

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, September 25, 1989 at 7:32 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert Trustees
Ronald Daniels
Yvonne Kaye
Richard P. Sweeney

Thomas V. Troy, Village Attorney
Mary Harrigan, Deputy Clerk
David Laubisch, Supt. of Public Works

Absent: Theresa L. Cummins, Village Clerk/Treasurer

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

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the
regular meeting of the Board of Trustees held September 11, 1989 were
approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the
public hearing on the proposed local law, adding new Section 63.00 Unsafe
and Unfinished Buildings to the Building Code were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of the
public hearing on the proposed local law, adding new Section 9.00
Demolition of Buildings - Blasting to Village Code were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the minutes of the
public hearing on the proposed local law to amend Section 60.32 of the
Traffic Code were approved.

Unanimously carried.

Mayor Brenton reported that a letter was received from the Williamsville
Home Owner's Coalition for Preservation in regards to the treatment of
Rinewalt Street, signed by Mr. Elroy Avery, President and Ms. Peggy
Santillo, Vice-President. Mayor Brenton stated he has communicated on
behalf of the Village Board on September 20th with our legal firm, Magavern
& Magavern, but he did not copy most of the concerned groups that have
expressed their interest in this Centerpointe situation.

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, September 25, 1989 at 7:32 P.M.

In that letter Mayor Brenton indicated how the Village Board felt the area should be treated. That letter will be available for reproduction if anyone in the audience would like a copy.

Mayor Brenton also reported that the Village has been notified through the lawfirm of one of our citizens regarding damage to his sanitary sewer which allegedly occurred some 20 years ago. This individual takes exception to the Village's refusal to accept that allegation and has retained the lawfirm to represent him. This is Mr. Getter who resides on 100 Evans Street.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the amount of \$148,735.41 covering 9/11/89 - 9/24/89 were approved:

| | | |
|---------------------------------|----|-----------------|
| payroll fund w/e 9/13/89 | \$ | 14,012.09 |
| General Fund | | 14,749.45 |
| Water Fund | | 38,301.00 |
| Sewer Fund | | |
| Glen Park Joint Activities Fund | | |
| Water Trust Account | | |
| Capital Fund | | 59,029.22 |
| Community Development Fund | | 19,097.37 |
| Trust & Agency Fund | | <u>3,546.28</u> |
| *Grand Total* | \$ | 148,735.41 |

LARGE VOUCHERS:

| | | |
|-----------------------------|-------------|---------------------|
| Hansen International Trucks | \$34,990.00 | (Dump truck) |
| Judnick Construction | 33,653.95 | (Gordon Water Line) |

Unanimously carried.

Mayor Brenton stated the following resolution deals with the Village appeal should it become necessary in the future regarding the Centerpointe Development. It allows for the firm of Magavern and Magavern, should the Village Board determine appropriate, to file a motion to appeal Judge Doyle's recent decision regarding the Centerpointe situation. Judge Doyle concluded that the Village and the Town of Amherst should now resolve their difference regarding the subject. Should they be unable to do so, then the matter will be returned to the judge.

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, September 25, 1989 at 7:32 P.M.

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

RESOLVED THAT Magavern & Magavern, Attorneys, are hereby authorized to file a Notice of Appeal from the order of Supreme Court Justice Vincent E. Doyle in the matter of Ciminelli Development Co. and Frank Ciminelli vs. the Village of Williamsville and the Town of Amherst.

Unanimously carried.

Trustee Sweeney reported that there will be a Board of Appeals meeting on Thursday evening, October 5, to hear a request for a variance on a proposed development on 37 School Street. The request is to allow for the development of 2 two-family homes on what is now a single parcel of property. There is no legal requirement for posting an advance notice on that Board of Appeals Hearing.

Trustee Sweeney also reported that at the previous meeting he read a resolution calling for a public hearing to be held November 13, 1989 on the Village Zoning Code. He would like to encourage anyone interested to notify him, the Building Department or the Village Clerk. Copies of the proposed Village Zoning Code are available and if not available immediately, will be made available for anyone who wishes to fully avail themselves of the opportunity to read the proposal in its entirety before the hearing.

Trustee Bindert stated that the following resolution deals with the public hearing that was held in the first meeting of September that dealt with elimination of parking on the north side of Park Drive between Garrison and South Ellicott.

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

RESOLVED THAT Local Law #3-1989 which would add Section 60.32(26) (B) to the Traffic Code and would eliminate parking on the north side of Park Drive between Garrison and South Ellicott, and was the subject of a public hearing on September 11, 1989, is hereby adopted.

Unanimously carried.

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, September 25, 1989 at 7:32 P.M.

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

RESOLVED THAT Village of Williamsville Mayor, Lawrence R. Brenton, is hereby authorized to sign a new three-year Cooperation Agreement for Community Development Block Grant funds between the Village of Williamsville and the Town of Amherst for the 1990, 1991, and 1992 program years.

Unanimously carried.

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

RESOLVED THAT Mayor Brenton is hereby authorized to sign Waiver of State Aid Eligibility for Youth Services in the amount of \$2,902.00.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by T. Kaye, the following resolution was hereby adopted:

RESOLVED THAT Mayor Brenton is hereby authorized to sign agreement with the Town of Amherst for operation of the Amherst Youth Program in the amount of \$6,804.00 for the period January 1, 1990 to December 31, 1990.

Unanimously carried.

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

RESOLVED THAT a Bond Resolution in the amount of \$135,000 for the purchase of the new Aerial Platform Fire Truck is hereby adopted, stating that the estimated maximum cost thereof is \$350,000, appropriating said amount therefore, including the appropriation of the \$75,000 proceeds of sale of the 1972 elevated fire truck to be applied towards the cost thereof and \$140,000 from the Capital Reserve Fund for Fire Trucks heretofore established to provide the required downpayment, and authorizing the issuance of \$135,000 serial bonds of said Village to finance the balance of said appropriation.

Unanimously carried.

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, September 25, 1989 at 7:32 P.M.

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

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVED AS FOLLOWS;

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "AMHERST BEE", a newspaper published in Williamsville, New York, having a general circulation within said Village and designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a notice covering said resolution.

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

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

RESOLVED THAT the Village of Williamsville Board of Trustees, acting as Fire Commissioners for the Williamsville Fire Department hereby appoints Richard Maslona, 153 Hamilton Drive, as a Fireman in the Williamsville Fire Department.

Unanimously carried.

Trustee Kaye reported that landscaping for our park between South Long and South Cayuga will begin this coming Wednesday. The landscaper anticipates it will take between 15 & 20 days to complete that entire project.

Trustee Kaye stated that an open house was held this past Saturday and Sunday at the train station. This was a "before preview" prior to beginning the restoration of the Lehigh Valley Terminal at the South Long entrance of the park. It was quite amazing to see the stained glass windows still intact. It will be a tremendous project and a great outcome for our community.

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, September 25, 1989 at 7:32 P.M.

Trustee Kaye also reported that the benches at Garrison Park that were going to be installed this week, were not the correct benches. The manufacturer is reshipping the correct benches, so there will be a delay in installing them.

Trustee Kaye stated her first resolution is regarding the Meeting House and the size of the Management Committee. There will be an increase in the size from 3 to 5 members in that committee.

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

RESOLVED THAT agreement between the Village of Williamsville and the Village of Williamsville Historical Society for the management of the Village Meeting House is hereby amended to increase the number of members on the Management Committee from three to five members.

Unanimously carried.

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

RESOLVED THAT the following residents are hereby appointed to the Meeting House Committee until the end of the 1989 -1990 official Village year:

| NAME | ADDRESS | PHONE # |
|------------------|--------------------|----------|
| Gartley Weller | 129 Mill Street | 632-0645 |
| Paul Sugg | 91 Highland Drive | 632-3331 |
| Carolyn Schlifke | 192 Evans Street | 632-2424 |
| Thomas Huestis | 70 Exeter Road | 632-8542 |
| Eleanor Master | 235 S. Forest Road | 631-8413 |

Trustee Kaye commented that the majority of these people are Village residents.

Unanimously carried.

Trustee Kaye stated her third resolution deals with Justice Doyle's recent decision.

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, September 25, 1989 at 7:32 P.M.

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

RESOLVED THAT Mayor Lawrence R. Brenton is hereby authorized to
communicate with Patrick Lucey, Town of Amherst Highway
Superintendent, for the purpose of discussing matters relating to
the proposed Ess Jay extension into the Village of Williamsville and
to arrange for a meeting consistent with the order of Supreme Court
Justice Vincent Doyle.

Unanimously carried.

Trustee Kaye stated her fourth resolution deals with sending our Department
of Public Works Superintendent David Laubisch to a training school this
Fall.

ON MOTION by Trustee Kaye, seconded by Trustee Bindert, the following
resolution was hereby presented:

RESOLVED THAT David Laubisch, Superintendent of Public Works,
and a Working Foreman from the DPW are hereby authorized
to attend the 5th Annual Public Works/Park Maintenance Training
School in Poughkeepsie, New York, from October 30 - November 2, 1989,
and the cost, not to exceed \$500.00 each to be paid by the Village of
Williamsville.

Mayor Brenton questioned why the request for the second individual was
"Working Foreman" did not name a specific person.

Mr. Laubisch stated that would be Paul McMenamin and he is not sure of the
rotation but he thinks he will be off rotation during the month of
November.

Mayor Brenton questioned Attorney Troy as to whether the name of an
individual should be inserted into the resolution?

Attorney Troy stated that better form would indicate that it should be
designated which of the working foremen it is; however, he does not think
it is illegal as written.

Mayor Brenton stated his concern is that when people do journey outside the
boundaries of Erie County they are required to have a resolution
authorizing them to do so. He reminded the Board of that and for the
benefit of the audience also, we must have a resolution when we leave the
County of Erie. It seems to him that there should be a name we are
including in the resolution.

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, September 25, 1989 at 7:32 P.M.

Superintendent Laubisch stated it was left open-ended in case one of the
two individuals were sick or something came up at the last minute. Since
there is only one Board meeting in October, some flexibility was left to
take the other individual if that were the case. That was the only reason
there was not a specific individual named. If Mayor Brenton would feel
more comfortable specifying an individual, it would be Paul McMenemy who
would be off call during that period.

Mayor Brenton stated we need to fully inform the public. He feels if
someone needs to go to a school of this nature, that someone should be
identified. In particular, Mayor Brenton thinks that to keep not only the
total concept of the law, but to keep the spirit of it, then we should
consider the need to identify that individual. He feels it is important to
retain form. He would like the resolution to read David Laubisch,
Department of Public Works and Paul McMenemy, Working Foreman.

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

RESOLVED THAT David Laubisch, Superintendent of Public Works, and
Paul McMenemy, Working Foreman from the DPW are hereby authorized
to attend the 5th Annual Public Works/Park Maintenance Training
School in Poughkeepsie, New York, from October 30 - November 2, 1989,
and the cost, not to exceed \$500.00 each to be paid by the Village
of Williamsville.

Unanimously carried.

Trustee Kaye stated the following resolution is being amended and will read
in it's amended form.

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

RESOLVED THAT the Village Clerk advertise for sealed bids for the
sale of the following Department of Public Works equipment which
has been declared to be surplus equipment by the Superintendent of
Public Works:

(1) 1967 International Dump Truck, Model R-190, 5 ton
capacity.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of
Williamsville held in the Williamsville Village Hall, 5545 Main Street,
Williamsville, New York on Monday, September 25, 1989 at 7:32 P.M.

Mayor Brenton has an additional resolution which deals with the Village Justice attending a Magistrate's Association meeting at the Concord Hotel. The purpose of this resolution is to allow for additional training. In this instance the costs are not to exceed \$400.00. Normally the costs are much more than that figure but because our Village Justice is an official at this Magistrate's Association, her mileage to and from the Concord Hotel and some other portions at her expense are paid by the Association.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, it was moved to suspend the rules for an additional resolution not in the agenda.

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

RESOLVED THAT Village Justice Sharon Townsend is hereby authorized to attend 80th Annual Conference of the New York State Magistrates' Association at the Concord Hotel, Kiamesha Lake, New York, from October 25, 1989, and the cost, not to exceed \$400.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

Unanimously carried.

Superintendent of Public Works Laubisch reminded the public that the fourth week in October will conclude the regularly scheduled trash pick up throughout the Village. There will be no more regularly scheduled trash pick up after the end of October. The public may call the Department of Public Works if they have material they feel needs to be picked up and request a pick up at DPW's convenience during the winter months, depending on the weather and other things that are involved. Leaf season is approaching and we should be into leaf pick up by our next regularly scheduled Board meeting. He reminded residents that the leaves should be piled at the curb in an orderly fashion for pick up. Only leaves are to be put out in leaf piles. No rocks or other debris from the yard are to be included as this can cause severe damage to the equipment we use to pick up the leaves.

Mayor Brenton stated that the paving program for this year is just about completed.

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

Unanimously carried.

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, September 25, 1989 at 7:32 P.M.

Mr. Elroy Avery, 75 Rinewalt Street, thanked the Mayor for mentioning his letter of September 25th. He said the W.H.C.P. also has a petition which is informal regarding the issue of an access road from Rinewalt Street into "Centerpointe Subdivision". This petition will be in the Village's hands before the end of the week. The letter reads: We the undersigned do hereby petition the Board of the Village of Williamsville to take whatever action is necessary to prevent the curbing and paving of the Ess Jay extension to the Village line at the foot of Rinewalt Street. It is imperative that the rural atmosphere and tranquility that the Village residents have known, be maintained. As originally planned, the extension from the cul-de-sac to the northerly edge of the public use easement was to be a concrete or plastic grid device. It could carry up to 10 ton loads and still have the appearance of a grass lawn. The use of low bushes or shrubbery may also be considered in lieu of a gate. This would give the appearance of a non road but still could be used by emergency vehicles.

Mayor Brenton stated Mr. Avery is referring to the letter that he first mentioned in his agenda. The letter will be addressed to our attorneys and will forward it to the developer. Mayor Brenton assured Mr. Avery that the Board doesn't need a petition but always welcomes any input.

Mr. Horey, 106 Highland Drive, questioned Trustee Kaye if the baseball diamonds could be restored in the park on South Long? We have played baseball there since 1915.

Trustee Kaye stated that at the last Park's meeting it was on the agenda to discuss the diamonds. She did ask the gentleman sitting next to Mr. Horey to discuss those diamonds, but he was unable to attend that meeting. It will be on the agenda for the next Park's Committee meeting. The people on our Park's Committee have been observing the usage of the baseball diamonds and will comment at this time so we can see which actions we need to take to restore the diamonds and any other residents are welcome. The next meeting will be the third Wednesday of October at 7:30 P.M.

Peggy Santillo, 37 Rinewalt Street, stated she wanted to reinforce what Mr. Avery said since the letter was from the Executive Committee and signed by herself as well. The residents on Rinewalt Street have a great deal of concern as this has been going on for a long time now and suddenly there are pavers at the end of Rinewalt Street. If it wasn't for the efforts of Trustee Kaye last week and some meetings she held and the Board's support as well, there would be curbs running right up to Rinewalt Street with the appearance of a road not only an emergency access road, but a regular road.

One of their big concerns is that the residents were promised a grid like material that allows grass to grow through. It would distinguish that this area is not a thru road and that it could be used only as an emergency access. The residents big concern is if the road is paved. There would be no way to monitor it.

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, September 25, 1989 at 7:32 P.M.

Vehicles could drive around the gate and it would be a very used road and eventually a thru street because it is the residents feeling on Rinewalt Street that any residents that go in there in the new subdivision the way it is designed, will eventually demand to have the street become a thru street because of the way it is set up. They feel that this is very important, not only because it was a promise made to them verbally, but because it will help to preserve and protect their neighborhood.

Ms. Santillo stated she has had the pleasure of using the Meeting House for the last 2 Sundays for meetings with a Neighborhood Association. She would like to praise the Village Board and former Trustee Carolyn Schlifke, who is in attendance tonight, and Trustee Kaye who has done a great job in getting that building opened. The reaction of many people that were at that meeting was very positive. She thinks through the actions of the Board regarding the Meeting House and the new Park by the Village, it shows that the Village has really strived very strongly to preserve and protect what's very special about the Village. They have faith that the Board will continue to do that as far as her neighborhood goes.

Trustee Kaye commented in regard to the emergency access. It is very important that the Village makes sure it preserves and protects the residential character of our Village and try to work out as best we can with the Town and developer a way in which appears to keep that uniformity and find a way in which to have that preservation happen and not to have those possible new residents as Ms. Santillo indicated, at some time come forward and wonder when this street will be connected.

Mayor Brenton stated in that regard in Item #3 which he suggested to our legal firm is the method of which we would like that area treated, reads: Cul-de-sac itself would be treated with curbing in a circular manner with no interruptions occurring on southern most radius. This would provide the psychological impediment of future thought of future connection into Rinewalt Street.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to adjourn the meeting at 8:10 P.M.

Unanimously carried.

Mary Harrigan
Deputy Village Clerk