

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, December 13, 1993 at 7:33 P.M.

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

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

Absent: Ronald Daniels, Mayor

Also Present: Sherry Brink, Recording Secretary

Deputy Mayor Kelly called the meeting to order with the Pledge of Allegiance at 7:31 P.M.

ON MOTION by Deputy Mayor Kelly, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held November 22, 1993 were approved.

Unanimously carried.

ON MOTION by Deputy Mayor Kelly, seconded by Trustee Kaye, vouchers in the amount of \$151,710.53 covering 11/19/93 - 12/09/93 were approved:

Payroll fund w/e 12/01/93	\$18,768.22
General fund	62,351.40
Water fund	65,013.92
Sewer fund	354.92
Trust & Agency fund	4,903.77
Glen Park fund	<u>318.30</u>
Grand Total	<u>\$151,710.53</u>

Large Vouchers:

Chase Lincoln	\$30,775.65
Erie County Water Authority	\$32,445.78

Unanimously carried.

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Deputy Mayor Kelly stated we are formally adopting an investment policy which we have informally followed for a number of years but believe that it should have a written policy.

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

RESOLVED that the Village of Williamsville hereby adopts the following investment policy:

INVESTMENT POLICY
FOR THE VILLAGE OF WILLIAMSVILLE

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order,

- * to conform with all applicable federal, state and other legal requirements (legal);
- * to adequately safeguard principal (safety);
- * to provide sufficient liquidity to meet all operating requirements (liquidity); and
- * to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Administrator/Clerk-Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines.

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Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on data base or records incorporation description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Williamsville to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Village of Williamsville to diversity its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

The Administrator/Clerk-Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

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VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
Fleet Bank	\$1,000,000	Thomas Klubek
Marine Midland Bank	100,000	Jeremiah Whalen
Manufacturers & Traders Trust Company	500,000	Nancy Grillo
Key Bank	500,000	Thomas Leous
Chase Manhattan Bank, NA	500,000	Marilou Powers
Chemical Bank	200,000	Frederick M. Vosburgh

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, S10, all deposits of the Village of Williamsville, including certificates of deposits and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML S10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

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3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable to the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Williamsville or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, S11, the Village of Williamsville authorizes the Administrator/Clerk-Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

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- * Special time deposit accounts;
- * Certificates of deposit;
- * Obligations of the United States of America;
- * Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- * Obligations of the State of New York
- * Obligations issued pursuant to LFL S24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Williamsville.
- * Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- * Certificates of Participation (COPs) issued pursuant to BML S109-b
- * Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML SS6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Village of Williamsville within such times as the proceeds will needed to meet expenditures for the purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Williamsville within two years of the date of purchase.

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XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Village of Williamsville shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Williamsville. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Administrator/Clerk-Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Administrator/Clerk-Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Williamsville by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, S10.

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The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- * All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- * Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- * Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- * No substitution of securities will be allowed.
- * The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

X

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.

(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

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- X (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- X (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public money.
- X (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- X (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- X (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- X (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- X (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

Unanimously carried.

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Deputy Mayor Kelly stated his first resolution is for the Mayor to sign a collateral bank agreement with various banks. Banks are only insured up to \$100,000 per investment or investor. Many times, especially around tax collection time, we have more funds than that. We are going to sign agreements with many of the banks to not only handle those deposits but to basically set aside other assets to protect the Village in the case that the bank goes under.

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

RESOLVED that Mayor Daniels is hereby authorized to sign Collateral Bank Agreements with:

Fleet Bank
Manufacturers and Traders Trust Co.
Marine Midland Bank
Key Bank
Chase Manhattan Bank
Chemical Bank

Unanimously carried.

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

RESOLVED that Mayor Daniels is hereby authorized to sign Project Agreement #C933213 between the NY State Department of State and the Village of Williamsville covering \$20,000 Grant for Water System Improvements.

Unanimously carried.

Deputy Mayor Kelly stated those funds have been earmarked to replace a number of valves within our system that hopefully will give us substantially better water flow in parts of the Village.

Trustee Lowther reported the Glen Park Committee has met since the last Village Board meeting and is now working with the DEC and the Army Corp. of Engineers to try to alleviate the along a section of the wall that is now leaking along the creek and has created a sink hole or a depression along the path in the park. We're hoping that we can get them to come out and take a look at the actual structure of the creek bed. The Army Corp. of Engineers actually controls that. The Village has no authority or right and it is not allowed to go into the creek to make any changes to it because it is under the control of the Corp of Engineers. We are working with them and hopefully we can come up with a reasonably priced solution to repairing the wall.

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Trustee Lowther reported there won't be any Traffic and Safety Committee meeting or an Environmental meeting for the month of December. They won't be meeting again until January.

