

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, July 25, 1988 at 7:38 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
	Absent	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 local law which would amend and repeal various sections of the Village Code as follows:

1. Section 7.00-7.30 of the Building Code - Repeal the entire section.
2. Section 70.210C of the Zoning Code - Repeal the entire section.
3. Section 70.112 of the Zoning Code pertaining to Exceptional Development - Repeal this section.
4. Amend Section 70.161 of the Zoning Code - to reflect references to new sections of the Building Code.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved to open the public hearing at 7:38 P.m.

Unanimously carried.

Trustee Kibby stated a month ago we had another public hearing on revising the entire building code and then reviewed the proposed changes which include repealing the old building code. Three other sections of the code are also being cleaned up.

(1) Section 70.210C of the Zoning Code refers to off-street parking in an "R" district which is contiguous to a commercial district. That is something which previously was allowed under Exceptional Development, that is now in the Building Code and not in Exceptional Development and we are taking it out of the Zoning Code by this change.

(2) The repeal of Section 70.112 of the Zoning Code is due to the fact that Exceptional Development was in the code twice. It is now in the Building Code and we are removing it from the Zoning Code.

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(3) The last proposal is a change in the references to sections of the Building Code due to adoption of the new code.

No one from the audience spoke in favor of or in opposition to the proposed changes.

ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the public hearing was closed at 7:41 P.M.

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 Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, July 25, 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
	Absent	David Laubisch, Supt. of Public Works

Mayor Brenton opened the meeting with the pledge of allegiance at 7:35 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, minutes of the regular meeting of June 27, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, minutes of the public hearing on a proposed local law held for the purpose of revising the Building Code held June 27, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, it was moved at 7:38 P.M. to hold a public hearing for the purpose of revising various sections of the Village Code. (The public hearing was closed at 7:41 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, vouchers in the amount of \$91,480.94 covering June 28, 1988 thru July 11, 1988 were approved as follows:

payroll fund w/e 7/6/88		\$ 16,817.31
General Fund	# 559	61,661.39
Sewer & Water Fund	# 239	1,548.51
Trust & Agency Fund	# 276	8,942.28
Glen Park Jt. Activities Fund	# 176	2,511.45
	* Grand Total *	\$ 91,480.94

Large vouchers were for ABP Concrete, J & I Disposal, Niagara Mohawk and American LaFrance.

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Bindert, vouchers in the amount of \$391,140.87 covering July 12, 1988 thru July, 25, 1988 were approved as follows:

payroll fund w/e 7/20/88		\$ 21,751.72
General Fund	# 660	238,950.61
Sewer & Water Fund	# 240	34,836.88
Trust & Agency fund	# 277	30,387.29
Glen Park Jt. Activities Fund	# 177	214.37
Capital Fund	# 198	65,000.00

* Grand Total * \$391,140.87

Large vouchers were for Britting-Gelia Agency, Erie County Water Authority and Kersey/American LaFrance.

Unanimously carried.

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

RESOLVED that William Schoenle, 85 Columbia Drive, Williamsville, is hereby appointed Seasonal Laborer/Part Time in the Department of Public Works effective July 13, 1988 at the rate of \$4.25 per hour.

Unanimously carried.

Mayor Brenton stated the next resolution deals with the sale of the portion of the abandoned Conrail right of way between the west side of South Long Street and the east side of Union Road. The village has received an offer to sell the property at the exact asking price for that property which was \$65,000 from Mr. Anthony Ragusa, Jr. who is also the owner of the Stereo Advantage property on Main Street at Forest Road.

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

RESOLVED that the offer of July 20, 1988 by Anthony Ragusa, Jr. to purchase for a sum of \$65,000.00 all that part of the Village-owned premises commonly known as the Conrail Property which lies between the west line of South Long Street and the east line of Union Road, be accepted, subject to the following:

(a) Town of Amherst drainage ditch no. 9 on premises, all structure subordinate thereto, and all rights of the public therein are to be preserved in the deed of conveyance

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(b) all rights of the public in and to that part of Union Road included in the subject premises are to be reserved in the deed of conveyance.

(c) any encroachments on premises by structures owned by abutting property owners.

(d) Conveyance to be made by quit claim deed only.

(e) Subject to an agreement in writing between Anthony Ragusa, Jr. and the owners of premises at 56 South Union relating to structure encroaching on subject premises.

Trustee Sweeney commented that this to him is a matter of principle inasmuch as one of the issues he ran on to try to protect as much "green space" for public use of existing Village property as possible. He feels the resolution purchasing this Conrail property specified for Village use. The connotation was that it would be for public use. He ran for election to see that become a reality. He has no particular problem with the intended use of this property other than there should be public uses given consideration before the Village gives up its right for all time for future development of public uses.

Mayor Brenton stated that at the time of the purchase of the property, the Village Board's position was that a portion of this land would be sold. The question of Village use is answered by the fact that the Village paid \$83,000 for the entire parcel and we have now recouped \$65,000 which will take the burden off the Village taxpayers.

Trustee Bindert stated he was originally against the motion when this land was put up for sale simply because it was purchased for public use and then to sell it presents a problem to him.

Vote on Roll Call: Trustee Kibby, Aye; Trustee Schlifke, Aye; Trustee Sweeney, No; Trustee Bindert, No; Mayor Brenton, Aye;

Carried: Ayes (3); Noes (2).

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

WHEREAS there exists a pie-shaped "gore" 9.31 feet in width at the rear lot line diminishing to zero feet width at the street line, 193.34 feet in length,

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on North Long Street between the properties at 198 North Long Street and 202 North Long Street, and

WHEREAS this parcel with SBL #68.20-1-58 has heretofore regularly been assessed by the Village of Williamsville to owners of the premises at 202 North Long Street, and

WHEREAS the Village of Williamsville has no knowledge of any adverse or conflicting claims by any other persons to said parcel,

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Village of Williamsville be, and he hereby is, authorized to execute a quit claim deed to said parcel to James Sanders, owner of premises at 202 North Long Street on the condition that all costs attendant upon preparation, execution and recording of said deed be borne by the grantee.

Unanimously carried.

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

RESOLVED that Local Law #10-1988 which repeals and amends various sections of the Village Code is hereby adopted.

Trustee Kibby stated this Local Law repeals the Old Building Code and repeals the section of parking on a residential lot contiguous to a commercial district and changes coding in a couple sections.

Unanimously carried.

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

RESOLVED that Local Law #11-1988 which deals with a revised Building Code, Sections 7.00-7.17, and was the subject of a public hearing on June 27, 1988, is hereby adopted.

Unanimously carried.

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

RESOLVED that permit fees dealing with the Building Code are hereby established as follows:

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Residential Buildings and/or additions:
Up to 1500 square feet of floor area.....\$ 50.00
Between 1500 square feet and 2500 square feet.....\$ 70.00
Over 2500 square feet.....\$100.00
Garage, attached or detached.....\$ 20.00

Residential Alterations and Equipment Installation:
Deck/Porch.....\$ 25.00
Fence (any type).....\$ 15.00
Swimming Pools, Hot Tubs, Saunas.....\$ 30.00
Shed.....\$ 15.00
Solid Fuel Burning Appliances.....\$ 20.00
Not otherwise specified.....\$ 15.00

Demolition of Residential Buildings/Structures.\$25.00

Demolition of Commercial Buildings/Structures..\$50.00

Installation of Sidewalk or Curb Cut.....\$ 20.00

Non-residential Buildings (including accessory structures and additions):
For the first 10,000 cubic feet of volume..\$ 70.00
For the next 40,000 cubic feet of volume per each 1,000 cubic feet of volume.....\$ 3.00
For each 10,000 cubic feet over 50,000.....\$ 5.00

Non-residential Alterations/ Repairs/Conversions..\$ 70.00

Non-residential Equipment Installations.....\$ 30.00

CERTIFICATE OF OCCUPANCY
Residential.....\$ 20.00
Non-residential.....\$ 40.00

CERTIFICATE OF COMPLIANCE.....\$ 25.00

CONDITIONAL CERTIFICATE OF OCCUPANCY.....\$ 15.00

EXCEPTIONAL DEVELOPMENT - on application.....\$200.00
(plus building permit fee)

BOARD OF APPEALS HEARING - on application.....\$ 50.00

Unanimously carried.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees

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on August 22, 1988 at 7:30 P.M. in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 70.10A of the Zoning Code dealing with temporary structures.

Unanimously carried.

Trustee Schlifke reported the Village is using State grant funds for the renovation of the Village Meeting House at 5658 Main Street, just east of Mill Street. Some of the funds had been used to place a very attractive wooden sign in front of the building, similar to some of the other wooden signs seen along Main Street. Last Monday evening the sign was stolen. The Village paid about \$700 for this sign. It probably has a value of \$900-\$1000 due to the fact that the individual who did the sign is a Village resident and gave it to the Village at cost. The Amherst Police state the value of this sign makes the theft a felony and not a case of vandalism. Trustee Schlifke stated she is very upset by this. There will be an article in the Amherst Bee. If the person who stole the sign hears about it, the Village would appreciate the return of the sign. It certainly would save a lot of time, effort and money to replace it.

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

RESOLVED that the following firemen are authorized to attend the Auto Extrication School and Contest in LaCross, Wisconsin. The Village of Williamsville will pay for the gasoline costs for transportation; the balance of the expenses to be paid by the Fire Company.

- (1) Christopher Petrie
- (2) Eric Weinreber
- (3) Richard Maddigan
- (4) Anthony Schueckler, Jr.
- (5) Richard Meldrum
- (6) Peter Strobel
- (7) Mark Kardaman

Unanimously carried.

Trustee Sweeney stated that as liaison to the Old Home Day Committee, he is happy to report that Old Home Days have come and gone for another year.

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

RESOLVED that Alana Janus, 242 Highland Drive, (632-3189) is hereby appointed to the Youth and Recreation Board until the end of the 1988-1989 official Village year.

Unanimously carried.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees on August 22, 1988 at 7:35 P.M. in the Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(3)(b) to the Traffic Code by providing for a stop sign on Arend and Belmont.

Unanimously carried.

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

Unanimously carried.

Elroy Avery, 75 Rinewalt Street, said he is here on behalf of the Williamsville Homeowners Coalition for Preservation. He stated that his organization has done extensive studies on the traffic on Evans Street. He understands there is presently a traffic count being done on Belmont, Chalmers and Eagle Streets. He would like those figures when available. Mayor Brenton stated he is unaware of a survey being done. Trustee Schlifke stated it was her understanding, the last time she spoke to Erie County, that they had done some preliminary counts and they were going to do more and would involve the side streets. However, at present she doesn't see any counters so she is unsure if they are planning on doing it. Mr. Avery stated they have forty hours on Evans Street and the Village is welcome to any figures that his group has available.

Mr. Avery also questioned whether anything had been decided on the barricades at the end of Academy and Rinewalt Streets. Mayor Brenton stated there had been no decision made on either street. Because of an error the survey of Rinewalt Street was returned to the firm we commissioned to do the work for correction. As far as Academy Street is concerned, Mayor Brenton spoke to the owner of the most northerly property and if barricades were erected on that street his position would

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become very difficult because the persons living in that house would be unable to back their cars out of their driveway. There is fifteen feet east of the existing right-of-way which if utilized could allow for widening of the street which would enable people backing out of the driveway to back directly across the street and then swing south down the street. However even this could be difficult due to the actual placement of the barricades.

Richard Hill, 18 Brookside, commented on several issues:

(1) Regarding counting the traffic on the side streets, we can get several counting machines free from the City of Buffalo. All we have to do is get the counts done.

(2) Regarding garbage pickups during the summer when we are entitled to two a week, the Company is only picking up Brookside on Mondays and sometimes on Saturdays, but none on Fridays. Mayor Brenton suggested they contact the Village office when this happens so they can contact the garbage contractor.

(3) Regarding the Conrail property — He doesn't think this property should be sold because it was purchased for Village use because we need parking for baseball use and other Village purposes.

Sharon Daniels, 117 Cadman Drive, made a number of comments regarding Old Home Days. She went to the park the next day and it was a mess. It also smelled. During the activities the Village stores are forced to close early because the prospective patrons cannot get to the stores. The neighborhoods used to be involved in the activities. However, they no longer are involved and some families vacation at this time so they don't have to take their children to Old Home Days. The whole affair has taken on a "Carny" atmosphere. Children are wearing shirts with sexual innuendos on them and this is not what a healthy atmosphere for our kids. She was very concerned about safety inasmuch as the entire island is overcrowded and there is no way to get off the island except for the one bridge. Also the safety of the rides concerned her inasmuch as they are temporary and only set up for a few days.

Mary Lowther, 122 Chalmers Street, agreed with many points made. She thinks perhaps "Old Home Days" has outgrown its facility. People like to support the activities going on but most people were not from the Amherst area. Most people are attracted to this activity since there are so few firemen's picnics or lawn fetes left. She also asked who actually runs Old Home Days and does anyone have the authority to pressure a non-profit organization who has been granted space on the island to stop their activities. Attorney Troy stated that Old Home Days are not a Village function. Trustee Sweeney stated the function is basically run by the "Jolly Boys".

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Harmon Whipple, 51 Garden Parkway, agreed with the comments and wondered if there was a fire during Old Home Days, because of the congestion, what would the fire department do? He was also concerned about an accident on the island during this time. Also the sanitary facilities were disgusting. He also hoped all the Village employees who were working Saturday were not being paid by Village taxes. Mayor Brenton stated they were being paid by the Village, but the Village is then reimbursed by the Jolly Boys for all expenses.

Dick Hill questioned who appointed the Old Home Day Committee. Attorney Troy stated that Old Home Days is a private function and the Village has no official connection with Old Home Days whatsoever. We give them a park permit but we also give one to whatever group requests one.

Fire Chief Schueckler stated the Fire Department does have people who sit on the Old Home Day Committee. They do correspond and bring up some of the problems that were brought up tonight. There is a First Aid Station set up in the beer tent and there are portable pumps set up on the island with fire hose. They have no control over the crowds. As for responding from the fire hall, it is easier to get out of the new fire hall than from the prior one. But it is not the best four days for the Fire Department either.

Sharon Daniels wondered whether the Village has the authority to just say "no" - we do not want this anymore? Mayor Brenton stated this has been discussed over the years. Many concerns have been reviewed and these areas have been corrected — closing the dam to pedestrian traffic, testing propane tanks, fire retardent tents. We have brought attention to a number of the weaknesses and have also started charging the Jolly Boys for the expenses the Village incurs. The only thing that hasn't been addressed is the size. It seems to get bigger each year just by word of mouth. It is up to the Village Board each year to determine if a park permit will be granted for that year. In the absence of that approval, there would be no Old Home Days.

A student from the audience who does not live in the Village stated she enjoys Old Home Days. She thinks it is an excellent activity and everyone there was having a wonderful time.

Maryanne Avery, 64 Garrison Road, asked if the Village makes any money from the activity. Mayor Brenton stated the Jolly Boys have made contributions to the Village and the Library in prior years but they have not made any contribution this past year.

Trustee Sweeney commented that about five years ago the Mayor set up a committee to study Old Home Days. There were recommendations from this committee which included continuing monitoring of the activity and perhaps reconstituting the committee from time to time to investigate the Old Home Days.

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Trustee Bindert stated there was an increase this year in "Kiddie Rides" and the children had fun.

Trustee Schlifke stated that as liaison to the Parks Committee, she is concerned with the tremendous wear and tear Island Park takes during this four day period. It was extremely bad this year because of the rain which made it almost impassable during the function. Every year the mud holes get more difficult to repair. The facilities are receiving more wear. The large tractor trailers setting up the rides may cause damage. The sanitary facilities required more pumping out. She is disturbed that the park is not really cleaned up. Our Department of Public Works has other more important things to do than clean up the park even if we are reimbursed. The Old Home Day Committee should arrange to clean up the park. Main Street is a disgrace. The businesses, many of whom lose business during Old Home Days, should request the Old Home Day Committee to get someone to clean up Main Street. No matter how much money the Jolly Boys pay us, they cannot reimburse us for the impact this activity has on the Village.

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 adjourn the meeting at 8:45 P.M.

Theresa L. Cummins
Village Clerk-Treasurer