

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, November 8, 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

The Clerk read the notice of public hearing being held by the Board of Trustees on Monday, November 8, 1993 at 7:30 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Sections 84-2 and 84-4 (B) (5) (a) of the Village Sign Code pertaining to definitions and the location of Wall signs.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to open the public hearing at 7:38 P.M.

Unanimously carried.

Trustee Kaye stated the public hearing this evening deals with amending the Village sign code. It would not allow any wall signs above the second floor on a building. The proposed law states that there would be no wall sign larger than twenty percent (20%) of the wall upon it's placed or fifty (50) square feet, whichever is less; and they shall not be installed above the lower sill or the sill course, as the case may be, of any second story window. This is to eliminate any possibility of wall signs being attached above the second floor of exteriors of buildings. The Planning Board has discussed this for quite a while and we've had input from the Building Department. There has been concern that it would be a visual pollutant to have a large number of signs plastered on the exterior walls all the way up the facade of the building. This local law would disallow those signs above the second story which would be defined as the sill course. The definitions to be added would be that of sill and sill course since we have outlined that it could not be installed above the lower sill or sill course. The sill would be the horizontal bottom member of a window frame or other frame and sill course would read: "In stone masonry, a string corset at the window sill level commonly differentiated from the wall by its greater projection, its finish, or its thickness."

Ms. Avery, 64 Garrison Road stated downtown there is neon. It goes up to the second floor. She wondered if that is included in this sign code anyplace, use of neon on the exterior of a building as a decoration or whatever.

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Trustee Kelly asked if she meant strictly as a decoration. Ms. Avery stated either one. Trustee Kelly stated he doesn't think that falls under definitions of signs. That wouldn't be regulated by this part of the code.

Attorney Troy stated he would be inclined to agree. A sign, as we use it in our code, is meant to project an advertisement. If it is just a purely decorative symbol, like a coat of arms, he doesn't think that has anything to do with a sign. We have a very able Planning Board.

Trustee Kelly stated it would still require a hearing in front of the Planning Board because it would fall under the architectural review permit provisions of our law but he doesn't believe it falls under our sign code provisions itself.

Ms. Avery asked if the Village has a code for neon specifically.

Trustee Kaye stated it has to be within the window and cannot exceed 10%.

Trustee Kelly stated it would be up to the Planning Board, the same as it is with colors, materials and other things.

Ms. Avery asked if someone proposes it then someone will devise a code?

Trustee Kaye asked Ms. Avery if what she is asking is would the Village allow neon above the second floor? Ms. Avery said yes. Trustee Kaye stated no.

Trustee Kelly stated Ms. Avery is not talking about a sign. She is talking about a symbol. Right now we, as members of the Village Board, do not have control over that item. He asked if Ms. Avery is requesting that a law be drawn up concerning the neon.

Ms. Avery stated she is suggesting that because we are seeing a lot more neon. There used to be a whole lot of neon in the Village and then for one reason or another the Village got rid of it and now it seems to be reappearing only now it is bigger.

Attorney Troy stated the Village Planning Board also acts as an Architectural Review Board and as such they exercise esthetic judgments in certain areas. There is no possibility that we could button up every area of the law in our code. We do the best we can and rely upon the good judgment of the people who are serving on the Planning Board.

Trustee Kaye stated the definition of a neon window sign is "a sign that incorporates illumination through the use of neon type gas." Under Section 84-4 (1) (H)- "Neon window signs shall not exceed 10% of the window glass area. In no event shall any window contain therein more than one neon sign. The area of the sign dimension shall be defined as the product of the greatest horizontal dimension and the greatest vertical dimension required to fully enclose the sign."

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Trustee Kelly stated what Ms. Avery is talking about doesn't fall under the definition of a sign. The same as the colors of a building or colors of brick you would use on the facade. None of that, presently, is very much regulated by our codes except to say that it goes in front of the Planning Board for architectural review. He sat on that Board for two years and Trustee Kaye sits there presently and he thinks Ms. Avery will find the members of the Planning Board are quite conservative over what had been done 10-15 years ago. They do look to community input so if she hears about something or it's a public agenda and it something she wants to make comment on, they do allow time for public comment at the Monday meeting. It's the first Monday of every month.

Ms. Avery asked if it would come before the Village Board.

Trustee Kelly stated no. He thinks one of the reasons for doing that, although he wasn't in the Village at the time they set it up, was to take the political process out of it and have it decided by the Planning Board.

Ms. Avery stated she is kind of fearful because the Planning Board has no legal authority, right, to deny somebody something?

Trustee Kaye stated yes, they do.

Trustee Kelly stated it is in the code that the Planning Board has an architectural review function to approve or disapprove. He guesses what you are stuck with if the Board said no and that person wanted it, his only alternative is to sue the Village.

Trustee Lowther stated she thinks it would be similar to the code that was recently passed for the satellite dishes or the berm situation. It is usually when we are faced with a situation like that a small municipality addresses the problem.

Trustee Kelly asked Attorney Troy if this encompasses window signs at all?

Attorney Troy stated no, this is for wall signs.

Trustee Kelly stated he wants to make it clear that businesses will still be able to put something in the window on the second floor. His other concern is that at the time he was liaison to the Planning Board it seemed that most of the discussions were concerning signs that would go above the top of the window and this restricts it to no higher than the bottom. Is that true?

Trustee Kaye stated yes. It is the bottom of the second floor so that you could put a sign above the first floor window but you couldn't put a sign above the second floor window.

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Trustee Kelly stated the bottom of the second floor window. So you couldn't have a sign equal in size to the second floor window and anything that would rise above the bottom of it. Trustee Kaye stated right. Trustee Kelly said, for that purpose, he would like to hold this open for 30 days for the Williamsville Business Community to respond to this proposal if they desire to. He's not sure, he's always looked at the bottom of windows, how many signs are at that point. The only two buildings in the whole Village that presently have signs that don't comply with this are the Village of Williamsville and the Town of Amherst. Both of them have their signs above the second floor window. He can't think of any others, there may be one or two but they are not major signs. He also would like to see Trustee Kaye work on the grandfathering in of all prior signs. His concern is, and people aren't aware of it, as of June 1994, every sign in the Village has to be re-permitted. Anyone that had a sign that was in compliance at the time they put it up but isn't under our new code, would be forced to take it down. He knows we have made a lot of changes in our sign code. He also knows that, just from being liaison last year, the average cost of a sign is probably a couple thousand dollars at a minimum. So if we could grandfather those in or the way he would like to see the code read is that you pay for your sign once and as long as it complied at the time the sign was put in, it stays up forever as long as it stays in good repair. He thinks that is how many municipalities, not all, have their codes. About a year and a half ago there was a big ruckus in the Town because they did the same thing about grandfathering signs in and there were about 2,000 businesses that requested the grandfathering permanently. It was granted there. He thinks, with the economy the way it is, to have a huge burden of having them all go out and get new signs would really drive the business right out of the Village.

Trustee Kelly stated if someone had their sign up there today and we passed this law today and Joe Blo from around the corner has his sign up way high, he's fine presently. Come June, 1994, however, because the permit was for a five year period, even if he came in last week it still ends in June, 1994, he would be required under the new permit process to take down his sign and have a new sign put up. Trustee Kelly thinks that is a big burden put on businesses and secondly, he doesn't think that was properly explained to the business owners at all during the last five year period, that their permit expires in June, 1994 or you wouldn't be seeing people coming in this month or last month and spending \$2,000 or \$3,000 knowing it is going to run out in six months. It's just like when his house was built back in 1930, there was a certain building code in place. If he had a Building Inspector come in now, he is sure different laws are in place now. Maybe his plumbing is a little bit different or they use different pipes now. The Building Inspector doesn't have a right to go into his residential home and require him to do everything to the standards that are in place today. He thinks it is just fair to the businesses that they be treated the same way.

Attorney Troy stated if this is what Trustee Kelly is aiming for then it should be expressed specifically in the code amendment.

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Trustee Kelly stated he asked Trustee Kaye to bring it before June, 1994 so we don't have the problem at the last minute of 3,000 business running in saying "I think my sign is not going to be in compliance". Especially since we are changing where they can be located, just changed the size of signage and he believes that there have been two or three other changes since he has been on the Board the last two years. It really doesn't have to do with this public hearing, but he would like to see the whole process completed. We're almost there and he would like to see it finalized before next year.

Trustee Kaye stated that about two months ago she spoke with Ted Young about this discussion and he was going to talk with some of the members of the Business Association and get back to her about what their feelings were. She wants to take it to the Planning Board as well and have a discussion with the Planning Board before we move forward with that proposal. She will talk about it at the next Planning Board meeting.

Trustee Kelly stated he doesn't think anyone has really sat down and thought about what the sheer financial impact would be if 20% or 30% of the signs were caused to be immediately taken down and put back up. He has a feeling that the reason this was done years ago is that the Village probably saw it as an opportunity to raise funds to continue the operation of the Planning Department. Back then businesses tended to be here a very long time and once these signs were up they didn't see any way of new funds coming in to help run the department. He doesn't think the signage should be there as a money making opportunity for the Village. He has no problem with a fee being paid to get your sign initially because we spent some time in the Planning Department for it but to continue to do it every five years just to make some money for the Village, he thinks is wrong.

Trustee Lowther asked how many are existing that are not in compliance.

Trustee Kelly stated there is a sign across the street that is equal with the second floor window. There are a few that are stuck at that point.

Trustee Kaye stated they really wrestled with what the wording of this was going to be and where they were going to be.

Trustee Lowther asked if any existing ones would automatically be grandfathered in.

Trustee Kaye stated until June, 1994 and then we would have to make the decision.

Trustee Kelly stated right now there is no decision. As of June, 1994, every sign that is out of compliance with the present code must be brought down. He thinks that is a wrong message to send anyone and a big financial burden on a number of struggling businesses.

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ON MOTION by Trustee Kaye, seconded by Trustee Kelly, it was moved at 7:57 to keep this public hearing open for an additional thirty days for any additional comment.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, November 8, 1993 at 7:34 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 7:34 P.M.

Mayor Daniels stated he is honored to present an award for service to one of our Department of Public Works employees. John Anstett has been with the Williamsville DPW for 28 years. The New York State Conference of Mayors likes to recognize service with these plaques. This plaque is for 25 years, and the next one is for 30. We're hoping that he will still be here pitching in a couple more years. Mayor Daniels thanked Mr. Anstett for sticking it out from all the residents of the Village. There must be some positive things about the Village for anyone to stick around that long. He thinks Mr. Anstett enjoys his service and the Village certainly appreciates what he has done. Mayor Daniels knows, from Mr. Anstett working in the parks and watching him work, that Mr. Anstett goes beyond just the regular duties of the department. Superintendent Laubisch is very fortunate to have him as an employee in the department.

ON MOTION by Mayor Kelly, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held October 25, 1993 were approved.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to open a public hearing at 7:38 P.M. for the purpose of amending Sections 84-2 and 84-4 (B) (5) (a) of the Sign Code regarding Wall signs. (The public hearing was closed at 7:57 p.m.)

Unanimously carried.

Mayor Daniels stated since our last Village Board meeting there was an election and he congratulated all the people who ran, whether they won or lost for having the interest in the community to run and their interest in serving the community. Today he heard that Dr. Ahern was taken to the hospital complaining of chest pains.

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Hopefully this is just a warning and he will be fine. He knows that the rigors of a campaign can really get to you and he is hoping that he will be okay. He looks forward to working with all the new representatives on the local level especially.

Mayor Daniels stated we have a new investment procedure for our monies in the Village and it is called CLASS. We got our first report from that. It gives a very competitive interest rate and offers a great deal of liquidity. It something that Administrator Cummins recommended to the Board and it agreed to the investment procedures because it looked like a very responsible and aggressive way to invest all the monies that we do have from all the income sources yet retaining a high degree of safety and also liquidity at the same time.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$100,902.60 covering 10/22/93 - 11/04/93 were approved:

Payroll fund w/e 11/03/93	\$23,286.55
General fund	38,187.93
Water fund	30,426.93
Sewer fund	342.42
Trust & Agency fund	6,435.33
Glen Park fund	<u>2,223.44</u>
Grand Total	<u>\$100,902.60</u>
Large Vouchers:	
Erie County Water	\$29,893.88
Niagara Mohawk	7,192.32

Unanimously carried.

Mayor Daniels stated his second resolution deals with the uncollected Village taxes which will now go the County for collection. The County collects them for us, including interest and sends us the money next spring. For whatever reason, there is a good deal of money outstanding this year.

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

WHEREAS the Village Clerk has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$61,065.49 containing description of the land upon which taxes are unpaid as the same were placed upon the tax roll, together with the amount assessed and interest thereon, and

WHEREAS the said Village Clerk under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

WHEREAS upon receiving such account from the Village Clerk, the Board of Trustees compared the same with the original tax roll of the Village, and

WHEREAS said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct,

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return, and

BE IT FURTHER RESOLVED that a certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$61,065.49 and reciting that the account has been compared and found to be correct; and that the Clerk transmit said account and certificate to the appropriate officer of the County of Erie within 15 days to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Trustee Piazza asked how many properties does this involve?

Administrator Cummins stated about 45.

Trustee Kelly asked how does that compare to the past? It had been for several years in the \$35,000 range. There is one very large account that is almost \$20,000.

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Trustee Lowther stated other years we have had a complete listing of the tax roll including the name of the person so we had an idea of where the locations were and that did not appear this year. All we had were parcel numbers which didn't give much identification, so she requested that Administrator Cummins provide that information for the Board. That listing will be provided as soon as possible so the Board members can sign it and send it to the County by the 15th.

Unanimously carried.

Trustee Piazza reported we are now starting to plan for park security for next year. He is going to coordinate that very closely with Trustee Lowther so that Glen Park and our parks can perhaps get together and cut our security costs for 1994.

Trustee Piazza reported on the Local Government Advisory Board. We have a new target area for Community Development Block Grant Funds. It's about half of the Village and it's the half that wasn't included before. What that means is we can now apply Community Block Grant Funds to various projects in those parts of the Village that we were not able to in previous years. This analysis was done for us by the Town and saved us between \$10,000 and \$15,000. In the past, we had to conduct a survey to come up with the target area. This year, using the new census figures, the Town of Amherst did the whole process for us. He doesn't know if it will result in more funds, he doesn't think it will, but certainly it means we can move the funds around a little more readily.

Trustee Piazza stated there is no news from Cable. He hopes to have a report from Ed Rath for the public the next time we meet.

Trustee Piazza reported the Senior Citizens will be going to Niagara Falls on November 19th. They will have a Christmas luncheon on December 6th at St. Paul's. Both of those can be attended by contacting Charlotte Jurek.

Mayor Daniels stated he spoke to Ed Rath Jr. and he is going to contact Jim Nesper, who is working out the cable details for the Town. We are waiting for what the Town decides. Mr. Rath will base his report on the Town's contract and get back to the Board. It was premature for him to come to our Board meeting this week, which is what he communicated to Mayor Daniels this morning.

Trustee Kaye thanked everyone who attended the Halloween Parade and party and all those workers and volunteers who gave their time to put on this annual Halloween event. We had well over 400 children in attendance the Saturday before Halloween and at least 400 parents to go along with them. We had very large and happy crowd and it worked out very well. The weather cooperated on Saturday and it was dry, even though we didn't have the snow. Trustee Kaye gave a special thank you to all of those people who participated and volunteered their time and energy.

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Many people gave donations, the Bee gave flyers and Trustee Kaye thanked the Bee for that. The Mill donated the cider and the Business Association donated a check for \$100.00 towards the Halloween Party. Trustee Kaye thanked everyone for a wonderful event.

Trustee Kaye reported tomorrow there is a Youth and Recreation Committee meeting at 7:30 p.m. here in Village Hall. In the past, she has reported about the Youth Center moving from Cayuga to the Christian Central Academy. That lease has now been signed with the Town of Amherst and they are anticipating to move at the end of this week. She has had much communication with this Board, with the Youth Board, and the Town regarding the "drop in" program which has existed for many years at the Cayuga Road site but was going to be terminated at the new site. That "drop in" program will now be continued. She did share the comments of the Village Board with the Youth Board and they have worked out a way to have both a "drop in" center at the Christian Central Academy for youths 5-12 years of age and also to have a "latch-key" program where children will be bussed from Williamsville schools. The maximum capacity for the two combined programs is 60 individuals. The breakdown is they will be able to take in 15 "drop in" children and 45 "latch-key" children. The reason that was explained to her for that breakdown is because of the costs involved to run the "latch-key" program and that was the break even point that allowed for that program. They will be sending a flyer out into the community to let us all know that the "drop-in" will begin. Those who would like their children to participate will need to register their child for the drop-in so that they can keep track of how many children they can anticipate. They will send us all of those details as soon as they are available. Some new programs will now be offered to the community. Tuesday night from 6:30 p.m. to 8:00 p.m. will be family night. It will be strictly a drop in so you can drop in with your children and use the center. Saturday night from 6:30 p.m. to 10:00 p.m., will be for high school students. Tuesday, after the beginning of the year, there will be a sign up for ceramics because they need to install a 220 line. No pre registration will be needed for Saturdays. The bussing for the latch-key is not anticipated to begin until January, 1994. They will circulate that information as soon as the details become available. There will be a charge for the latch-key, which will be a sliding scale such as is used for the Town of Amherst Youth Camp. The top of the scale for Village and Town residents to participate in the latch-key bussing program will be \$6.00 per day and that is for someone who makes a combined income of over \$60,000 a year. The minimum will be \$2.00 per day. The fee will be higher for those who are non residents. She is pleased to see that they have been able to accommodate the requests and the needs of the community by serving both of those needs. She will keep the public posted.

Trustee Lowther stated Trustee Kaye said there would be a maximum of 15 drop in's at this point and 45 latch-key program. How are they operating now with drop in's? Does Trustee Kaye know what their level of participation has been?

Trustee Kaye stated they told her it was about 10-15. There has been the question of how moving and going from 1,700 square feet to 8,700 feet in a different location will impact the program and how many children will use it.

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They were talking about testing and trying it between now and the beginning of the year to see if there are any changes or if they might need to restructure the program if there is a higher demand than 15. The children can register for one day or multiple days. If they drop in, they drop in, if they don't, they don't. All they need to have is a one time \$5.00 card which they get when they drop in the first time.

Trustee Kaye stated there has been some past discussions about 31 Garrison. The Amherst Museum Board has unanimously decided to accept the original portion of the dwelling and hopefully they will be moving it before the onset of the winter weather. She understands that they have already poured the foundation at the Amherst Museum. We have had no other news about the exact moving date but she is very pleased that the original portion of that building from the Village will be preserved at the museum.

Trustee Kaye reported on 37 Oakgrove. We were trying to serve a summons to the owner in Hawaii. The good news is that we have located the owner right here in the area. Our Building Inspector has met with the owner's husband on the site to discuss the existing maintenance violations. It was reported to her that they were very cooperative and they have hired a local contractor as well as a landscape contractor to correct the violations that exist on the site. In addition, arrangements have been made with both contractors to maintain the property as required in the future. She is pleased to see that this property has hopefully had a happy outcome.

Trustee Kelly stated the yard was cleaned up but there's a lot of work on the building that needs to be done.

Trustee Kaye stated she has asked the Building Inspector to monitor the property to make sure the owners are living up to their end of the agreement.

Trustee Kelly stated it is a good start.

Trustee Kaye reported from the last Planning Board meeting, you may see things happening in the community. You may be seeing an outdoor cafe at the Williamsville Inn next summer. That was an item that was on our last Planning Board agenda.

Trustee Kelly stated regarding the outdoor cafe, he thinks that is something the Village Board should be discussing before it gets too much further. He thinks some provision should be made in the law for whether it is going to be allowed or not. He doesn't believe it is in our code right now.

Trustee Kaye stated it is allowable in the code.

Trustee Kelly stated he thinks there is a big difference between having an ice cream cart or something out there and having something larger. Whether it is allowed or not, he thinks the Board should have a good long term discussion now in the winter before it gets to the summer months.

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Trustee Kelly reported on the DPW. There is no more trash pickup this year. Regular trash pick up does not begin again until April. If someone needs to have something picked up, he suggests that they contact the DPW and to make arrangements to have it picked up. He is not talking about regular garbage, he is talking about larger trash items. The DPW is very willing to work with the public, weather permitting. Obviously the DPW spends most of the winter taking care of weather related items and those come first. Secondly, with respect to winter parking, it started this past week. Parking is not allowed on Village streets from 1:00 a.m. to 7:00 a.m. through April.

Trustee Kelly reported regarding the leaf pickup, every street in the Village of Williamsville has been picked up at least three times as of today and they will continue their pickup as long as weather permits.

Trustee Kelly stated he wanted to poke a little fun at the census tracts. The colored areas are supposedly areas that are low income housing. He wants to point out some areas in the Village that are considered low income housing because of where they fall into the census tract. The building or two that is in Centerpointe, the Schmidt house which is about a million dollar house, that is in the low income area, Millrace Court, the condominium project as well as Wellington Court is in the low income housing area. All of Lake Ledge and those beautiful mansions along South Cayuga are also in the low income housing area. Unfortunately the way census tracks come out sometimes, you catch some fairly significant residential areas in those. Some of the areas that he thinks need a little bit of help, just knocking on doors and knowing what goes on in the area, such as Belmont, Arend and North Ellicott where a lot of seniors live that could use some of the services that come from these low income housing areas don't fall within any area. There is always some good and some bad with that. He thinks we looked at our last census figure and it was in the high 30's % of the Village falls within what the Federal Government defines as low income area taken by each individual household. Contrary to what people think, we are a fairly poor community and to at least have this area increased in size is a benefit to us because it allows us to apply certain funds to improvements in our infrastructure in those areas. Figures kind of lie sometimes so you can have some fun with the way this map has been set up.

Trustee Lowther reported the Environmental Advisory Council is going to be meeting on a different date than they normally do. Their normal meeting is scheduled for Thanksgiving Day so they will be meeting on Tuesday, November 16th at 7:30 p.m. here in Village Hall instead.

Trustee Lowther reported Traffic and Safety will be meeting Thursday, November 18th. At our last Village Board meeting Carolyn Schlifke raised a question about the traffic counters on Evans Street. Trustee Lowther spoke to Bob Anderson of the Town of Amherst, who had been in charge of doing a traffic count on behalf of the County of Erie, to see about putting a signal at the bottom of the hill at the Essjay intersection. He said that at the time they had finished the count, it was incorrect, so they turned it into the County and they were waiting to have it rejected so they could go ahead and do it again.

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It's in limbo right now waiting to be rejected and be redone again. Apparently, that is a crucial portion because it tells you how traffic is flowing through the intersection. The earliest a signal might be put in there is in the spring. It would take probably three to four months. There would be a public hearing at the a town level because they are the ones who would be handling the signal. She will be happy to share that information with the audience when the time comes so residents can attend the Town Board meeting during the public hearing and make their comments known. As a result of the Village lawsuit, the Village lost the control of that intersection a couple years back. We don't officially have any control over the area; however, as residents of the community and as taxpayers in both the Village and the Town, we have every right to go to the public hearing and make our wishes known because this is our community and this will impact our residents. She feels very strongly that there is a safety issue involved with that particular intersection. She will keep the public posted as to when that hearing will be taking place.

Trustee Lowther reported the Glen Park has had a few continuing problems. At the last meeting she discussed a large hole that appeared. The DPW went down there and filled it in and it has since settled again and the hole has reappeared. It is indicating to us that there is some serious seepage coming up under the concrete wall along Ellicott Creek. One of the members of the Glen Park Joint Board is an employee of the Town of Amherst. He is getting the name of a person with the Army Corp of Engineers to contact to come down and take a look at it because there continues to be a serious threat to the property and it really needs to be watched carefully. That is going to be happening very shortly. We have also purchased a shed for holding equipment. It will be installed adjacent to the handicapped parking area on Glen Avenue. That hopefully will be done before winter sets in because we need somewhere to store our equipment. Now that we have begun the Education Program in the Noll Nature Center, which was originally the way the situation was planned, we've run out of space to store equipment that the Joint Board has accumulated over the years, like lawn mowers, tractors and wheelbarrows. So we've got this building that will be installed that will take care of that.

Trustee Piazza asked if she is talking about the south side of the street.

Trustee Lowther stated it will be on the south side. If you are standing facing south at the handicapped parking area, it will be off to the left and hidden by some trees and it will be painted brown. We've gone over it very carefully to make sure that it fits in with the area and that it is well lighted and accessible too.

Superintendent of Public Works, David Laubisch, reported on leaf pickup. If anyone would like to know when the Village equipment might be in their neighborhood picking up leaves, they can call the DPW or the Village Clerk's office. The DPW informs the Village Clerk's office each day as to where the equipment is working and what streets they will be on in the immediate future. Right now we are averaging about 5-7 working days between pickups at a residence.

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

Unanimously carried.

Maryanne Avery, 64 Garrison Road, asked about Garrison Park and when will the toilet be removed.

Mr. Laubisch stated the firm that placed that facility there for usage during the summer months was contacted three weeks ago to remove that facility. They have been contacted every week for the last three weeks about removing that facility. If it is that big of an eyesore, he will make sure it is out of there.

Ms. Avery stated she has a feeling somebody is going to probably destroy it.

Mr. Laubisch stated it is on record and it has been recorded at the DPW when the phone calls were made to have that facility picked up and that we were done with it. That was also done for billing purposes because as of our first phone call, that is when we will no longer pay them for that facility. They have been notified. He went by there today for the water line inspection on Garrison Road and he noticed that it was still in the park this morning. They will be getting another phone call tomorrow informing them that for the fourth week now we no longer need that facility in the park.

Ms. Avery asked when the demolition of 31 Oakgrove is accomplished, is it going to be seeded, graded. Is it going to look decent or how are they going to leave it? It is part of the neighborhood. It is quite visible from the park and it's almost like it is part of the park because it is right on the corner as well as being part of the residential neighborhood. She would hope that it will conform with the Village code in regards to trees and the appearance because so far nobody mentioned the after effect of who's going to take care of it.

Trustee Lowther stated it would probably fall under brush, weeds and grass.

Trustee Kaye stated someone asked her the question about the brush and the bushes that are actually on the Park Street side. She inquired about it and found that if the owner chose, he could bulldoze those down as well. It is within his legal right to do that if he chooses to but it is her understanding that he does have to leave it graded.

Ms. Avery asked if the owner has to put in trees.

Trustee Kaye stated he does have to maintain it. He doesn't have to put in trees.

Mayor Daniels stated only if there is a building built on that lot, then it would have to be screened. As a vacant lot it doesn't have to, only if there is a residence there.

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Trustee Kaye stated he doesn't have to put a fence up, or a buffer zone at all.

Ms. Avery stated she thinks the Board should suggest to the owner that he leaves the bushes up and to trim them. If he doesn't, you'll discover that it will look rather unattractive from the park. It is part of the park in a way because it is all green and it's not going to be all green because it will be a parking lot. She suggests that somebody see to it that it is not all removed.

Trustee Piazza stated if they do remove that building, the basement would have to be filled in immediately because it would be a public danger.

Trustee Lowther briefly went over the discussion that was held at the pre-work session meeting with Mr. Ciminelli regarding the dismantling of the water tank. The Board met with Mr. Ciminelli tonight regarding the offer of Ciminelli Development to purchase the land with the water tank on it for a price of \$80,000. That offer was pretty much summarily dismissed as not sufficient. We did give him a couple of alternatives to take back to the company and discuss with his people and he will reporting back to the Board between 30 and 60 days with some answers. One of the things that came up was that they would undertake the cost of the removal of the water tank. Another item that came up is that the area would become a buffer space or a green space between the old community and the new community. Another thought was if there is a problem with an existing easement and the Village Attorney will look into the easement and report back to the Board on it. There are a number of issues that came up and we should have something a little bit further in one to two months from what Mr. Ciminelli has told the Board.

Trustee Kaye stated there will be no cut through on Rinewalt to Centerpointe. They would also pay for all the improvements so that the Village would have adequate pressure and water flow. We did have a very large turnout of residents that wanted to hear what Mr. Ciminelli had to say. There is quite a bit of interest in the community.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to adjourn the meeting at 8:44 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer