

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, June 27, 1988 at 7:35 P.M.

Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

David Laubisch, Supt. of Public Works

The Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would revise sections 7.00—7.30 of the Village Building Code.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, the public hearing was opened at 7:35 P.M.

Unanimously carried.

Trustee Kibby stated this public hearing covers the proposed revision of one of our more important sections of the Village code. They cover the process by which building permits are approved or denied. Copies of the proposal are available at the Village Clerk's office.

No one from the audience spoke in favor of or against this proposed revision.

Mayor Brenton commended the effort that Trustee Kibby, the Building Department and Attorney have put into this revision.

ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the public hearing was closed at 7:40 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk-Treasurer

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Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:32 P.M.

The Board and audience observed a moment of silence in honor of the the Mayor's late wife who had been active on a number of Village Committees.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to approve the minutes of the regular Board meeting held on May 23, 1988.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved to approve the minutes of the public hearing on the proposed zoning of the Village Glen Tennis and Fitness Center held May 23, 1988.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to approve the minutes of the public hearing on a proposed local law to add Section 60.40(16A) to the Traffic Code held May 23, 1988.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved at 7:35 P.M. to open a public hearing on a proposed local law which would revise Section 7.00—7.30 of the Building Code. (The public hearing was closed at 7:40 P.M.)

Unanimously carried.

Mayor Brenton reported the auditors from New York State Department of Audit and Control have been auditing the Village for several months and will be conducting an exit interview tomorrow at the completion of their audit. He also reported that the sidewalk program is continuing with the funds the Village has budgeted. It appears now that we may be able to do even more than was anticipated since we will have a budgetary surplus in another area. Therefore we will perhaps be doing more streets than previously announced.

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ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, vouchers in the amount of \$261,607.09 covering May 23, 1988 thru June 13, 1988 were approved:

payroll fund w/e 5/25/88		\$ 18,587.28
6/8/88		15,008.90
	* subtotal *	33,596.18
General Fund	# 657	141,097.20
Sewer & Water Fund	# 237	24,333.63
Trust & Agency Fund	# 274	41,129.90
Glen Park Jt. Activities Fund	# 174	1,032.75
Capital Fund	# 196	20,417.43
	* Grand Total *	\$261,607.09

Large vouchers were for Niagara Mohawk, J & I Disposal, Computer Resolution and URS Company.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the amount of \$237,845.58 covering June 14, 1988 thru June 27, 1988 were approved:

payroll fund w/e 6/22/88		\$ 20,056.12
	* subtotal *	20,056.12
General Fund	# 658	149,480.25
Sewer & Water Fund	# 238	58,123.23
Trust & Agency Fund	# 275	3,081.43
Glen Park Jt. Activities Fund	# 175	159.31
Capital Fund	# 197	6,845.24
	* Grand Total *	\$237,845.58

Large vouchers were for URS Company, Erie County Water Authority and Professional Security.

Unanimously carried.

Mayor Brenton stated that we have gone to the competitive bid process for the replacement of Waterlines on Reist Street and have a low bid for this project. However, there are some questions regarding the low bid and therefore we have determined that it is in the best interest of the Village not to accept any of the bids. We are therefore rejecting all bids and will be rebidding the project.

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

RESOLVED THAT the bids received on June 17, 1988 at 2:00 P.M. for the Reist Street Waterline and Main Street Valves are hereby rejected.

Roll call vote - Trustee Kibby, No; Trustee Sweeney, Yes; Trustee Schlifke, Yes; Trustee Bindert, Yes; Mayor Brenton, Yes;

Carried - Ayes (4); Noes (1)

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

RESOLVED THAT the Village Clerk re-advertise for sealed bids for Reist Street Waterline Replacement and Main Street Valve Replacement. Bids to be opened in the Village Clerk's office, 5565 Main Street, Williamsville, New York at 2:00 P.M. on July 15, 1988 under the terms of the standard bidding resolution.

Unanimously carried

Mayor Brenton reported that a Consortium of various communities have been organized in the Western New York area dealing with municipal disposal of solid waste. We are joining this consortium through the following resolution:

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

RESOLVED THAT the Village of Williamsville is authorized to join the Northeast Solid Waste Committee and pay the Association dues of \$1,300.00.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to suspend rules to consider a resolution not previously on the agenda.

Unanimously carried.

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

RESOLVED THAT Amy Rosen, 4303 #8 Chestnut Ridge Road, Amherst, New York, is hereby appointed Legal Assistant/Part Time in the Village Court, effective June 29, 1988 at a rate of \$6.00 per

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hour for the purpose of analyzing and recommending the disposition of a backlog of court cases from 1976 thru 1984.

Unanimously carried.

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

Unanimously carried.

Trustee Bindert reported that effective July 18th, the Enhanced 911 system will go into effect in the Village so Village residents will only have to dial 911 to get the fire department or police. He also reported on the activities of the Youth and Recreation Committee for the summer which started with the Fishing Derby. Other activities during the summer will include rodeos during Old Home Days, family night out in Island Park, kids nature day at Glen Park, a stuffed animal picnic in Island Park and a clown around day in Island Park.

CN MOTION by Trustee Bindert, seconded by Trustee Sweeney, the following resolution was adopted:

RESOLVED THAT Local Law #9-1988 - Adding Section 60.40(16A) to the Traffic Code, which provides for a stop sign on Hillside Drive at Glen Avenue Extension, and which was the subject of a public hearing on May 23, 1988, is hereby adopted.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Schlifke, it was moved to consider a resolution not listed on the agenda.

Unanimously carried.

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

RESOLVED THAT Keli Ann Garas, 153 Royal Parkway West and Holly A. Langenfeld, 394 Cadman Drive are hereby appointed Flower Caretakers from June 27, 1988 until August 31, 1988 at a rate of \$3.75 per hour.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Kibby, it was moved to return to the regular agenda.

Unanimously carried.

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

RESOLVED THAT the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville at 7:30 P.M. on July 25, 1988 for the purpose of hearing all those interested in discussing changes to the Village Code as follows:

1. Repeal entire Section 7.00-7.30 Present Building Code
2. Repeal Section 70.210C of the Zoning Code pertaining to off-street parking for contiguous commercial districts.
3. Repeal Section 70.112 of the Zoning Code pertaining to Exceptional Development
4. Amend Section 70.161 concerning approval of Building Permits

Unanimously carried.

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

RESOLVED, that those premises annexed to the Village of Williamsville by action of the Village Board on April 11, 1988, (a description of which is attached hereto, designated Schedule A, and made part of these minutes,) are hereby declared to be, for purposes of Article 70 of the Village Code, Zoned as C-1 Commercial District and as such shall hereafter be subject to those sections of said Article 70 which regulate uses in a C-1 Commercial District, and it is further

RESOLVED, that the Zoning Map of the Village of Williamsville shall be amended to reflect such annexation and the designation of said premises for zoning purposes as a C-1 Commercial District, and it is further

RESOLVED, that the Official Village Map heretofore adopted by the Village Board under authority of Section 7-724 of the New York Village Law shall also be amended to reflect such annexation.

Trustee Bindert stated he lives on Garden Parkway which recently was zoned residential and he knows what it is to live next to commercial buildings. In a residential area, if you annoy your neighbor you may play your radio too loud or cut your grass when someone is trying to sleep at best, but when you have a commercial

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building adjoining you, there is a constant flow of traffic at the very least. There is a noise problem that is not experienced with regular residences. This situation was created several years ago and we have a resolution before us to give them a commercial zoning. The Board has received a memo from the Village Attorney that stated that once the property was annexed, the Board was almost forced because of previous court cases to give them the C-1 rating. He feels that as a trustee he does not have to be a rubber stamp to previous legal decisions. He feels he has his own mind and he does not feel this is fair to the residents. He feels they probably don't have the votes to stop it, but perhaps the owner of the Village Glen Fitness and Tennis Center will take this show of strength here and realize that any expansion he has down there is an infringement upon the rights of the residents in the area. He did not say the owners do not have a right to expand, but they should be careful. He likened it to his sleeping on a couch with his three year old child. Everytime he twists and turns he better be careful he does not crush the child. Trustee Bindert stated he is not going to vote for this and they tried a number of things. One was to come up with a "super majority". Trustee Bindert said Trustee Sweeney asked Attorney Troy if a 3/4 vote of the Board might be needed because 20% of the people were against this. According to the lawyer's report, this does not apply in an annexation.

Trustee Sweeney stated he is of a similar opinion that the C-1 designation proposed is not an appropriate designation for this property. While he believes that the Village Glen does provide an asset to the community and that the recreational use of the area is of benefit to the community, generally, the designation of "commercial" is inappropriate. It opens the door for further high intensity use. It opens the door for what he feels is a totally unacceptable development of federally regulated and protected wetlands by upgrading the development potential from residential to commercial. He feels, whether or not the zoning is entirely appropriate, there are limitations of the existing Village Zoning Code we have to live with. He thinks the designation of C-1 is unacceptable in that area. The owners of the Village Glen have made a profit from that property by use of the residential zoning designation that property had when it was in the Town and he further thinks a designation other than commercial would help curtail further expansion of this commercial district or other commercial districts into existing developed residential areas. Again, Trustee Bindert mentioned the problem of the vote. He will not belabor the point.

Trustee Schlifke stated that before she casts her vote tonight, she would like to make it very clear that this is

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her vote. She made no campaign promises when she ran for office. She does not belong to a political party. She ran as an independent person and she was elected she hopes by citizens who voted for her as an individual. She knows it is difficult to rationalize when something is proposed in your own neighborhood. The three things that have come out in the newspapers and letters that she has received copies of are that people were concerned with noise, the appearance of the building and the traffic. Where Trustee Bindert lives you don't get much noise from neighbors. But if you live in a neighborhood where you have backyard pools, you can plan on four or five pool parties a year with the noise of people screaming, music going on until midnight, and trying to be a good neighbor, you either close the windows and suffocate or you call the Amherst police which embarrasses your neighbor. So noise is one thing that, whether it be commercial or residential, we all have to live with at one time or another. As far as outdoor functions which create noise in a commercial district, she has gone on record that the functions that are planned by the Village Glen, she is not in favor of them being held in their parking lots. The Village has Island Park which she thinks is a more suitable place for this type of function. She has been told this is not feasible to hold this type of function after the walk or run in Island Park. She thinks anything is feasible if you make the effort. Trustee Schlifke stated she does not issue the permits for such functions. These are issued by the Mayor, so questions issued in that respect should be addressed to Mayor Brenton.

As far as the appearance of the building, Trustee Schlifke stated this is not the most desirable looking building in the world. The owner has not been a good neighbor and he has dumped some of this trash and waste within view of your back yards. We have an excellent garbage system here in the Village of Williamsville and there is no excuse for it. It would certainly behoove Mr. Haney to listen to your complaints and do what he can to clean up the area to make it more attractive so when you view it, you are looking at something that perhaps he would like to look at if he lived on Mill Street.

Traffic is a problem throughout the Village. Trustee Schlifke stated she lives on Evans Street and no one knows traffic more than the residents of Evans Street. Most of the traffic that starts out on Evans Street, she is sure ends up on Mill Street. It is a problem that has been created by the areas surrounding the Village of Williamsville. What we must look at here is not the traffic that is generated by the present building because that traffic is already there through past legislation. What we must look at is what will the annexation of this piece of property produce traffic wise

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in the Village of Williamsville. Again, it is very difficult to rationalize when it is in your own backyard.

Trustee Schlifke said she has listened to the homeowners' groups. She is a member of the Williamsville North Citizens Association. She has always been a strong proponent of homeowners groups and of people attending Village Board meetings so that they are advised of what is going on before something happens and not after it has already occurred. Trustee Schlifke stated she has also worked with the Businessmen's Association. Some of the letters she has seen have snidely remarked that this is "our" club because several members of the Village Board have belonged to this organization. Trustee Schlifke showed her membership card and stated her membership expires August 1, 1988. She did not go to this organization to join. Her membership was transferred to this organization by another organization when they went out of business and Mr. Haney was generous enough to accept her membership or she would have lost a considerable amount of money. It's an excellently run organization which she enjoyed attending until she became too involved in other activities to continue attending. But to say this is "her" club, it is no more "her" club than Ed Young's is "her" hardware store or where the Pancake House is where she goes to eat breakfast or she goes to Mr. Donut's to buy her donuts. She stated that she supports all Village businesses whenever she can. She thinks it important that we have the business district and she does believe in supporting what the Village has to offer. So persons who say that we should not vote on this because this is "our" club are just a little bit out of line with that remark. She stated she has no obligations on either side, and she must vote accordingly. Also when people say "Well come next March if you decide to run again, don't look for my vote." that is everybody's right. If you feel you don't like the way she votes tonight and you decide you are not going to vote, when and if she decides to run, that is not a definite thing that she will run for her position, she doesn't believe that any elected official that lets that type of a threat intimidate them is worthy of holding the office. She thinks that an individual who runs as an elected official must do what their conscience tells them to do and vote accordingly. She hopes her vote will be based on common sense and she will be dictated to by the moral and legal standards that the Village as a whole must follow.

Right now, Trustee Schlifke continued, the question that is before this Board is what to zone a piece of property that has no zoning on it at all. It adjoins a piece of property that is "C-1" and certainly the petitioner can expect that this Board would give him a "C-1" designation so his entire plot of land would have the same zoning. To place a residential zoning on this piece of property is to say to

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this gentlemen "You have this land and now you may not use it for your business." because it is not suitable for development as residential. Right now there is no masterplan for any other land in the area. She cannot base her vote on what might come down the road. She must look at what is now before the Board and that is how she must vote this evening.

Trustee Kibby stated he will support this issue. He sees several negatives and several positives and has a somewhat unemotional view of this issue. The issues that sway him are that this property cannot be used for residential property. It has no access to a public road. (At this point Mr. Saia interrupted Trustee Kibby and Mayor Brenton asked that order be maintained.) Since Mr. Saia persisted Trustee Kibby did not continue.

Mayor Brenton stated that what we have here is what elected officials are confronted with throughout the Town of Amherst. It is alluded that this will create a greater burden on the streets. No doubt to some degree it will. The overall decision that a member of this Board will have to make is a decision based on the legality of what we will do to the petitioner as far as their original request allowing them to be annexed into the Village of Williamsville which was an up front, forward, open decision on their part so their property (the annexed property plus the vacant property within the Village of Williamsville, that was already zoned "C-1") so they could have the entire parcel treated under one municipality, in this instance the Village of Williamsville. Everything was up front. They knew the problems they would have with the residents. What the Board is doing here is basing their decision on what is right. In this case the use of the land by zoning it "R-3" or residential in any form would simply prevent the petitioners from utilizing the land at all. The Attorney has provided the Board with an opinion pertaining to that and he believes this is what his purpose in this government is for, to use the historic nature of what has been presented to the Board in a constructive way in order to make a decision. The bottom line is what's right and what's wrong. What's right for the residents — yes, the Board members should be representing the residents, but just because they come to a meeting to say "Don't do this because we don't want it." is no reason for a member of the Board to vote that way. If there was a legal basis for this request that would support their feelings, then he would be glad to support their request. In this instance he cannot see anyway other than his own personal feelings on the subject backed by what is his primary function and that is to support the petitioners request for C-type zoning.

Roll call vote - Trustee Bindert, No; Trustee Kibby, Yes; Trustee Sweeney, No; Trustee Schlifke, Yes; Mayor Brenton, Yes;

Carried - Ayes (3); Noes (2)

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Trustee Schlifke stated that over the past two years, there have been numerous complaints from the residents of the Village Square Apartments. Their parking lot abuts the Long Street Playground which is used during the summer months for baseball. Recently the balls have started popping over the fence and are doing some damage to the cars in the parking lot. It was a concern that some of these elderly people might be injured if they were in the parking lot at the time this was happening. Trustee Schlifke has contracted to have the backstop extended — a hood put on it. This was completed this past week and we hope this will take care of the problem.

This past Friday the pools opened. Every year it becomes a little more difficult to get these very ancient facilities in working condition. They do need extensive work. We have held off putting additional funds into them since we do have new health department regulations. The Parks Committee has undertaken a study and work program for the next five years so we start addressing these problems before they occur. We will survey the parks, see the conditions that exist today, how many more years before replacements have to be done and work out a time schedule so these things do not have to all of a sudden occur in one summer season and we don't have any funds budgeted for them. We are looking to trying to have a program where we can work five years on these projects for the parks.

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

RESOLVED THAT Mayor Brenton is hereby authorized to sign Legislative Initiative Grant Contract PKS-86-NI-006 with the New York State Office of Parks, Recreation and Historic Preservation for the Island Park Pavilion in the amount of \$50,000.00.

Unanimously carried.

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

RESOLVED THAT Mayor Brenton is hereby authorized to sign Legislative Initiative Grant contract PKS-87-NI-015 with the New York State Office of Parks, Recreation and Historic Preservation for Development of the Conrail property in the amount of \$80,000.00.

Unanimously carried.

Trustee Schlifke stated her next resolution deals with hiring a meter reader. We go through meter readers very quickly. We had one person who stayed for two years but at times we cannot seem to keep anyone. The last reader finished the last

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month's reading and left. We have found someone and make that appointment this evening.

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

RESOLVED THAT Brett Brenton, 31 Monroe Drive, is hereby appointed Water Meter Reader/P.T. effective June 28, 1988 at the rate of \$5.00 per hour.

Trustee Bindert said that last year when he first came on the Board, we decided not to hire relatives and we have kind of relaxed this thing. In all honesty, Trustee Kibby's two daughters hold positions in the parks and he thinks this might be a problem. Although it is often difficult to fill some of these positions, he thinks in the future, because it has the look of impropriety, that perhaps we should take a long look at getting other people in on these positions.

Mayor Brenton stated he doesn't think it is a problem. He didn't think it a problem when Trustee Kibby's daughters were hired and he doesn't think it a problem now. We advertise for these positions and find some of them difficult to fill.

Trustee Schlifke stated every year she is responsible for hiring a number of youth to sit at the wading pools — two for Garrison Park and two for Island Park. Last year she was not satisfied with a couple of people she had hired who were Village residents. She does get applications from youth who live outside the Village. She believes we should try to hire Village youth whenever possible. As long as she is in charge of that particular area, she will not discriminate against any youth just because their parent has chosen to serve the Village of Williamsville as a trustee or as a mayor. If that youth is a responsible individual and a proven individual doing the job, that is the only qualification that she requires. She has no children that would be applying for the jobs, but would have no problem in hiring them if she did. If Trustee Bindert's children were a little older, she would have no problem in hiring them. Being a responsible person and doing the job are the most important things. The water meter reader is the same. You have to be in good health, you have to walk, dogs are barking at you, you have to crawl into crawl spaces. We are limited as to who wants and will take this job. When we cannot fill the position, we ask if someone will serve and that is what happened in this case.

Roll call vote - Trustee Sweeney, Yes; Trustee Bindert, Abstain; Trustee Kibby, Yes; Trustee Schlifke, Yes; Mayor Brenton, Yes;

Carried - Ayes (4)

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Trustee Sweeney reported that as liaison to the Senior Citizens, Environmental and Beautification Committees that each of these committees has at least one vacancy. The Beautification Committee is especially in need of people, whereby the past several years, the functions of this committee have been absorbed by the trustee-liaison. He would like to revive that committee or he will have to come before this Board during the next budget period to request funds for a gardener. He encourages any citizen who would like to work on any of his committees to come forward and get involved.

Trustee Sweeney reported there is projected surplus in the 1988-1989 Insurance account. In reviewing the upcoming quotes and endeavors of our insurance agent, we have gotten quotes for our insurance policies of equal or better than our previous year at a lower rate. He will be discussing this later with the Village Board since he would like to increase the umbrella coverage. Right now, our basic policies are about \$40,000 less than budgeted and the Mayor's suggestion was that part of that money might be used for the sidewalk program. Trustee Sweeney would like to see some used for additional insurance coverage. The Village did last year also receive a first, to our knowledge, a dividend on our policies.

Superintendent of Public Works Laubisch reminded the residents that even though Monday, July 4th, is a holiday, there will still be garbage pickup in the Village.

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

Unanimously carried.

Cleo Wingerter, 187 Mill Street, asked which of Trustee Schlifke's neighbors invites one thousand people, hires a band and puts loudspeakers all over their property into 11:00 o'clock. (She then would not allow Trustee Schlifke to answer the question, saying it was not a question but a statement.) She wondered why the Mayor did not abstain on voting for his son. Also, at the prior meeting, it was discussed that by annexing the Tennis Club land, the Board was not guaranteeing a "C-1" zoning. Tonight it was discussed that if it was not zoned "C-1" we were asking for legal action. Are we telling the owners now that is's zoned "C-1" that he has his building. She feels some consideration should be given to the residents. Again this year, permission has been granted for one thousand people to have a meet on Mill Street until 11:00 P.M. This is not taking care of the Village people.

Mayor Brenton thanked Ms. Wingerter for her comments. He stated the "Run" was held last year.

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James Saia, 20 Belmont, asked if the Mayor had issued a permit for the Walk-A-Thon. Mayor Brenton stated the permit was issued. Mr. Saia requested the presence of the parking enforcement officer to tag the illegally parked vehicles during the event. Mayor Brenton stated that prior to issuing the permit he had asked for input from the Village Board. He has also discussed the situation with Mr. Haney and has received his assurance of cooperation in the matter.

Dick Hill, 18 Brookside, asked if this run will be on public streets. Mayor Brenton stated it will be on public streets and the Amherst Police have been notified. This race is not only sponsored by the Businessmen's Association but it is an officially sponsored race.

Harmon Whipple, 51 Garden Parkway, wondered why after the public hearing there was a legal opinion that referred to the "C-1" zoning as the only alternative. Where was the legal opinion during the public hearing? Mayor Brenton stated he referred to that legal opinion at the end of the public hearing but perhaps he should have been more explicit. These legal aspects take a long time to research. The Village Attorney functions on a part-time basis and presented his opinion as quickly as possible.

George Askin, 150 Mill Street, stated he obtained a copy of the zoning code from the Village offices and nowhere in the principal uses or accessory uses of "C-1" does it describe property like the Tennis Center. He wondered if a legal study had been done to support the Club's being there in the first place? Attorney Troy stated that decision was made by a different Board a number of years ago.

James Saia commended the two Board members who stuck up for the residents tonight. In 1970 when the original zoning was established, it was for the sole purpose of a tennis club — a membership club only. They were also promised a bubble. In 1982, they were given the bubble. Now they have in addition to tennis, aerobics, a health related facility, a weight loss clinic, the Williamsville School System sending people in. He doesn't do this for nothing. He is big business. He is there for the money. What the Board has done now with the "C-1" zoning is lowered the neighbors assessments on their homes. He stated he did not think the zoning was handled properly from the time it left the Planning Board right through to the end. Mayor Brenton thanked Mr. Saia for his comments.

Elroy Avery, 75 Rinewalt Street, presented the Village Board with a petition signed by thirty-nine residents which reflects back to the 1970's when Mayor Mason made a legal move to barricade two streets in the Village, Academy and Rinewalt Streets. So they are asking for nothing new but are asking

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the Board to act on this proposal, (Mr. Avery read the petition) to stop ingress and egress from Rinewalt and Academy Streets. Mayor Brenton stated the Attorney will evaluate this request and then the Board will act on it within the constraints placed upon it by the legal opinion. He directed Superintendent of Public Works Laubisch to work with the Village Attorney to see if this can be accomplished.

Mary Lowther, 122 Chalmers, stated she has written a letter to Supervisor Sharpe to which he has sent a reply regarding using Academy Street to reach other parts of the escarpment for demolition. He leads Ms. Lowther to believe that if there are some sort of postings, barricades, etc. up, then this is entirely within the power of the Village to do. It would certainly curtail the problem.

Peggy Santillo, 37 Rinewalt Street, stated their group is in the process of filling out the nomination form for designating the site for state and federal designation. This would protect the site and help them in their efforts to preserve the escarpment and the meadowlands as a preserve area. The two incidents which recently occurred are the Town of Amherst issuing a demolition permit which allowed trucks to drive over the Onondaga Escarpment, through the undisturbed section which is the part they are trying to nominate and allowing them to demolish this early 1800's building. There was minimal information on this demolition permit regarding the sensitive area of the escarpment and the permit did not list any restrictions about traveling over this area. She stated the Town is not taking the environmental sensitivity of the area seriously. Their group is looking to the Village Board to erect barricades to help them protect their neighborhood and streets from being used for this purpose which they feel their streets should not be used for, and also to help them protect the site which if they are able to preserve it will ultimately benefit the entire Village of Williamsville community. If anything should happen to the balance of the Onondaga Escarpment during this construction period, it will really take away the possibility we can get grant money for this site. They would appreciate the Board's careful consideration of this request.

The gentlemen representing Masters Touch Construction questioned the reason for the rejection of all the Reist Street Waterline bids. Mayor Brenton stated that URS Company, our consultants, advise us as to acceptance of any bids on any project they work on. The Village has a communication from URS dated June 28th whereby they feel you have not provided adequate background as to your experience in waterline construction. The Village felt your firm did lack significant experience compared to the next low bidder who were about \$500 higher. They recommended accepting the low bidder and he did not feel that was the appropriate way to go. The Village Board discussed this and

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rather than award to the second lowest bidder, we decided to reject all bids which is the Board's prerogative and that is what we have done. It appeared the Masters Touch firm had only been successful for 6,000 feet of waterline. If the firm has further experience it should be presented when they bid again because we have found, in the past, where firms lack the necessary experience, the result is problems for the Village residents.

Richard Biro stated he has been in the water and sewer business for quite some time and has submitted a resume covering that experience. He stated they are qualified and capable and he thought that is the reason for a performance bond. Mayor Brenton stated the Board had an option here to award the contract to the low bidder and the resumes submitted do not indicate expertise in water lines. As for performance bonds, this building we are in is an example of the Board's difficulty in obtaining performance from the bonding agent.

Leonard Shallmo wanted to know why he had to pay for two slabs of concrete he didn't want. He's the end house. Of the two slabs, one didn't have to come out at all because it was not raised, the end one should have come out but he would have put lawn in there because he is the end house. Mayor Brenton stated they were replaced because they were identified as unsafe sidewalks and the Village Board has the authority to require you to replace unsafe sidewalks. The Village has also elected to pay 50% of the cost of replacing these sidewalks so the residents are required to pay for only one sidewalk instead of two. Your sidewalk apparently was an unsafe sidewalk. Mr. Shallmo stated there were others on the street that were worse than his and they were not replaced. Mayor Brenton suggested Mr. Shallmo contact Superintendent of Public Works Laubisch to evaluate the situation.

A lady on Belmont questioned why some houses have sidewalks and others do not. Mayor Brenton stated there are those on the Village Board who feel where there are no sidewalks, they should be put in; however others do not feel that way. Original sidewalks should be installed at the cost of the homeowner and if we require one homeowner who presently does not have sidewalks to install them then that homeowner would be justified in making the Village require all homeowners to install sidewalks on streets that presently are without sidewalks. Many streets do not have sidewalks. Unfortunately the Village Board never adopted a code stating that all houses built in the Village will have sidewalks. It is a little late now to require all houses to install them.

Ruth Elder, 147 Mill, asked in those areas where a sidewalk ends, are people supposed to walk in the road or do they walk across the lawn? Mayor Brenton stated he would walk across the lawn and that might help the owners determine to install their own sidewalks.

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Trustee Schlifke stated it is unfortunate that Ms. Wingerter has left the meeting. But inasmuch as she would not let Trustee Schlifke answer her questions before, she will answer them now. Trustee Schlifke felt she was very clear on any noise from the Village Glen Tennis and Fitness Center. She is not in favor of it. She feels these functions should be held in the Village parks and that a solution could be found if the individual really searched. Trustee Schlifke said she does not issue the Mayor's Permits for these types of functions but she did make these feelings very clear to the rest of the Board when this was presented for discussion. She was not comparing one thousand people from the Village Glen to the noise that is generated in her all residential area of backyard functions. That would be ridiculous to do. What she was saying was that her neighbors do not require a permit to hold backyard functions. The Tennis Center does require a permit and a permit was issued to him. There is no comparison. But there is no guarantee that if you live in an all residential area, you will have peace and quiet all the time. That is the point she was trying to bring out and that Mr. Haney should look elsewhere to hold this function rather than at his own facility.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to close the meeting at 9:30 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk-Treasurer