Trustee Lowther also reported she did attend the Youth Board holiday party in the Island Park a week ago with a couple of "small" relatives. They were quite thrilled with the visit from Santa and the caroling and thought that the bonfire was just spectacular. She is very happy to see the bonfire taking place this year. She thinks the adults and the children enjoyed it. It was a really nice event. It was the first time she was able to attend it.

Trustee Piazza reported the Senior Citizens had a luncheon on December 6th which was quite nice. They will not be meeting again until late January.

Trustee Piazza reported the Government Advisory Board will not have a meeting in December. They have been working on a cable contract that will be the subject of a public hearing in the near future.

Trustee Piazza also reported the Parks Committee is planning for future equipment. This past summer we had the Town of Amherst take care of our baseball diamonds for us including maintenance and scheduling of all teams and as a result of that they were able to collect all the fees. Trustee Piazza's resolution tonight is to continue that procedure for this coming year because it worked so well. They have the equipment, we don't and it really doesn't make sense for the Village to buy a lot of equipment when we only have one ball diamond and they have dozens. For the Town, it is cost effective and for us it's not. We are going to look at having them continue at what we did this past year.

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

RESOLVED that the Village of Williamsville hereby authorizes the Town of Amherst to maintain the South Long Street ball diamonds for the 1994 baseball season. As a part of this authorization, the Town of Amherst will collect all fees and be responsible for scheduling all games with the understanding that any Village of Williamsville team will be given first preference in the scheduling of the games.

Unanimously carried.

Trustee Kelly stated the fees for that are a couple hundred dollars. It's not any major amount of money.

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Trustee Piazza reported on the cable contract. We have yet to study the latest version of the cable contract. We are now up to draft number seven of the franchise agreement between the Town of Amherst and International Cable. That will become Village of Williamsville in our version of this contract. He realized Attorney Troy has to go through it to make sure that it is appropriate for the Village. His next resolution calls for a public hearing.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Village Board on Monday, January 24, 1994 at 7:30 P.M. in Village Hall for the purpose of hearing all persons interested in expressing an opinion on the proposed contract between the Village of Williamsville and Adelpia Cable Co.

Unanimously carried.

Trustee Kaye stated it is so nice to see so many students here this evening of all ages and teachers, too. The Williamsville Youth and Recreation Committee did a wonderful job of putting on a caroling party in the park. Trustee Kaye gave a special thanks to the Youth Committee, the Parks Committee, the DPW for all of its assistance and the fire company for helping us. It was wonderful to see the bonfire back again.

Trustee Kaye reported we have had a Planning Board meeting since our last Village Board meeting. There was much discussion about the upcoming changes in the sign code. The recommendation from the Planning Board to the Village Board of Trustees regarding those changes was they would like to see the projecting signs that would come out of the code be grandfathered in and stay somewhere between one and five years. It should be reviewed again at that time but we still will continue to charge fees for the signs. There was some question about what should happen with some of the signs which are in non compliance. There was some question about what should happen with some of the signs which are in non-compliance and we do have in July of 1994 a section of our code which would remove all projecting signs which are in non-compliance. We will be having a discussion, as a board, about their recommendation.

Trustee Kaye stated with the holidays upon us, this is a time of year for sharing and giving. This will be the fifth year that the Village of Williamsville will be collecting non-perishable foods to be donated to the University Food Bank. They service many Amherst and Village of Williamsville families who are in need. If anyone has any canned or non-perishable goods, they can bring them to Village Hall prior to December 17th. There are bins for them. We are also working with the Town of Amherst in collecting toys, mittens, hats and boots for the Haven House Shelter for Abused Women and children and for other area shelters. Those also can be left in Village Hall prior to the 17th.

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Trustee Kaye stated the Building Department is looking to standardize some of our building fees that we charge. If you are coming in to do some remodeling or need a permit of some kind, you do work in your home or your business, we are looking at standardizing those fees with those of the Town of Amherst. We will be doing that in the near future. She will report more on that.

Trustee Kaye stated her first resolution deals with an amendment to the Local Village law which would amend the Village sign code and deals with signs that are walls signs above the second floor. We had a public hearing on this proposal two meetings ago. There was a question about it so we did hold it at that time. The question was about the fact that Village and Town Hall have their signs above the second floor sills which we would be eliminating in our new code. In fact, in checking with our Building Department, that is not true in the Village and Town Hall cases because they are considered subterranean first floors so we would not be out of compliance and there are no other buildings in the Village that presently have to change their signs.

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

RESOLVED that Local Law #13-1993, Amending Sections 84-2 and 84-4(B) (5) (a) of the Village Sign Code dealing with definitions and the location and sign of wall signs, which was the subject of a public hearing on November 8, 1993, is hereby adopted.

Unanimously carried.

Trustee Kaye stated her second resolution deals with appointing an Acting Village Building Inspector. We presently do not have one in case our Building Inspector would be on vacation or sick or have any kind of conflict. We are appointing someone to that position and in the meantime we are looking at using the Town of Amherst Building Department Inspectors in the future. However, we have to put together an intermunicipal agreement to do that. This would cover the time between now and when the intermunicipal agreement would go into effect.

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

RESOLVED that effective December 1, 1993 and until further resolution of the Village Board, RICHARD DELO be retained, on an at need basis, as an acting Village Building Inspector at a rate of \$20.00 per hour in those cases where the present Building Inspector is deemed unable to function as such because of conflicting commitments.

Unanimously carried.

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Trustee Kaye stated that Richard Delo was our past Building Inspector and this is the same rate of pay he did receive before.

Deputy Mayor Kelly stated the Board did have a discussion before the meeting today about seeing that the County mysteriously finds some money to improve Wehrle Drive when the Village has been screaming for years to have Garrison Road improved. We haven't had the opportunity to speak in detail about it but by the next Board meeting we will either have a resolution or some sort of correspondence going through the County of Erie to discuss the fact that Garrison again seems to be slighted.

Superintendent of Public Works, David Laubisch, reported that this Friday, December 17th, we will conclude leaf pickup in the Village. This is something that you have to draw a point in time and say that we are going to stop leaf pickup. We went through the Village twice last week in its entirety. We will be out this week again picking up leaves and we would like to put our leaf machines away for the season by this Friday, the 17th. He thanked the residents that have been calling in for trash pickups. This system has worked very well over the past couple of weeks. We put a list together and we try to schedule trash pickups weather permitting on Friday when we go out to pick up the trash in our municipal buildings. This has worked out very well so a resident can call the DPW between the hours of 9:00 a.m. and 1:00 p.m. We can assemble a schedule for Friday trash pickup and we can try to accommodate the residents barring any major weather storms, snow events, ice storms etc.

Trustee Lowther asked if a resident does not call him for an appointment and she happens to see it, can she call the DPW and let them know where it is? There have been a number of incidences where people have not taken it in because they think the DPW is still picking up trash.

Mr. Laubisch stated we ask what the address is and what material is out. That could be accomplished if it were handled properly.

Deputy Mayor Kelly stated Chief Jim Zymanek was in the pre work session and stated that there was a safety course for individuals who want to be baby-sitters. It was very well received and he was quite pleased with the individuals that were there and the items that they learned. Each person that attended the course received a certificate. It's been very helpful because it not only shows them the importance of some life saving matters but it shows them where to call, 911, and the fact that you don't jump off the line immediately after you get the address and some other life saving items. It was quite good and he hopes that each time it comes out that we have people sign up for it.

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

Unanimously carried.

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Jesse Thompson, 67 Rinewalt, stated he wants the land at the end of Rinewalt Street to be a park or open because if a house is built there it will do more damage to the land.

Madison Seeberg, 72 Rinewalt stated she wants the land to stay like it is especially for the people. She does not want them to take down the water tower and not to build houses. Please do not open the street. The kids do need a safe place to play.

Brendan Thompson, 67 Rinewalt stated there is a place called "Club W" like the houses at the end of Rinewalt Street. It will be kind of hard to go over and we need room for kids to play.

Deputy Mayor Kelly stated there have been a lot of articles and a lot of Board discussions concerning the water tank at the end of Rinewalt. If, in fact, the water tank can eventually be done away with, what purpose would the land be used for? There is a developer, Centerpointe, behind Rinewalt that is strongly suggesting that it be taken down. Right now there is some studying going on as to what type of improvements would be needed in our system if the water tank was removed and what kind of costs there would be. It is an ongoing situation. One thing Deputy Mayor Kelly can assure the young people who spoke today is that he doesn't think anyone has any intention of opening up Rinewalt to Centerpointe. He doesn't think that serves anybody's purpose. Right now there is a water tank there and if it comes down, the Board will certainly look at the resident requests.

Trustee Kaye gave a special thanks to the children on Rinewalt. Many play there and they've read about it and they've heard about it and they've spoken their opinion and have asked how can we help, how can we let people know how we feel. Trustee Kaye's comment was they could come and tell residents how they feel in their own words. She thinks the children did a wonderful job. Trustee Kaye thanked them and Mrs. Kaiser for coming.

Eileen Thompson, 67 Rinewalt, stated she wants to say the same thing and these are just 3 of the 21 kids that live on Rinewalt Street. Please give serious consideration to leave the land an open space if the Board does decide to take down the tower at a reasonable or no cost to the Village.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved adjourn the meeting at 7:55 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer