

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, September 22, 1980 at 7:35 PM

Roll Call	Present	Gordon J. Kuzon, Mayor  William Bancroft Lawrence R. Brenton Connie C. Murray	Trustees
		Theresa L. Cummins, Village Clerk Thomas V. Troy, Village Attorney Edward Way, Dept. of Public Works	
	Absent	Paul Atkinson, Trustee	

Mayor Kuzon called the meeting to order at 7:35 PM.

A moment of silence was observed in honor of Mrs. Kenneth Merrick, wife of the long time principal of Forest Elementary School, who recently passed away.

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, the minutes of the regular meeting held September 8, 1980 were approved.

Unanimously carried.

ON MOTION by Trustee Bancroft, seconded by Trustee Murray, the minutes of the public hearing held September 8, 1980 regarding rezoning of 44, 50 and 54 S. Cayuga were approved.

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the minutes of the special meeting held September 12, 1980 regarding consideration of withdrawing with the Town of Cheektowaga for community development purposes from the County Consortium were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$83,231.79 were approved as follows:

Payroll Fund	W/E 9/10/80	\$ 4,122.82
	W/E 9/17/80	4,172.14
General Fund	Abstract #473	19,168.97
Sewer & Water Fund	Abstract #54	40,991.36
Trust & Agency Fund	Abstract #93	2,057.55
Federal Revenue Sharing	Abstract #99	1,012.20
Capital Fund	Abstract #104	<u>11,706.75</u>
Total Vouchers		\$83,231.79

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The largest vouchers were: Britting-Gelia (for insurance) - \$14,433.00; Erie County Water Authority (for monthly water bill, which has dropped by approximately \$7,000 with the discovery of the leaks in the Main Street area) - \$21,861.15; M. C. Morgan Contr. - \$18,389.08; and Tomar Constr. (for the Danbern Water Line) - \$11,706.75.

Unanimously carried.

Trustee Bancroft advised that tomorrow the Senior Recreation Program begins and as announced previously the month's schedule has been issued and is available. He thanked the Amherst Bee for their coverage of the program and its activities. The first activity for tomorrow is crafts open session at the Williamsville Library from 1:00 to 3:00 PM.

Trustee Brenton stated the Traffic and Safety Committee will be sending two representatives to the American Automobile Association luncheon for the purpose of accepting an award for pedestrian safety on September 26th. Since Trustee Brenton will probably not be able to attend, Mr. Hill and Mr. Laubisch will be representing the Village.

Trustee Brenton stated the Main Street water line work referred to by the Mayor has been completed. We don't have all the statistics yet on the amount of water saved. While it cost the Village money to repair the leaks we believe it is in the best interests of the Village to have gone ahead and done this work. By the end of the year we feel it will have been more than paid for in the water saved. We should be in the black after that in this aspect of our water department. Hopefully we will find more leaks as time goes on.

Trustee Brenton stated his first resolution deals with acquisition of a piece of Thruway Authority land located on the northeast corner of Aero Drive and Wehrle. This particular property is a small piece but it was brought to our attention that it was for sale and it was deemed fit for the Board to purchase this property in that it could be cleaned up and the intent would be to perhaps plant some pine trees or other small trees not requiring a lot of maintenance. This would help beautify this entrance to the Village and perhaps we could put up a nice sign announcing that you are entering the Village. This property has to be purchased from the New York State Thruway Authority and the purchase price is \$1,000.

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, the following resolution was adopted:

RESOLVED that the Village of Williamsville purchase a piece of real property (reference number 318) from the New York State Thruway Authority for \$1,000.00 to be used for public purposes. Legal description of the property follows:

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All that piece or parcel of land situate in the Village of Williamsville, Town of Amherst, County of Erie, and State of New York, being a portion of parcel 816, map 816 appropriated for the Ontario Section of the New York State Thruway and filed in the Erie County Clerk's Office on June 10, 1953 and further described as follows:

LAND  
ACQUISITION

Beginning at a point on the westerly highway boundary of former (1953) Wehrle Drive, C. R. No. 290, being the northeasterly corner of the above mentioned parcel 816, said point being 210 feet distant, southerly measured at right angles from station 515+51.3 of the hereinafter described survey base line for the construction of the Ontario Section of the Thruway; thence North  $79^{\circ}16'33''$  West  $35\pm$  feet to a point on the westerly Williamsville Village line; thence southerly along said Village line  $53\pm$  feet; thence southeasterly  $21\pm$  feet along the northeasterly boundary of Aero Drive extended to a point on the above mentioned westerly highway boundary of Wehrle Drive; thence northerly along said highway boundary  $58\pm$  feet on a curve to the left having a radius of 286.64 feet to the point or place of beginning containing 1,478 square feet more or less.

Wehrle Drive  
Area

The above mentioned base line is a portion of the survey base line for the construction of the Ontario Section of the New York State Thruway as shown on the above mentioned map 816 and further described as follows:

Beginning at Station 510+18.79, thence S  $79^{\circ}16'33''$  E 488.13 feet to Station 515+06.92, thence S  $79^{\circ}16'33''$  E 1033.68 feet to Station 525+40.60.

All bearings are referred to true north at the  $78^{\circ}35'$  meridian of west longitude.

Reserving to the party of the first part herein, its successors and assigns, forever the right to restrict and control access to the Thruway right-of-way from the above described parcel along the following course and distance:  
N  $79^{\circ}16'33''$  W,  $35\pm$  feet and the party of the second part hereto accepts this deed with the understanding that it, its successors and assigns shall not be permitted any access to the Thruway right-of-way along said course and distance.

The party of the second part, by his acceptance of this conveyance for himself, his heirs and

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assigns, covenants and agrees not to erect upon the premises conveyed herein any advertising device as defined in Section 361-a of the Public Authorities Law without written permit therefor from the New York State Thruway Authority..

Unanimously carried.

Trustee Brenton advised that his next resolution deals with Mr. Way's salary increase which was discussed at our February meeting in that the Department of Public Works had been reorganized. At that time his salary was compared with his duties and the pay scales of surrounding communities that have this particular type position. It was agreed that we would increase his salary by \$1,000 as of last March and if we were satisfied with his efforts we would increase it by another \$1,000 September 1st. We're a little bit late in doing this but it would be retroactive. With respect to Mr. Way's performance in his job the Board is satisfied that the Village has gotten maximum effort from those he supervises and from himself. Even before the reorganization, we had reduced the work force in the Department of Public Works by two laborers and one working foreman. Mr. Laubisch, who was working foreman, is working on the New York State Traffic and Safety Grant and is paid by the State of New York, which is paid by the federal government. Therefore, we are working without him and without two laborers who retired or quit their positions and were not replaced. These two laborers would have cost us \$35,401.60 per annum and the position of working foreman would have cost \$19,240. We feel Mr. Way has adequately demonstrated his ability to supervise work and have work completed that is necessary in the Village. We occasionally get complaints when something is not done right away, but the work is scheduled and is done as soon as we can get to it. There are really very few complaints as to the basic function of the Department of Public Works. We hired a few summer people who were extremely capable and did a good job. With this effort, the Village will continue to look good and have its needs and services met under Mr. Way's supervision.

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, the following resolution was adopted:

RESOLVED that the salary of Edward A. Way,  
General Foreman in the Department of Public  
Works, be increased by \$1,000 effective  
September 1, 1980.

SALARY INCREASE

E. Way

Vote on Roll Call: Trustee Murray - aye; Trustee Bancroft - aye;  
Trustee Brenton - aye; Mayor Kuzon - aye.

Ayes - 4; Noes - 0.

Unanimously carried.

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Trustee Murray stated her first resolution deals with creation of a Joint Activities Accounting Fund for the Glen Park maintenance. The park is jointly owned by the Town and Village and it has been difficult working with the two budgets in that one runs from January to January and the other from June to June. It has been hard for the Joint Board to keep track of how much money they have and where it is spent. Our Clerk has suggested that we take the money from the Town and the Village and put it into a separate account from the General Fund so that at all times they will know how much money they have and how much they have spent. This has already been passed by the Town.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the following resolution was adopted:

AUTHORIZATION

RESOLVED that the Mayor be authorized to sign an Amendment to the Agreement for the ownership, financing and improvement of Glen Park by creating a Joint Activities Accounting Fund. Mayor to sign amendment to Glen Park Agreement

Unanimously carried.

Trustee Murray advised that her second resolution related to the information that has been received that the Williamsville Central School Board will be discussing the closing of a school beginning in October. In the past, the Village Board spoke against the closing of Academy School and it seems to be the appropriate time to have another resolution regarding this.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the following resolution was adopted:

PROPOSED SCHOOL CLOSING

WHEREAS, the Board of Education of the Williamsville Central School District is currently studying the proposed closing of a school in the Williamsville district, and

Opposition to closing Academy Street school

WHEREAS, Academy School, one of the two elementary schools which Village children attend, is a unique and historical source of community identification and pride, and is continuing to provide a quality education for our children, and

WHEREAS, the continued existence of Academy School, as a neighborhood teaching facility, is of critical importance to the maintenance of property values in the Village of Williamsville and is a focal point of our sense of community,

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NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Williamsville hereby states its opposition to the closing, or otherwise phasing out, of Academy School.

Vote on Roll Call: Trustee Bancroft - aye; Trustee Brenton - aye; Trustee Murray - aye; Mayor Kuzon - aye.

Ayes - 4; Noes - 0.

Unanimously carried.

Trustee Bancroft stated that Trustee Atkinson, who is not present, has expressed to him his support of this resolution and for minute purposes he asked that it be recorded that if Trustee Atkinson were present tonight the resolution pertaining to Academy School would have been unanimous.

Mayor Kuzon asked that Trustee Murray send a letter and a copy of the resolution to the School Board so they will be aware of our action.

Mr. Way stated the twice weekly garbage pickup will be ending. The last pickup for twice a week will be October 15th.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, it was moved to suspend the rules for public participation.

Unanimously carried.

Richard Hill, 18 Brookside Drive, asked what is being built on Aero Drive inside the Village line. Mayor Kuzon stated as far as he knows it is a warehouse type operation - an air freight place. They have recently applied for a 7,000 square foot addition to their original plan. It was reviewed by the Planning Board and Building Inspector and it comes under the new landscape law.

Mr. Hill asked if the parking and traffic pattern was looked into and Mayor Kuzon stated it would have been included as part of the site plan that was reviewed by the Planning Board.

James Saia, 20 Belmont Street, stated a meeting was held by Senator Floss and the Department of Transportation regarding Essjay Drive. It was an important meeting and they mentioned putting a street through to Evans Street from the development located there. Someone needs to make public our feelings on a street coming out onto Evans Street.

Mayor Kuzon stated they had not received any information from anyone concerning this meeting ahead of time. The developers, local municipality and state government do not seem to be aware that the Village has to be dealt with regarding this.

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Mr. Saia stated he doesn't think anyone received notification. The meeting was called by Senator Floss because those living in the Essjay area and working in the businesses there had contacted him and the Department of Transportation about the traffic there. The DOT has refused to put a light on Sheridan at Essjay because of its closeness to the one at Hopkins. It was in the paper that there would be a hearing. He stated he thinks someone from the Village Board should have attended the meeting. Some residents did attend, but no officials.

Mayor Kuzon stated they did not receive notification of the meeting and we had a committment to attend a Village Officials Meeting in East Aurora at the same time as the meeting.

Mr. Saia stated that two people attending the meeting stated the impression they had was that the Essjay people were told to forget about a signal and the traffic for now because there would be a road that would come out on Evans Street. Mr. Saia stated he lives on a residential street and if a street is opened up onto Evans it will not be residential any more because there will be a lot more traffic on it and the adjacent streets. The traffic will be very bad there. He asked why we don't take a stand. The plans are out now. Why don't we send a committee or someone to see where the street will be and see how it will effect us. We should then make a statement on it. The DOT seems to be pretty well satisfied that this street will alleviate the problem. He stated you are doing an injustice to the developer if no one from this Village publicly states we are against their putting this street onto Evans Street. He stated he is sure they know the street would be in the Village and need a permit from the Village for it.

FARBER  
JACOBS  
PROPERTY  
  
AND  
Essjay  
Road

Mayor Kuzon stated the development plans also show a residential development on top of the ledge. We have our procedures in the Village and the developer has been notified of them. We have received no correspondence from them about this. The street would have to be accepted by the Village. A driveway cannot connect from a residential area to a commercial area unless it is rezoned. The present zoning is residential and he stated he believes the rest of the land is zoned commercial and therefore, the land for the street would have to be rezoned. We have an official map in the Village and nothing can be changed without a public hearing and this includes new streets. If they wish to dedicate the proposed driveway as a street they have to comply with our requirements. They are on notice about the rezoning and we have had no petition or correspondence from them regarding this.

Mr. Saia asked if this did not come under the exceptional development ordinance where the Board could make this a street. Mayor Kuzon stated he did not believe exceptional development would apply at all in this case. All the dwelling units will be in the Town.

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Mr. Saia stated he is very concerned about this. If we have a lot of traffic in this area we will lose the residential status we have had and the streets will be very busy.

Mr. Hill stated the original plans showed a right turn lane for the traffic going from Evans into the proposed street. In the present plans, the county has taken this out. He stated he has tried to get the County to explain why this was taken out but they will not tell him. Mayor Kuzon stated the Village can find out why this was done. He stated Mr. Hill could also contact his County Legislator about this.

Mrs. Carolyn Schlifke, 192 Evans Street, stated that if the Village Board was going to take a stand on the closing of the Academy Street school when this has not actually been proposed why couldn't they take a stand on the roadway into Evans Street when not approached yet by the Town.

Mayor Kuzon stated she had a good point and was right about this.

Trustee Brenton stated that as far as Academy School is concerned we know that the school board is considering the closing of the school. Our position is that we don't want our school closed in the Village. This is public knowledge. They have the thought in their minds to close this school. As far as the street cut into Evans is concerned, we have never been notified that they intend to do this. We know that they eventually intend to do this but he stated he is not convinced that it is appropriate to address this topic at this stage of the game. He stated he did not believe that exceptional development would cover this street.

FARBER  
JACOBS  
PROPERTY

&

Essjay  
Road

(con't)

Mrs. Schlifke stated the Village has not been officially notified about the closing of Academy School but has acted on it. They should do the same on the proposed street. She stated the proposed street is shown on the present development plans. Trustee Brenton stated the Board was notified about two years ago that they had thoughts about putting in this proposed street but the Board never gave them an answer because the Town did not approach them in the proper manner.

Mrs. Schlifke stated she understands that the Board has to go about its work using the proper procedures. However, she stated she questions why the Board can take a stand on one item and not another when the Board is aware through the newspapers and other means that they want to put in the street. They have applied to the County for the curb cut. The developer should be made aware of the Village's feelings on this matter now

Mayor Kuzon stated the situation should be reviewed and brought up to date.

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Mrs. Schlifke stated the Bee had a picture in their paper showing a traffic backup on Essjay while traffic went along on Sheridan. They showed only four cars. There are many more cars on Evans Street. It has never been brought up that the Village has control over that property on Evans. The Town, County and Senator Floss are ignoring this fact. Everyone seems to think that the only people to be contacted about this is the Town.

Trustee Bancroft asked Mrs. Schlifke if the Traffic and Safety Committee she serves on had considered this in committee and if they had made any specific recommendations to the Board about it. Mrs. Schlifke stated that in the past when this was brought up they were advised not to make any recommendation because the Town had not yet approached the Village about this. She stated that if the Board wanted, this could be brought up at their next meeting. She stated if this street goes through the residents on the sidestreets in this area are going to get twice as much traffic. The backup they already get on Evans Street will be worse also.

Mrs. Schlifke stated school has started and she asked Mr. Way when the crosswalks at Evans and Eagle will be striped. Mr. Way advised they had been waiting for the state to complete its work in that area and that they anticipated that the striping would be done this week. Mrs. Schlifke stated the area is very congested and even though there is a crossing guard this area should be striping.

Mr. Hill stated that with respect to the proposed street going into Evans Street, the Traffic and Safety Committee discussed this. They got drawings from the county. A right hand turn lane was recommended to get the traffic off the hill to go back into the development. There is no way for a left turn lane without taking away some one's yard. When the drawings came back with the permitted curb cut, the right hand turn lane had been rejected and we have been trying to find out why this was done. Erie County is keeping very quiet about this. He stated it was a stupid place to put a road because it was on the hill and would be bad with all the ice and snow we get. There is no way we want this in there. The developer owns some property further down and could come out nearer Stanton than they are now but they don't want to do that because it would cut off some building they would want to put there.

Mr. Saia stated that the Amherst Bee had an article in the paper about this development but they showed the extension of Essjay being opposite Belmont but this would mean it would have to go through the Blocher Home. Anyone looking at the sketch in the Bee would think the street was directly opposite Belmont and think it wouldn't be bad because you could put a street light there. With the school there this would be bad also. We have been told about this for the past two years and it has been discussed. But, nothing has been done. The Board has done something about the school closing. We want it to remain there and are doing the right thing in letting them know how

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we stand. Why can't the Board do the same thing about the proposed street. Why can't we have a committee like the Traffic and Safety Committee do a study on this and make a report. We should be taking a stand on this now.

Mayor Kuzon stated he would refer this matter to the Traffic and Safety Board, Planning Board and Environmental Council and get reports from them so we can review this matter and consider whether we should take a stand on it now or wait.

Mr. Hill stated he has been on the Traffic and Safety Committee for about six years and they have been attempting to get the Planning Board to refer plans to the Traffic and Safety Committee for recommendations regarding driveways and traffic flow when the development is in the commercial area of the Village. It seems they will give the go ahead on a project and then after it is started and runs into problems we are called in and asked for help in solving them. We should give our recommendations before the Planning Board approves the plans. It would save a lot of trouble.

Mayor Kuzon stated that when he was liaison to the Traffic and Safety Committee and Planning Board the former Building Department Administrator was requested that all such plans be referred to Traffic and Safety. We have a new administrator now and perhaps this recent project wasn't referred to Traffic and Safety because she was not aware that it should be done. Mayor Kuzon stated he will discuss this with Mrs. Kresse so future commercial projects are referred to the Traffic and Safety Committee.

Mr. Hill stated that with respect to the project on Aero Drive they had a 15" fire wall up and then they put windows in there. The firemen are unhappy about this because this really eliminates the fire wall.

Mrs. Schlifke stated she agrees with Mr. Hill about referring projects to Traffic and Safety. There are people on this committee from various departments. We have a representative from the Fire Department who was very upset about the Aero Drive project. The department only knew about the project because someone saw it going up. It is twice as difficult to change something after it is done then if we do it before it is started. If the Traffic and Safety Committee is notified, the Fire Department is notified because of its member on this committee.

Mrs. Schlifke stated that with respect to the proposed roadway it was thought that when Essjay was put in Wegman's was going to put in a supermarket there. They were going to pay for a signal at the corner of Essjay and Sheridan. The Department of Transportation did not object to the signal at that time or say it was too close to the one at Hopkins because someone else was going to pay for it. Wegman's has delayed their building or perhaps will not build at all. Now the state says no signal there. She stated

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the distance between Essjay and Evans seems no further than that from Evans to Mill Street and there is a signal at Mill Street. At present the State seems to feel that a street going out onto Evans is the answer to the problem in the area.

Trustee Murray asked Mr. Hill who the man was that he spoke with at the county regarding the rejection of the right turn lane and Mr. Hill advised it was Bud Tribble. He thinks he is with the Highway Department.

Mrs. Schlifke stated that Hank Smith is on the Traffic and Safety Committee. He is the Traffic and Safety Coordinator for the Town. As Town Coordinator he was asked to survey the development and make a recommendation as to where the best place to put the roadway would be. He said it should be put as far down the hill as possible and also suggested a right turn lane. These were his suggestions to the county. When they went to the county for the curb cut it was approved but the right turn lane was rejected. They would give us no reason for this rejection.

Trustee Brenton stated that in Mr. Smith making the recommendations it would seem as though the Traffic and Safety Committee were in favor of this. Mrs. Schlifke stated Mr. Smith did not do this as a member of the Village committee. He did this in connection with his job in the Town. The county was in error in having him survey a Village piece of property in this instance. Trustee Brenton stated he, Mr. Smith, should have referred this to the Village. This way we would have had some official statement that the Village was the interested party in the roadway. Mrs. Schlifke stated they think this is a Town development but that the Town should be aware this is Village property.

Mr. Hill stated Mr. Smith did this work in his job for the Town. Also for the Town he did some work regarding the post office in this development. They originally wanted the driveway for the post office to go into Sheridan Drive. Mr. Smith asked if they couldn't go onto Essjay instead and they did so.

Mayor Kuzon stated he was sure the Board was going to get going on this matter and see where the situation now stands.

Trustee Bancroft stated it would be appreciated if the Traffic and Safety Committee could put together some sort of overview of all the information they have available regarding this matter. This would be of great benefit to us if we could have a sort of time table as to how things happened with respect to this matter.

ON MOTION by Trustee Bancroft, seconded by Trustee Brenton, it was moved to return to the regular agenda.

Unanimously carried.

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ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:30 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer