

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, June 10, 1985 at 7:55 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher Trustees
Michael Kibby
Carolyn Schlifke

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Phil Boudreau, Dept. of Public Works

The Clerk read the Notice of Hearing regarding adding Section 60.32(6A) to the Traffic Code which would limit parking on the east side of E. Spring St.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 7:55 PM.

PUBLIC HEARING

Unanimously carried.

Limit parking on East side of E. Spring Street

Trustee Schlifke said the background of this public hearing is that the Traffic & Safety Committee was approached by a business owner on E. Spring St. requesting that parking from Main St. to the old Mill be posted with timed parking. At present there is no limit on the time for parking on the east side of the street. On the west side there is a private parking lot and there is no parking on the street on the west side. The request was for one hour parking and the reason for the request was that persons were parking on the street all day and the business people felt it was hurting their business because customers could not find a place to park. The recommendation of the Traffic & Safety Committee was for a half-hour time limit. The reason for that was because one block over on Rock Street there is half-hour limited parking and they felt there should be some conformity in the area.

Trustee Schlifke said the Chairman of the Traffic & Safety Committee took a survey of the business people on E. Spring Street with the following results: Dr. Nelson would prefer one hour because it's difficult for his patients to be in and out of his office in a half hour. Mrs. Corti preferred one hour. Mrs. Herman, who lives on the street, preferred an hour, as did Mrs. Hanny the proprietor of Jenny's Ice Cream Shop. Mrs. Babin at the Mill also preferred an hour. The Committee had no objection to an hour. They were trying for conformity in the area and that is why they suggested a half hour. A half hour could present a hardship for Dr. Nelson, or the Ice Cream Shop. That is, their patients and customers could be hard-pressed to complete their business in a half hour.

Mrs. Loretta Babin, 80 E. Spring Street, asked who will enforce the time limit on the parking. Trustee Schlifke said at present we have many areas in the Village that are marked for timed parking. Main St. has hour parking, other portions of the Village have half hour parking. The public parking lot here has some timed parking. At present she has to agree that we have no enforcement of our parking restrictions. Since she took office this year she has been working with the business people and getting their input and trying to find some solution to people who are not paying attention to our parking signs. The Amherst Police Department has just about come out and said that they neither have the time or manpower to be doing things like handing out parking tickets. Years ago we did have one policeman who was very diligent in the Village and went around issuing tickets and she thinks we had a better parking situation at that time. Right now the situation is horrendous. One of the suggestions made to her was that the Village hire an individual to patrol the Village - not on an 8-hour day, but perhaps on a four-hour or three-hour basis in different areas. This person would have to be qualified, approved by the Amherst Police and sworn in by the Mayor and this person would then be allowed to mark tires and issue violators with summonses. It is something that she is working toward. It is something that the Village needs. She doesn't yet have a consensus of opinion of the rest of the Board members. She doesn't know whether this has a bearing on this hearing in that we have other areas in the Village that have this limited parking. The business people can take it upon themselves to contact the police and they can come and mark the cars and return an hour later and if the car were still there a ticket could be issued.

PUBLIC
HEARING
(Con't)

Limit
Parking on
the East
side of
E. Spring
Street

Mrs. Babin said when Trustee Schlifke was still on Traffic & Safety that group said they did not want any more businesses on Spring Street because of the parking problems there. Also the police would not come down and ticket cars on Spring St. because they did not know where the parking lines ended and where they began. Mrs. Schlifke said that is correct. Mrs. Babin said they have their own private lot! But businesses bring other business and when you have to have a customer ride around and look for a parking space they go someplace else.

Mrs. Schlifke said with respect to the committee's recommendation regarding not opening more businesses on Spring St. it was unacceptable to the committee because they were well aware of the congested parking. This committee is only an advisory committee. The person opening the business went through the proper channels and the Building Department okayed the opening of that business. Mrs. Babin said that business could open but why wasn't something done even before it opened up!

Trustee Schlifke said no one approached the committee about limiting the parking. Mrs. Babin said she has called the police and she has talked to people on Traffic & Safety. There is no yellow line on that street to even show that it goes around a curve. She has brought that up to the committee many times. Trustee Schlifke said that's correct. She met last Tuesday with some business owners that are connected with the public parking area, or what is now half public and half private. They are well aware that something has to be done one way or another. She has written a report to the Board on this and she hopes they can discuss it in their work session after tonight's meeting. She is also working on having the street lined, to place a barrier between the edge of the street and the public parking area. There is going to be some sewer receiver work done in front of the Mill perhaps in the late summer or early fall and to do lining at this time and then to have the street done, is a waste of Village funds. These things are being addressed as quickly as possible and she hopes in the very near future we're going to be able to solve some of these problems. She is not promising things, but if she fails it won't be because she hasn't tried. Trustee Kibby said there are some funds available. Trustee Schlifke said when you sit on an advisory council all you can do is keep asking for things but now she is in the position where perhaps she can get some results. She can't guarantee them but she will try.

PUBLIC HEARING
(Con't)

Limit parking
on the East
Side of East
Spring Street

Mrs. Babin said why are we doing this with just Spring Street. Why can't we do this with the whole Village, such as on Main St. Trustee Schlifke said we have limited parking on Main St. now. Mrs. Babin said but people park there all day and go downtown. She thinks the Village should call the Police Department and say we want some work done down here. Trustee Kibby said the police department will give a ticket if anyone calls and says there's a car parked illegally. Mrs. Babin said that should not be necessary. Then she would have to be a policeman and she doesn't get paid for that and our taxes are paying for the police department. Since they left the Village we have nothing down here. Trustee Schlifke said we have tried that route and been unsuccessful even though it is a service we should get. Mrs. Babin said this means we have to call the police department and say a car has been there and go out and chalk it ourselves.

Trustee Schlifke said as she has driven through the Village she has called the police and identified herself and told them about illegal parking and she knows for a fact that those cars have been ticketed. Mrs. Babin said tomorrow the police department is going to be pretty busy.

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Trustee Schlifke said in order to get the results she thinks everybody wants and not have to depend on the Amherst Police, whose cooperation we don't seem to have, she is proposing perhaps hiring somebody so that we can work some kind of a system and at least make people aware that the Village is not going to just sit back and have a lot of signs that don't mean anything.

PUBLIC HEARING
(Con't)

Limit parking
on the East
Side of East
Spring Street

Dr. John Nelson, 5590 Main Street, asked in limiting the parking how many parking spaces are involved. Trustee Schlifke said we now have no parking from 25' to the corner. That is posted. The hour limit would be from the 25' spot down to by the house. As you reach the Mill they have their own parking lot. The two signs that are there that say no parking should not be there. They are not listed in our ordinances. The signs there will be removed. Trustee Schlifke said she imagines there would be space for sufficient cars to service the businesses in that area. Dr. Nelson said he thinks if we enforce the parking on Main Street and leave Spring St. alone you would be much better off. Trustee Schlifke said then the customers of the person requesting the time limit on the parking would have to park on Main St. Dr. Nelson said well you could reserve a couple of spaces for the business. Trustee Schlifke said we don't reserve parking spaces for individual businesses. The signs in front of the former shoe shop were placed there by persons unknown and will be coming down as they are not in our ordinances. Dr. Nelson said he feels there is enough parking on Main St. and he encourages his patients to park there.

Mrs. Lucile Corti, 5590 Main Street, said she has clocked cars in front of her store and they are there all day. They have customers that come in and complain that there is no place to park. She feels we need restricted parking there.

Clifford Horey, 106 Highland, asked if there wasn't an ordinance that if you have a table and four chairs you have to have two parking spaces. How can a business come in without any parking? With respect to the time limit on parking, a dentist sometimes has to work on teeth for an hour or two hours and they can't park on Main St. and they won't be able to park on Spring St.

Mrs. Deborah Hanny, proprietor of Jenny's Ice Cream, 78 E. Spring St., wanted to go on record as requesting the one hour parking. She feels it is imperative for the business. People park from Main St. down to the Mill all day long and people can't come in and out.

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Trustee Brenton stated with regard to when we had an officer who enforced our ordinances that was Officer Horey and we had excellent cooperation with the police department then. Officer Horey diligently policed the Village. Obviously we cannot find these people any longer, or the Chief does not have sufficient manpower. This Board should consider hiring someone to provide some type of service to the Village that would allow us to enforce our ordinances throughout the Village as far as parking is concerned. With respect to the illegal signs on Spring St. he would request the Superintendent of Public Works to make a note of them and remove them if they are in the right-of-way so there is no confusion.

ON MOTION by Trustee Schlifke, seconded by Trustee Gallagher, the hearing was closed at 8:19 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

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Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

The Clerk read the Notice of Hearing regarding adding Section 16.40(E) to the Fire Prevention Code.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 8:19 PM.

Unanimously carried.

Trustee Kibby said the proposed addition to the code reads: "Any person designated as an Enforcement Officer under Section 16.12 of this code is authorized to issue appearance tickets in case of violation of any State statute or regulation or any local law or regulation related to fire prevention and safety."

**PUBLIC
HEARING**

**Add Section
16.40 (E) to
Fire
Prevention
Code**

Trustee Kibby said it is the intent of the Village to be able to deal with problems in enforcement of issues related to building and construction, and signage, etc. on a basis where it doesn't require us to go through several enforcement meetings and writing several letters. It will simply say that the Building Inspector and Fire Inspector, along with the Fire Chief have the authority to issue a summons if they see construction going on without a permit, signs put up that are illegal, etc. They can bring it to the Village Justice on a given Friday morning. We'd like to put this particular law on the books and then at a later meeting we would vote on this law and then after that at another meeting we would designate one more person, other than the Building Inspector and Fire Chief, to be able to issue appearance tickets, and that would be the Fire Inspector.

Robert Bindert, 39 Garden Parkway, asked if this law would take away a person's right to a hearing. Trustee Kibby said no. Right now what happens is if say someone owns a store and they begin to put an addition on without a building permit the Building Inspector can go down and he can tell him to stop, he can give him a cease work order, but if the guy keeps working then in order for the Village to do

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anything about that the Building Inspector has to bring this to the attorneys - the Village Attorney and the Village Prosecutor - and they have to take this person to court. We have tried in the past to work with this by writing letters to say you are out of compliance, please come into compliance. This would still give the person his day in court, but that's where it will be - in court.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, the hearing was closed at 8:23 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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, June 10, 1985 at 7:52 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Richard Gallagher Trustees

Michael Kibby

Carolyn Schlifke

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:52 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the special meeting held May 24, 1985 for the purpose of acting on the sewer study completed by URS regarding the sanitary situation on Los Robles were approved.

Unanimously carried.

Mayor Kuzon said the next order of business was two public hearings.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 7:55 PM to open the public hearing regarding adding Section 60.32(6A) to the Traffic Code, relating to placing a time limit on parking on East Spring Street. (The hearing was closed at 8:19 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 8:19 PM to open the public hearing regarding adding Section 16.40(E) to the Fire Prevention Code, relating to enforcement of the code by Village officials. (The hearing was closed at 8:23 PM.)

Unanimously carried.

Mayor Kuzon said in the Village when something is to be demolished you have to have a permit. It is reviewed by the Building Inspector and the Village Attorney to make sure the application is correct and the insurance sufficient and other items that are relevant to the issue. The Mayor has to sign the permit. Most of the time it deals with garages or accessory structures. He said that we now have before us a demolition permit for 21 Highland Drive. This is at the rear of the Little White House and on the permit the owner of the building and of the Little White House, Mr. Salvatore, has indicated that his intention is to demolish the house and then apply for an Exceptional Development Permit to develop the lot, which is in a residential district, for parking for the restaurant. He wanted to make the public

aware of the proposal and the process that is involved.

Mayor Kuzon reported that the Village has received the engineer's report from URS for the sanitary and storm sewer investigation of the Los Robles and California neighborhoods. He reported briefly on the contents of the report. The report has been, and will continue to be available in the Clerk's Office. It has been determined that we will reserve the first portion under public participation at our next meeting specifically for comments on this report. The Village authorized URS to investigate the performance of the sanitary and storm sewers in that area. The investigation identified the reasons for these problems, the impact of any additional development on the area and the extent of rehabilitation which may be needed. There were meetings with the neighbors, field inspections, TV inspections, record research and surveys for the sewers. We have a report which summarizes their findings.

Mayor Kuzon said with respect to the sanitary sewers, the sewer along Los Robles St. was televised by the Town in April. There are approximately 870' of videotape. It reveals the following: Root penetration of pipe joints, a missing tile in one section of the pipe, and probably the most serious problems a dip in the line from 1' to 10' in the area of Milton Street, and a major dip 46' to 78' away from one manhole. There is also some pipe separation in that area as well as blockage caused by roots and grease buildup. It also revealed there are flatter slopes and dips in some sections of the line due to pipe settlement over the years. The most serious situation is the major dip and the breakage in a section of sewer near the Milton Street intersection.

With respect to capacity and flow he will not get into that this evening. He is not an engineer and doesn't feel he can explain or answer any questions which might be asked regarding this. The report is available. If anyone has a question on this they can ask him and he would go back to the engineer and follow-up on it.

Mayor Kuzon said with respect to the storm sewer it was investigated also. The area is drained by a 30" concrete pipe located between California Drive and the Conrail right-of-way. The main tributary to this pipe include a 24" sewer which serves Wellington Court and portions of California, an 18" tile sewer serving Pasadena, Los Robles and Milton, and a portion on California. There is also a 12" tile sewer serving a portion of California and Milton. The 30", 24" and 18" sewers were examined in detail in terms of capacity and design.

Mayor Kuzon said they did recommend alternatives to the situation. With respect to the sanitary sewers they recommended the excavation and replacement of a section of

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8" DPT, which is a tile pipe, and they recommended replacement of at least 110' from a point 40' south of one manhole to a point 150' from that manhole. This includes the section where the major depression is and the break. The board held a special meeting on May 24th to authorize URS to begin the preparation of specs so we can go to bid on this. The estimated cost for repair of 160' is calculated to be about \$16,000.

In terms of storm sewers, Mayor Kuzon reported that URS recommended improvements. First was installation of approximately 450' of 24" corrugated metal pipe between Los Robles and California, replacing a current 18" tile pipe. They also recommended installing about 375' of 25" metal pipe along California Dr. and Los Robles. A third recommendation is to install 850' of 24" pipe along the Conrail right-of-way. The pipe along California would keep the runoff from draining into the backyards east of Los Robles and west along Pasadena. The pipe running north and south along the backyards would be blocked off in this repair and be abandoned or removed. The 24" pipe would replace an existing 18" pipe running east-west between Los Robles and California, which pipe has a reverse flow in it. With proper bedding and grade control it would provide sufficient capacity for these areas. The total projected cost for the improvements except for the pipe running along the Conrail right-of-way is in the neighborhood of \$30,000. It was their recommendation for the installation of the 24" pipe along the Conrail right-of-way for a separate runoff to drain the Wellington Court area away from Los Robles and California and into a 30" pipe. Mayor Kuzon advised that the study is available in the Clerk's Office.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the amount of \$101,219.11 were approved as follows:

| | | |
|--------------------------|---------------|-----------------|
| Payroll Fund | W/E 5/29/85 | \$ 8,945.18 |
| | W/E 6/05/85 | <u>6,320.80</u> |
| Total Payroll Fund | | \$ 15,265.98 |
| General Fund | Abstract #586 | 45,393.77 |
| Sewer & Water Fund | Abstract #167 | 29,885.70 |
| Glen Park Jt. Activities | Abstract #106 | 3,640.00 |
| Federal Revenue Sharing | Abstract #171 | 1,150.61 |
| Trust & Agency Fund | Abstract #205 | <u>5,883.05</u> |
| Total Vouchers | | \$101,219.11 |

The larger vouchers were to Niagara Sanitation, Niagara Mohawk and M & T Bank.

Unanimously carried.

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Trustee Gallagher reported that the Youth Board had over 200 youngsters who attended the Fishing Derby on Saturday, June 8th. It was well organized and Dick Czechowicz, the Chairman, as well as Tom Lucia the Chairman of the Youth Board should be commended. The winners and other announcement will be in this week's Amherst Bee. The calendar of events for the Youth Board as far as sponsoring activities through the summer should be available at the end of this week and can be picked up in the Village office and it will also be distributed to various groups and organizations.

The Main St. planters will be delivered to the businesses the latter part of this week to help beautify Main St.

The Senior Citizens classes are winding down and there will be a luncheon next Tuesday at St. Paul's.

With respect to the Academy St. School, Trustee Gallagher reported that the vote was to sell the school and it is his understanding that negotiations are taking place between the School Board and Christian Central Academy. He hopes they are fruitful in as much as this Board and many other interested parties would like to see this building used for educational purposes.

Trustee Gallagher said the Williamsville Business Association sponsored a concert on June 5th at Island Park and they will be conducting three or four more during the summer. This concert was well received and perhaps next time it will be better publicized. We have a beautiful park and should use it.

On June 24th the pools will be open. Trustee Gallagher will be presenting to the Parks Committee a proposition that we, the Village people, take over S. Long St. next year for a co-ed Village softball league that would be sponsored by the businesses and do something for the social interaction of people living within the Village. Since we pay taxes for that park why not have the Village people use it.

There is one item of concern that was reviewed by the Parks Committee. That is the increased vandalism and disturbance to people living near the park. The youngsters that are frequenting the park are intoxicated and are scaring the kids away and some of the adults away. The Parks Committee has transferred some budget funds to security guards. They were working 4 PM to 9 PM and from last Friday are working, as they will through the summer, in Garrison and Island Parks from 9 PM to 2 AM. There will be a meeting with representatives of the Village Board, Village Office and Town of Amherst Police Department and all other interested parties to stop what is becoming a major problem. Someone was arrested last week for drinking in the park and there will be more arrests until eventually the kids get the message that we are not fooling around.

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ON MOTION by Trustee Gallagher, seconded by Trustee Schlifke, the following resolution was adopted:

RESOLVED that Duane R. Master, 105 Mill Street, be hired as a Seasonal Laborer in Glen Park from June 4, 1985 through October 31, 1985 at the rate of \$3.50 per hour and his salary to be paid from the Town of Amherst/Village of Williamsville Glen Park Joint Activities Fund.

APPOINTMENT
Seasonal Laborer
in Glen Park

Unanimously carried.

ON MOTION by Trustee Gallagher, seconded by Trustee Schlifke, the following resolution was adopted:

RESOLVED that Ann Hartinger, 90 North Cayuga Road, is hereby appointed to the Senior Citizens Committee until the end of the 1986-1987 official Village year.

APPOINTMENT
Sr. Citizens
Committee

Unanimously carried.

Trustee Kibby said that the Planning Board will be meeting on June 17th at 7:00 PM in the conference room to discuss the revision of our codes. That is a public meeting and anyone is welcome to attend.

Trustee Kibby reported that he had one resolution this evening.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the following resolution was presented:

RESOLVED that the R-2 parcel of land north of Wellington Court is hereby rezoned R-3M.

REZONING
Wellington Court
from R-2 to R-3M
proposed

Trustee Kibby said this issue has been discussed a number of times. He and the Board have received correspondence from a number of residents. At our work session tonight, which was open to the public, there were at least a dozen people there, as well as the proposed developer of this property. A number of issues came up relating basically to (1) the number of units that are proposed, (2) the question of the sanitary sewer situation, (3) the storm sewer situation, and (4) the setback from Cayuga Road. These were the four major concerns or questions.

Trustee Kibby said the number of units discussed were from 16 to 30, but focused basically on 23 to 28, or whether there should be any at all. There were questions dealing

with the sanitary sewer and their alternatives for sanitary sewerage other than Los Robles. A number of suggestions were made for the sanitary, and also for the storm sewers. The new storm sewer that URS recommended run along the Conrail property, they also recommended be paid for by the developer. There may be alternatives to that particular route but we don't know at the moment. There was also the question of the setback from Cayuga. If there is some way the number of units in the project could be reduced by four or six could the buildings be reorganized into different sorts of clusters so that the closest building would be even further back from Cayuga. He said he doesn't feel that this motion is ready for a vote tonight but it needed to be put on the agenda so the matter could be discussed. He will later be offering a motion to table this resolution based on the four things he mentioned before. If he offers this motion to table now then we can't discuss it.

PROPOSED
REZONING OF
WELLINGTON
COURT
FROM R-2 to
R-3M

Discussed

Trustee Gallagher said everyone who was in the conference room is aware of his position. There are a lot of issues involved here and he has done a lot of homework on this issue. He will vote "no" on the rezoning and would like to see the property continue to remain as it is, for single family development. This Village should be balanced throughout in respect to the type of development and type of population. He believes in this area it has that balance as is and that we need the development of single family homes to balance the population to what this Village was made of and is made of, a number of individuals who are young and old. One of his colleagues said a "no" vote is an easy decision because there are not that many people out there saying that they're going to oppose a "no" vote. When he weighed that out you do get less taxes, you do have more children and you do have more traffic, but he thinks we're going to need that in the Village when you look at what happened to the school and the Little League having to merge. It's nothing against the ownership. The quality of the ownership of Wellington Village is excellent.

Trustee Schlifke said she feels the resolution as read doesn't cover enough areas. It's too restrictive, or perhaps it's not restrictive enough. A rezoning of this type, where most of the Board are not in favor of some of the aspects of the project, needs to have conditions attached to it. Until we can come up with these conditions she doesn't feel she can speak one way or another. She has thought about this issue and done a lot of research on it. With respect to the traffic situation, Cayuga is a through route to the Kensington Expressway. She lives on Evans across from the Drexel Hill Apartments and worried about

traffic and property values when that was built. She has found that Drexel Hill generated less traffic than the single family homes there. She has nothing against single family homes. What she is trying to look at is what you could get with single family homes.

PROPOSED
REZONING OF
WELLINGTON

Trustee Schlifke said probably the biggest problem she felt was the sewers. She doesn't know if we can rely on the sewer problem being solved. It may take a few years to be sure there's no problem in that particular area. But then again you could solve this problem and another one would crop up in another area. She thinks where the sewage and storm waters go is something that has to be a condition of the rezoning. She feels single family homes have more of an impact on the sanitary sewers than townhouses do based on the number of people in the homes, showers, dishwasher use, washing clothes. One resident thought the land should stay as it is, a vacant lot. Fields are nice to look at but in today's market you can't expect a lot to remain vacant. Comments have been made that this Board is only thinking of increased revenue for the Village. Any time this has been discussed she has never once heard anyone on the Board discuss the subject of tax revenue from townhouses compared with that from single family homes. The large areas like Houston, Dallas and Key Biscayne cannot be compared to our community with respect to what is happening with townhouses and condominiums. She works in real estate and knows that around here these units do not stay on the market very long.

COURT
FROM R-2
to R-3M
Discussed
(Con't)

With respect to the Cayuga road setback, Trustee Schlifke said the existing homes on Cayuga all sit back from the roadway with attractive front yards and she would like to see that same setback here. She thinks the setback proposed on the drawings is probably adequate and could be made quite attractive, much more so than the setback for single family homes, which is only 25'. The developer would have to make the area attractive in order to receive the price she wants for the townhouses. She could go with 28 units, but would rather see 26. Single family homes would only have the 25' setback and be on minimal size lots and be in the \$60,000 price range. She wants to see conditions attached to any rezoning and thinks the resolution should be tabled at the present time.

Trustee Brenton said Mr. and Mrs. Gustafson were present at our work session. They were questioned as to what they could accept as to the number of units and Mrs. Gustafson felt they could go no lower than 28. In order to move this thing along he had suggested, in that Trustee Gallagher had already indicated his lack of support for this project, that it would be best for the situation to present the resolution as it was with some modification because he could not support it with that number of units. He thinks we are now engaged in reevaluating the situation and he thinks this

is why we have deviated from what we promised we would do tonight. We had previously told the public that we would make our decision tonight. We have now entered an area where we are investigating alternatives to the number of units - which he has a great deal of concern with - storm drainage (which URS included in their report and which he has concern with the Village bearing the cost of), there is a concern over sanitary sewers (and he feels the sewers will be able to handle either townhouses or single family homes once the area is repaired). He thinks the Board, with the exception of Trustee Gallagher, is ready to listen to further proposals, at least he certainly is, regarding this development. He wanted to go on record as not being particularly concerned with the type of revenue generated from either single family homes or townhouses of an expensive nature.

PROPOSED
REZONING
OF

WELLINGTON
COURT
FROM R-2 to
R-3M
discussed

Trustee Brenton said he does have a concern over the amount of property that is available for single family development and the value of that property and the value of the home that would be built on it. Unless he misreads the market he would be inclined to think single family homes built there would be of a lesser nature than the value of a condominium as proposed. There are single family homes presently going up on Lynhurst in the neighborhood of Richfield. He would suggest that the opponents of this development view these homes and determine if they would like to take that chance of having that type of home - and he doesn't mean it in a derogatory way - situated approximately 25' from Cayuga Road, which is their allowable setback. He thinks you should think about the alternatives.

(Con't)

Trustee Kibby said the only alternative would be to amend this motion and stipulate exactly what kinds of restrictions and so forth we want to put on it, but he doesn't think we're ready to do that. He agrees with just about everything Trustee Brenton said except the question of promising the people that we would vote on this tonight. We promised to discuss it and it was said at the last meeting that it could be tabled. The fact that this is a public board and has to operate in the public means that we were not able to work with the developer since our last meeting, until tonight's work session. We have to work in public. It was a public work session. The thing that strikes him as most relevant in general here is the alternative. He feels there are two basic alternatives. The owner of the property can continue to do what he has done with the property in the past which is nothing, which is what many people would like. The other alternative is that the 17 lots that are designated on the county map and are legal will be sold to someone who will develop houses on the property, which means that the Village will have lost any potential to work out a compromise with the present developer, because whoever buys that property can just put the houses up and run the sewers to Los Robles and run the storm sewers into California. If we do nothing we lose the opportunity

to negotiate and perhaps work this out. He thinks we should table this and talk to Mrs. Gustafson and then come back and find out if she can say 'yes' or 'no' to the questions and vote accordingly.

Trustee Gallagher asked if the sanitary and storm sewers for the whole development piece were done in 1972. Mayor Kuzon said it is his understanding that they were built to handle future flow from future development. If that was done for townhouses or single family, Trustee Gallagher asked why there was a problem with the sewers there now. Trustee Kibby said in the process of the developer asking for a change in the zoning we might be able to change the sewer situation there. The sewers in the Wellington Court area are not the problem. It's what they carry downstream to Los Robles and California where the problem in the sewer is. We can maybe get around those problems by asking that they carry those problems somewhere else. Trustee Kibby said someone could buy that property and put up 17 houses, meet the ordinances, not come to this Board at all, get building inspector approval and tap their lines in where the sewers presently are. We could do nothing about it. Trustee Gallagher said by saying we can't do anything about it, how does that impact on what we're attempting to do with the sewer situation on Los Robles, California, etc. Trustee Kibby said according to the report the sanitary problems will be taken care of by repairing the section of sanitary sewer. But if they want to tap into the storm sewer, even though our experts have told us we ought not do that, that they ought to carry that storm drainage down Conrail he doesn't see any particular way we can require them to do it. But there may be. Trustee Brenton said the original developer provided the necessary sewers for the developed apartment, now condominium complex that is there now and there were reports from an engineering firm that said the adjacent facilities would accommodate this increased flow. The neighbors in the California-Los Robles area came to us and said they have a sewer problem and that they thought if we allowed this flow to enter into their system the increased flow from the new development would greatly exacerbate the problems. We had a study done and the engineering firm did report there was a sewer problem and that a section has to be replaced. And we are going to rectify the situation. Now we're at the point where will any development affect the sanitary sewer flow on Los Robles and we have the engineer's opinion that it will not. He said the engineering firm has also reported that our storm sewer will not be able to accommodate the increased runoff so that we are then forced to negotiate with the developer for some type of relief.

PROPOSED
REZONING
OF

WELLINGTON
COURT

FROM R-2
to R-3M

Discussed

(Con't)

Mayor Kuzon advised the residents in the audience that since this matter is evidently going to be tabled we will leave further discussion of it until public participation.

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ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the following motion was presented:

WHEREAS there is a question on the part of the Village Trustees regarding (1) the number of units of the proposed project, (2) the sanitary sewers, (3) the storm sewers, and (4) the setback from Cayuga,

PROPOSED REZONING
OF WELLINGTON
COURT FROM
R-2 to
R-3M

NOW, BE IT RESOLVED that this motion is tabled.

TABLED

Vote on Roll Call: Trustee Brenton - Yes
Trustee Kibby - Yes
Trustee Schlifke - Yes
Trustee Gallagher - No
Mayor Kuzon - Yes

Yes - 4; Noes - 1.

Carried.

Trustee Schlifke said she had no report, but one resolution.

ON MOTION by Trustee Schlifke, seconded by Trustee Kibby, the following resolution was adopted:

RESOLVED that Peter Tuyn, 136 Oakgrove Drive, is hereby appointed to the Traffic and Safety Committee until the end of the 1985-1986 official Village year.

APPOINTMENT

Traffic and
Safety Committee

Unanimously carried.

Trustee Brenton reported he has requested the Superintendent of Public Works to advise him, as he had, concerning a specific sewer failure on Mill Street and Milton Street. The Superintendent will input with URS in order to perhaps have those two minor areas put in with the bids for the Los Robles work so we can get that done under the competitive bid process which generally is much cheaper than emergency work once they are blocked up.

Trustee Brenton said residents in the area of Creek Road have expressed a great deal of concern regarding the condition of the road. We are totally aware of the situation. We have employed a firm to develop the specifications for the reconstruction of that road. It is a slow process. If the reconstruction is completed by the 1st to the 15th of September we will be very fortunate. It is a small job and it is difficult to get these engineering firms away from their large projects to devote manpower to a smaller project like this.

Trustee Brenton said he has discussed and received correspondence from the Pitometer Corp. which he was prepared to submit to the Board. This firm tests for water leaks within a municipality. Our only water man, Don Dehn, has advised him that this would be ill-advised. The reason for considering Pitometer for this work is that Mr. Dehn has been off sick for two weeks and we have noticed an increase in our unaccounted

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for water loss which means we have a significant leakage. Mr. Dehn tests for water leaks at night. However, Mr. Dehn has advised that he will be back to work in a few days so hiring Pitometer will not be necessary.

Trustee Brenton said the Village has received the appraisal value for the vacant lot it owns. We will be preparing to offer that lot for sale. He would think that we will simply call for public bids in our official newspaper. He is waiting for the Superintendent to advise him as to whether or not the easement for a storm line on that lot meets with his approval so can work on that line if we have to.

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

APPOINTMENT

RESOLVED that the Village of Williamsville acting as the Fire Commissioners of the Williamsville Fire Department hereby approves the following as firemen in the Williamsville Fire Department:

Firemen

| | | |
|-----------------|-------------------|-------------------------|
| Chris S. Petrie | 176 S. Union Road | new appointment |
| William Wutz | 3 Hillside Drive | return to active status |

Unanimously carried.

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

AUTHORIZATION

RESOLVED that D. Anthony Schueckler, Jr. and James D. Olivieri be authorized to attend the New York State Chiefs Conference at the Concord Hotel June 16-19, 1985 and the costs, not to exceed \$400.00 each, to be paid by the Village of Williamsville.

Firemen to attend NYS Chiefs Conference

Unanimously carried.

Trustee Brenton said his third resolution appoints seasonal laborers in the Department of Public Works. There is a difference in the pay rate because one had worked in the D.P.W. last year and is paid more as a returning employee. He requested that the DPW Superintendent monitor the employees' allowable time to work so that we don't exceed it.

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

APPOINTMENTS

RESOLVED that the following are appointed Seasonal laborers in the Department of Public Works for the period and rates

Seasonal laborers in DPW

specified:

Louis Friedly from May 29 - September 10, 1985 - \$3.75 per hour

Richard Maddigan from June 11 - September 24, 1985 - \$3.50 per hour

Unanimously carried.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for one (1) 4-wheel Drive Dump Truck with Plow (4X4). Bids to be opened on July 8, 1985 at 10:00 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and trade-in allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR BIDS

One 4-wheel Drive
Dump Truck with
plow (4X4)

Unanimously carried.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for one (1) 1985 Single Axle Diesel Dump Truck, Chassis and Cab only. Bids to be opened on July 8, 1985 at 10:30 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and

ADVERTISE FOR BIDS

One 1985 Single
Axle Diesel
Dump Truck,
Chassis and Cab
only

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all alternate bids and tradein allowance, if any, and present such bids to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

Unanimously carried.

Trustee Brenton advised his sixth resolution deals with the Mayor signing an agreement with Hutchinson Hose Company. He felt it was necessary to put this on the agenda for discussion since the Board has not seemed to have time to discuss it in our work sessions. It relates to an agreement for use of the new facilities they will occupy in the former courthouse.

ON MOTION by Trustee Brenton, seconded by Trustee Gallagher, the following resolution was presented:

RESOLVED that the Mayor is hereby authorized to sign an agreement with the Hutchinson Hose Company, Inc. and Williamsville Exempt Firemen's Association, Inc. for the lease of certain portions of 5565 Main Street upon the Village's purchase of that piece of property from the Town of Amherst.

AUTHORIZATION

Mayor to sign agreement with Hutchinson Hose Company

PROPOSED

Trustee Gallagher said there are concerns related to the agreement. He suggested the motion be amended. Discussion is long overdue on this. It should have been handled more expeditiously. We should really discuss this at our work session and then put it on the agenda for action at our June 24th meeting.

Trustee Brenton said we should let the firemen know what our concerns are so they can be addressed. He also suggested that Mr. Troy and the fire department's attorney meet regarding this.

Trustee Schlifke said she had only received the lease this past week and has some reservations on it. She understands the lease is the same as we now have with them. We are talking about two different buildings. She doesn't feel she has had sufficient time to review this. We won't be going into the building immediately.

Trustee Brenton said the firemen know these things take time and that's why they came in with it early. We have to have some type of agreement. They had requested 11 parking spaces, which was of concern to him. We have reduced the number to nine by moving the two handicapped spaces to the front of the proposed Village portion of the building. The Fire Department may want to go back to eleven but he feels uncomfortable with that.

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Fire Chief Schueckler said he would like to know the Board's concerns. Whatever is done has to go back to the membership for approval. they don't feel their lease changes because they are changing buildings.

Trustee Kibby said there are some blanks in section four. They should perhaps be filled in before this is signed. So we know what plans we have to pay for and they know what they're going to get. He knows they are working on this. A question he also has is that he doesn't now what warrant means and he's like to discuss that. He also has a general question regarding the easement we have to get to the back of the building and to give the fireman room to move around in the back. Another question is on Section 4A with respect to exclusive use and control. He thinks the word control should be enough. They control the use. The next phrase should be changed accordingly. Trustee Gallagher and Trustee Schlifke also agreed there were concerns regarding that wording.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to table the motion.

AGREEMENT WITH
HUTCHINSON
HOSE CO.
TABLED

Unanimously carried.

Trustee Brenton said his next resolution deals with purchasing a vehicle from the Town of Amherst that will basically replace a vehicle being used in the DPW. The vehicle being replaced is a van-type truck which has been here a long time and which was handed to the Village by the Fire Department and they had used it for a long time also. The relatively new truck being used presently by the Superintendent of Public Works will be placed into general service in place of the van and the Superintendent will then utilize the new, used vehicle for his daily needs within the department. It will also be utilized by the Mayor, the Clerk or any Village Trustee that wants to use a Village vehicle to go to some official function. We had a vehicle like this once before. It wore out on us. This is a used vehicle in good condition. In five years from now if a Board says we need a another vehicle and lets go out and buy a \$15,000 village vehicle that's not the intent of this. We do not need to spend this kind of money. He would hope when this vehicle wears out they will go back to the Town and buy another cheap vehicle with four brand new tires on it for \$800.

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

RESOLVED that the Village of Williamsville Department of Public Works is hereby authorized to purchase one 1979 Chevrolet 4-door Stationwagon from the Town of Amherst for \$800.00

AUTHORIZATION
DPW to purchase
used 1979 Chevrolet
from Town of Amherst

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Trustee Kibby said he would vote for this. It's the last vehicle he's buying for the D.P.W. for a long time and he's sure he's not the only one with that feeling. Trustee Brenton said we are replacing a vehicle with this one and the one we're replacing was due for \$500 in repair work.

Vote on Roll Call: Trustee Gallagher - No.
Trustee Kibby - Yes
Trustee Schlifke - Yes
Trustee Brenton - Yes
Mayor Kuzon - While it appears to be an easy decision to buy a used vehicle for the D.P.W. he has a major concern of setting a precedent. He is going to vote no, but it is not a vote against Phil and his work on this matter. No.

Yes - 3; Noes - 2.

Carried.

Superintendent of Public Works Boudreau reported on changes in the trash pick-up service. Mayor Kuzon advised that a calendar was sent out with the tax bills, which also indicated the dates for committee meetings, Village Board meeting dates and other useful information.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved to suspend the rules for public participation.

Unanimously carried.

Charles Rizzone, 136 Los Robles, presented a statement to the Board relative to the sewers and the rezoning and commenting on what constitutes the quality of life in the Village. He said he was happy to see the rezoning being tabled and that the board is not rushing this through. He thanked the Board for the opportunity to have input on this.

Larry Felser, 236 S. Cayuga, spoke regarding single family homes in the \$60,000 range and that Trustee Brenton is using the worst possible scenario in describing this type of housing. What would prevent a developer from wanting to build say \$100,000 homes, comparable to what is on S. Cayuga now. Trustee Gallagher asked if Mr. Felser was saying that homes in the \$60,000 range would not be in the best interest of that area. Mr. Felser said no. He just feels more expensive homes could be built there. Trustee Brenton said what he meant by going up and seeing the homes for \$60,000 on Lynhurst was that you could then see what the value was of a home as it equates to \$60,000. He is not sure you could have a house commensurate with the houses on Cayuga. There is a historic nature to those houses and a significant lot size that goes with them.

To: The Village Board of Williamsville

From: Charles Rizzone

Re: Rezoning of Wellington Court

Date: June 10, 1985

Tonight's meeting continues a long process of discussion and exchange of information between the people and the elected officials of the Village of Williamsville. For several months now you have patiently and politely listened to the people of South Central Williamsville as they described to you some of their long standing problems and concerns. I personally thank you for the opportunity to do this.

What problems are we talking about? Have they diminished or ceased? In March we came to you and stated we had problems with the sewers in our area. The URS engineering report confirmed this. In March we said that our sanitary sewer had a root intrusion problem and was in need of repair. The URS report confirmed this and the Village Board recognizing this fact, has commissioned a URS study to fix a portion of the sanitary sewer on Los Robles. In March we stated that our storm sewers running through our backyards, were on the surface, cracked and leaking. The URS report confirmed this and proposed specific recommendations to remedy the situation. Today we await the Village Board's response to these recommendations. We hope that the Board will address the storm sewer problems and recommend satisfactory solutions. Until such time that both problems are dealt with, I am opposed to high density development of the Wellington area. This I believe, is not an unreasonable demand but a prudent and just request. One that asks you to recognize an existing problem in order to avoid possible problems and liabilities in the future.

There is another matter which bears attention tonight. How will your decision affect the quality of life in the village in the future? What do we mean by the quality of life? More important, what is it worth? For me quality of life means preserving wherever possible, the unique cultural, architectural and environmental characteristics of our village. For me quality of life translates into a simpler more enriching, qualitative not quantitative life style. A life style that is unique and priceless in today's world. I was encouraged to read in the Buffalo News dated June 5, 1985 that a Trustee of the Board, Mr. Brenton and a village department head, Mr. Boudreau were cited for their "generous cooperation" concerning an effort to protect and preserve a pair of great horn-owls that nested in Island Park. What was it that attracted these rare owls to the village? Was it our expanding tax base? Our uniform building codes? Our proportion of single family homes to high density structures? I dare say it was the quiet green space of the village that brought these visitors here. But will they come again and more important should we preserve in the nearby neighborhoods open spaces for such creatures? The owl after all is part of a master plan that goes beyond any devised by man. This is how I measure the quality of life. This also is why I believe we should not develop in South Central Williamsville.

In conclusion, I am amazed at the rapidity with which motions are proposed seconded and carried. Tonight, I ask a favor. Before voting on this issue could each of you briefly give us your reasons for voting one way or another on the rezoning of Wellington Court. I am curious and would be most appreciative of this information. Once again I thank you.

Charles Byrne

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Trustee Brenton says you have to consider the worse scenario when you are considering all the alternatives. Mr. Felser said he thinks fine homes could be put on those lots.

Mrs. Margareta Gustafson, Benmar Development, said that in the work session the number of units were discussed. She said they could not commit themselves yet to a specific number until the Board presents them options with respect to the sanitary and storm sewers and what their responsibility would be in this regard. She would like to meet with the Board and discuss these issues so they know exactly what the options are and go from there and do their calculations. Benmar does not yet own the lots in question. They have a contract with an option to buy, upon getting the rezoning. If she and the Board cannot come to terms they will not buy the land. Mr. Berryman wants to sell the land. It's really irrelevant to Mr. Berryman to whom he sells it. Seventeen homes could be built there and they feel 17 is not that far away from the number of units they are asking for. There is already a double house on the property. If you consider the land as it is sitting there right now, the grass is knee-high. Everyone wants open land, but who is going to take care of it. Up to now Wellington Village has taken on the expense of cutting the grass. They are not doing that right now and the land is a pretty sad sight and certainly is of no pleasure to anyone living around there. Of the 150 people signing the petition only four parties are bordering on the land, whereas there are 54 homeowners right across the street that will be very much affected by what is built. She feels the Village can be proud of Wellington Village. They feel they can make that dead end street into something nice that everyone can enjoy. Many of the people living at Wellington Village came from the village and the surrounding area. The area appeals to people who are already in the Village.

Robert Bindert, 39 Garden Parkway, asked regarding the clean-up of the Conrail property. He asked if Mr. Troy had given an opinion yet on the use of our land by International Chimney. Trustee Kibby said Mr. Troy was not asked to look into the situation in terms of their using our land, but in terms of what we as landlords for the leased portion of the land may require of all the corporations, but particularly International Chimney. But Trustee Kibby said that Mr. Bindert's question dealt with the property they haven't leased, but are using. He advised that a letter has been drafted to be sent to them probably tomorrow. He has called twice and will have an appointment with the Manager down there to get them to clean it up. He has indicated in the letter that they have until around July 10th, at which time the Building Inspector will examine the property that is ours. What is their's is still up in the air.

Mr. Matt Bierl, Jr., 146 Los Robles, had a question on when the 17 lots were decided on many years ago was it decided that eventually this drainage would go into their sewers. He asked if it could be reversed. Shouldn't it be considered now whether both the storm and sanitary lines should go down the Conrail property. Mayor Kuzon said it was probably decided in 1972. Mr. Troy said the engineers must have assessed the situation and decided that the existing systeme which services Los Robles could carry the excess from the new development. With respect to the problems of those sewers they are addressed in the report and if the system is repaired it would be able to carry this without any problem. There was further discussion regarding whether the sewage could, or could not be handled by the sewer and whether the storm and sanitary could both be changed, and the fact that if 17 houses were built they could hook in and we could not negotiate this. The information was brought out that after annexation the Town had tiled the railroad ditch, due to problems in that area at that time. Thomas Murray, 240 S. Cayuga Road, said he felt the discussion tonight had been very beneficial. Mr. Murray said there might be other options between the townhouses and 17 single family homes that might develop and perhaps other proposals could come forth, or other developers, and those plans would be far more acceptable. He thinks looking at it closely, slowly and carefully is good.

Mrs. Chris Greene, 139 Los Robles, said the Board seems to be saying that they can change the zoning that put the 17 homes there years ago, but that they can't change the decision made years ago for the sewage and drainage to go into Los Robles. Mr. Troy said when you give somebody a right it is hard to take it away. It's easy to pass legislation or local laws which enhance the rights of people, to give them something more. It's difficult to take something away because they've invested time and energy and they have certain rights, legal rights, in the condition and they're entitled to have that condition maintained, not to be diminished. Mr. Troy said the existing sewer system that is there he would assume is designed to serve the 17 lots. Therefore, they have met the standards that have been established. Mrs. Greene asked if we don't think the sewers can handle it, can't we amend it. Mr. Troy said that would be a matter for the County Health Department, not us. Mrs. Greene said her home is one she doesn't feel she could get \$60,000 for and it is lovely. Trustee Kibby said \$60,000 to buy a house the age of her house is a lot different than \$60,000 to build a brand new house. \$60,000 wouldn't build that kind of house today.

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Richard Hill, 18 Brookside Drive, asked if any date had been set for the repaving of Brookside. Trustee Brenton said the agenda had not been finalized yet as far as what will be done when. We have to see how far the budget stretches. They should be doing that this week. He thinks Brookside is in better shape than some of the others, which is not to say Brookside is not going to be paved. More than likely it will be. Mr.Hill said this should be done as it has been let go year after year.

Mr.Hill also asked if this Board could restrict the actions of a board 5 or 10 years from now. Mayor Kuzon said the attorney has always advised him that no, we can adopt procedures and local laws but that is not to say that a Board sitting in the future can't revise, amend or change in any way the things done in our tenure. Mayor Kuzon also said that he believes Brookside was in the budget. We are aware that we are going to spend money beyond what was budgeted.

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

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the meeting was adjourend at 10:37 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer