.

Mr. Pacer asked Mayor Daniels if he never denied obligating the Village? He did obligate the Village.

Mayor Daniels stated he never denied signing that lease agreement.

Mr. Pacer stated Mayor Daniels denied obligating the Village however.

Mayor Daniels stated because the limit of the liability was the actual value of that cart.

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Mr. Pacer stated not if somebody was hurt by whatever Mayor Daniels' malfeasance or misfeasance.

Mayor Daniels stated he is not an attorney and he guesses he couldn't figure out how an ice cream cart could permanently mame or injure anybody.

Mr. Pacer stated he is not too concerned about the issue of the ice cream cart itself. What he is concerned about is the fact that Mayor Daniels denied obligating the Village and then you chided Ms. Bodnor here just a few minutes ago when you said to her "would you prefer (with respect to the water tank issue) that I not come across with any information at all". Yet Mayor Daniels had an opportunity to advise the Board on July 26th of his activities on July 9th but you didn't tell the Board then, did you, about this, about your agreement with Friendly's. And you didn't tell anybody until approximately August 23rd when Mr. Pacer believes Trustee Kaye wrote a memo to you and then you answered her on that but you had all the opportunity for almost a two month period to answer and you did nothing or to even say that yeah, I entered into an agreement. Mr. Pacer doesn't care what it was for and he doesn't care what your intentions were but you denied obligating the Village and you never brought it up at any point in time until it was brought to your attention by someone else.

Mayor Daniels stated the way he sees this now is in an effort to raise some money for Christian Central Academy by selling prepackaged Friendly ice cream sundae cups at an Amherst Museum function, Mr. Pacer is trying to send him up the river for a good number of years.

Mr. Pacer stated what he sees it as is a clear abuse of Mayor Daniels power.

Mayor Daniels stated fine, so pursue that.

Mr. Pacer stated you planned a deliberate deception, a misrepresentation by you to the Board and to the people that were gathered here that night, and then what Mr. Pacer also sees and why he thinks he characterizes the whole thing idiotic is that later on, the very same evening when asked about contracts in general, Trustee Kelly says "It's very clear that no contract should be signed by anyone in the Village unless the Board approves of it" and that is a quote and he thinks everyone would agree with it. Trustee Lowther says "Obviously there are people on this Board who are not aware of that or who don't care" where upon you says "Not anymore".

Mayor Daniels stated that is correct.

Mr. Pacer stated Mayor Daniels has taken the time to look over the minutes.

Mayor Daniels stated he thanks Mr. Pacer for that but this is totally redundant. Where are you leading?

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Mr. Pacer asked where am I leading? I am just saying that you also admitted that you didn't know that you couldn't sign contracts which he finds again, idiotic and ludicrous.

Mayor Daniels stated you is repeating the issues of the meeting that you are referring to the minutes of. Please add new material or don't bore the Board with this. You are is repeating everything that you said before in the past. Please come to a point.

Mr. Pacer stated Mayor Daniels cut him off with a cheap parliamentary tactic that didn't even exist.

Mayor Daniels asked Mr. Pacer to please get to the point.

Mr. Pacer stated he has and he is. Maybe Mayor Daniels is missing it. The point is that Mayor Daniels also denied that he knew anything about signing contracts without the Board's consent. On the larger issues, like the water issue, like any other issues, like bargaining with Ciminelli. Given Mayor Daniels' credibility, given the fact that you basically deceived the Board initially on August 23rd, given your inability to understand what Mr. Pacer thinks is in the Village Legislative guide and he is sure Mayor Daniels has a copy of that which says you can't sign contracts without Board approval, Mr. Pacer questions Mayor Daniels' competence to lead this Board generally in any negotiations relative to the water issues, relative to Ciminelli, relative to anything else. That's the point.

Mayor Daniels thanked Mr. Pacer for his comments. Is that it?

Mr. Pacer stated the only other thing he would add, because he asked the Board the last time to check and ask Mayor Daniels whether there were any other contracts, oral or otherwise, that the Mayor has entered into on behalf of the Village. Mr. Pacer thinks there should be questions asked as to why Mayor Daniels kept this all secret for so long until it was brought up by somebody else and whether since you were in charge of accounting and you mentioned strict accounting principles or whatever should apply to business, since you was in charge of the accounting and had to give an accounting until it was brought to light, who would you ever have given an accounting to for the other portion that you would have supposedly have given the Village?

Marie Plubell, 183 Garrison Road thanked the Board about the driveway. They did fix it. She was out of town the weekend, got home last night and the driveway had been nicely fixed and they had done it exactly the way the Chief had told her he would do it. She is only mentioning this tonight because the final payment is still being held in abeyance. While she was away they did put earth down and seed the area that had been dug up for the piping. While she was away, this was told to her by the woman to whom it happened, she was driving a medium sized car and she had pulled off of Garrison, in front of her neighbor's house to park it and apparently she just sank in so deeply that when AAA was called, they even had a job getting the car out.

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She is a little concerned about the amount of earth that they put down before they put the covering on with the grass seed in because we are going to have, as Mr. Laubisch mentioned, we are going to have our leaf raking and so forth coming in. His men are liable to come in and sink down over their boots, for example, when they get in front of the houses on Garrison, like hers, where it was put in. Admittedly, it has been put in very late which they apparently couldn't help. She feels that she should go on record that the Board is aware of this so that if his men come in and they sink way into this earth, not that they are as heavy as a car, but there is still a possibility with equipment and that, that the Board know this and it might ask the contractor, Schuler, before the Board does give them the final payment. How is that going to hold up? They did go along today and she saw they put reflectors along the road so they are kind of saying to people, don't park along this area. She felt the Board should be aware of this. The covering was very lightly put on. Because of the depth of the digging done there. There could really be some collapses.

Trustee Lowther asked if TVGA could be aware of this concern before they do their final inspection and look at it closely.

Ms. Plubell stated just so the Board knows the sinking of this car because when AAA's men have trouble getting a car out, that is not customary. They usually do it very quickly.

Trustee Lowther stated we have an independent company who is doing the inspection on behalf of the Village so we will be certain it will be brought to their attention.

Mayor Daniels stated he has asked David Sutton to do the landscaping to save us more costs on the inspection and that was perfectly okay with TVGA and something that David felt comfortable doing since it is nothing mechanical. It's strictly looking at grass seed and top soil. So that will give us more of an overview than just one final inspection. He believes we have some sort of a performance guarantee on the landscaping. He knows when we did the lighting project on Cadman, they came back six months later and did more top soiling and more seeding for areas that didn't take or were low.

Trustee Lowther stated she has a comment that she brought to Trustee Kaye's attention this evening and asked her to pass along to the Building Department. It's election season, as we all know, and she made notice of many oversized, illegal, signs that are being used for people who are running for office and a number of signs that have been put in the Village right of way. It is her understanding that when people come and apply for a permit, they are given a copy of the instructions and regulations of the Village, one which is very specific that there is nothing in the right of way because of the lack of visibility if there is a sign there. She has asked Trustee Kaye to pass this along to the Building Inspector and make sure that the people do have the proper signs because that's how they know how to install their signs here in the Village.

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

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Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved at 9:38 P.M. to go into Executive Session for the purpose of discussing personnel in the DPW.

Trustee Lowther asked if she understands the Board will not talk about the water tank this evening.

Mayor Daniels stated no, we will.

Unanimously carried.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, it was moved to return to the regular agenda from Executive Session.

Unanimously carried.

ON MOTION by Trustee Kelly, seconded by Trustee Piazza, the meeting was adjourned at 10:00 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer