

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 February 11, 1991 at 7:31 P.M.

Present: Robert V. Bindert, Trustees  
Ronald Daniels  
Yvonne Kaye  
Richard P. Sweeney

Thomas V. Troy, Village Attorney  
Theresa L. Cummins, Village Clerk/Treasurer  
David Laubisch, Supt. of Public Works

Absent: Mayor Lawrence Brenton

The Clerk read the notice that the Village of Williamsville expects to receive approximately \$36,000 of Community Development Block Grant Funds from the United States Department of Housing and Urban Development for the 1991-1992 program year. On Monday, February 11, 1991 at 7:30 P.M., the Board of Trustees of the Village of Williamsville will hold a public hearing to obtain the views of citizens on community development and housing needs. Special emphasis will be placed on projects which benefit low and moderate income residents.

Trustee Bindert gave a quick sketch of where these funds may be targeted. It's primarily the older sections in the Village around Mill Street as far as Chalmers Street, then back up on both sides of North Ellicott, up to Main Street. It goes down both sides of Main Street with a small pocket between S.S. Peter and Paul Church and over by the Williamsville Cemetery extending along Main Street, down South Long Street and incorporating the Village portion of Garden Parkway, the Long Street athletic field and adjoining houses in that area. Eligible activities include the acquisition, construction, reconstruction, rehabilitation, installation of public improvements or facilities provided such improvements or facilities meet the national objective of the Community Development Block Grant program. Some examples of these are: shelters for the homeless, water and sewer facilities, flood and drainage improvements, fire protection facilities and equipment, community senior and health centers, parking, streets, curbs, gutters and sidewalks, parks and playgrounds. As you heard from the notice we will receive about the same as last year, approximately \$36,000. In the past, funds have been put aside for housing rehabilitation, which does not have to be in the designated target areas. This \$8,000 just has to fit low to moderate income standards in the entire Village. \$28,000 would then be left for a project. In prior years we have done mostly water lines in the target areas.

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The Village is in the process of trying to consolidate our Village Water Department with Erie County Water which would save everyone money on their water bill . Recent projects that we have done are the Gordon Street water line, the Orchard-Franklin water line, including sidewalks and driveway approaches, and work at the Village Meeting House.

Maryanne Avery, 64 Garrison asked if the money could be used for the drainage problem along Park Drive and Garrison.

Trustee Bindert stated that area is not included in the designated target area. He was thinking of Garrison Park as a possible candidate for curbs, etc., but that area also is not included in the designated area. However, he believes we appropriated some money for curbs along Garrison.

Deputy Mayor Kaye stated we did. She has asked Superintendent David Laubisch and he's addressed the drainage problem.

Maryanne Avery stated as a member of the Parks Committee, she will put in a plug for South Long street. Don't forget us because we'd like to get that finished.

Trustee Bindert stated part of that is within the designated area.

Attorney Troy asked when we do work on an individual home because of a specific need, put a new roof on or whatever it may be, he assumes the Village gets a lien back and a claim on the proceeds when the house would be sold so when a house is sold, our lien goes on there and that money then, with interest he assumes, a 2% or some very low rate of interest, does that then become Village property again for reuse? Or does it go back to the Federal Government?

Village Clerk Terry Cummins stated that is not handled here specifically but is done by the Town office for us. The money would then go back to our housing funds and it would be reused again.

Attorney Troy stated (in other words) it continues to be reused. It does not go back to the Federal Government.

Village Clerk Terry Cummins stated no, it goes back to us. We've had a few houses that that's happened to.

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ON MOTION by Trustee Bindert, seconded by Trustee Sweeney, it was moved to adjourn the meeting at 7:40 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk/Treasurer

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 February 11, 1991 at 7:41 P.M.

Present: Robert V. Bindert, Trustees  
Ronald Daniels  
Yvonne Kaye  
Richard P. Sweeney

Thomas V. Troy, Village Attorney  
Theresa L. Cummins, Village Clerk/Treasurer  
David Laubisch, Supt. of Public Works

Absent: Mayor Lawrence Brenton

The Clerk read the notice of public hearing being held on February 11, 1991 at 7:35 P.M. for the purpose of hearing all persons interested in discussing Repeal of existing Village Code, Chapter 50, entitled Sidewalks and Streets, and enactment of a new Chapter 50 entitled Streets and Sidewalks.

Trustee Sweeney stated the purpose of a public hearing is to obtain citizen input concerning the proposed enactment of local legislation. This evening we are going to be having 2 hearings concerning existing Village codes which regulate activities within the Village pertaining to the construction, maintenance of sidewalks and additionally a second public hearing concerning the proposed repeal of an existing section of Village law concerning private snowplow operations. He is combining these in his preamble to this first public hearing simply from the perspective that what we are in the process of doing is examining existing Village law and streamlining and updating where possible. The purpose of the 2 separate hearings being held is because we're proposing to take action on 2 separate sections of existing Village law. It is our aim to develop a single law that will regulate sidewalks, public streets and snowplowing in a single proposed revision, Chapter 50 to be called Streets and Sidewalks.

Trustee Sweeney stated we have a local law that provides a requirement that property owners do construct sidewalks. They are required to maintain and keep those sidewalks free and clear of snow, debris and litter. There is a requirement that anyone proposing to construct a public sidewalk, obtain a permit to do so and construct it in accordance with construction specifications that will be approved by the Village Board by resolution. That is, we will pass a resolution pertaining to the thickness and strength of sidewalks and where they can be located. The local law requires that a driveway not be repaved across an existing sidewalk; that is, you could not put asphalt in repaving your driveway, over the public sidewalk. You have to maintain that sidewalk. That's one area where homeowners want to put sealer on and at times we have difficulties.

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It is the homeowner's responsibility to maintain that sidewalk and the proposed local law specifies the Superintendent of Public Works to make periodic inspections and report back to the Village Board on any unsafe sidewalks that exist within the Village so that the Village Board can notify the property owner of the requirement to make repairs.

Trustee Sweeney stated in the instance of a tree planted within the public right of way by the Village, the Village will make any repairs to the sidewalk caused by heaving due to the tree roots. At the same time, if the tree is on private property and causes damage to the sidewalk, then it would be the property owner's sole expense and obligation to make the repairs. The proposed code does require notification and permission from the Village Clerk for any street opening for repairs even by the public utilities. One of the unexpected sections of the proposed code does require permission from the Village Board in order to plant trees within the public right of way. The proposed code also sets standards for brick pavers to be used in both commercial and manufacturing areas, based upon an application for installation in areas where either the sidewalk and/or what would normally be a green or unpaved area between the edge of the pavement and building could be covered with brick pavers. That's substantially the contents of the proposed code excluding those provisions that pertain to snowplowing. The proposed code regarding snowplowing does incorporate existing requirements that make it the responsibility of a private operator who wants to plow drives or walks within the Village for hire to obtain a permit from the Village and then the local law sets requirements on where that snow can be deposited.

Carolyn Schlifke, 192 Evans, stated she has reviewed the Street and Sidewalk code and she has a couple of questions about the items listed therein. Basically it has to do with the right of way areas. On Page 9, Item D, it has to do with sidewalks. "Where the Village will assume any cost exceeding that of the first 100 lineal feet". This provision basically has to do with corner lots. Carolyn Schlifke stated in some areas of the Village, especially the older areas, some of the corner lots are very small. You may have a 40', 50' fronting on the street and a side fronting of it may be the same amount. Now when you say 100', are you then proposing that if the total area to be covered with sidewalk is maybe only 120' that the Village will pick up the cost for 100'?

Trustee Sweeney stated the Village will pick up the entire cost for that portion of the work that goes beyond or exceeds 100'.

Carolyn Schlifke stated in other words 100' will be picked up by the homeowner.

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Trustee Sweeney stated earlier sections include provisions for the Village to set a rate for participating in reconstruction of sidewalks. There is the possibility that both the homeowner and the Village would pay a preset portion of the cost of rehabilitating the first 100'. The section that Carolyn is talking about specifically says that regardless of what happens to the first 100', anything beyond 100' will be paid for entirely by the Village.

Carolyn Schlifke stated she was concerned about people who live in homes that are not on corners and have had to share in the cost of perhaps 60' or 70', that you were going to allow corner lots to share in 100' and then the homeowner would pay for the balance. That was more or less her concern that it was not quite fair to some of the people who have already been involved in the sidewalk program and who have had to pay for the whole portion, that was fronting on the street.

Carolyn Schlifke stated another item in on Page 11, Item B. She feels it is a little unclear when you state that no shrub, fence, sign or other obstruction to visibility more than 3' in height above finished grade level shall be permitted within 15' of any street or alley. Where is the street in so many areas of the Village where there is no curb?

Attorney Troy asked if Carolyn was suggesting that it should be 15' from the public right of way?

Carolyn Schlifke stated either that or 15' from the pavement, or something rather than just stating of any street or alley.

Trustee Sweeney stated there are other sections which specifically state within so many feet from the edge of the pavement. Would that help in this cases?

Carolyn Schlifke stated perhaps it would. It just seems as though at 15', is it from the pavement, is it from the right of way, is it from the sidewalk? It just seems unclear to her. Perhaps someone else may, if they are brought in for an infraction, may question it.

Trustee Sweeney stated he thinks that is a point well made. Simply a case where having read through a number of these sections himself, he begins to assume a certain understanding that really isn't there.

Carolyn Schlifke stated the last paragraph on that is Page 11. This is an area that has existed in the Village for many, many years. She is sure that most of the residents that have placed either a boulder, a rock, a rod or a pipe or a landscape timber at the edge of the right of way to keep cars from tearing up the grass are not aware that they are breaking the law. Now you have a code here that will be passed.

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She has to assume that the reason for this particular paragraph is because the right of way is Village property. If someone were to be injured by something in that right of way, the Village would be liable. Under this code, it is the homeowner who would be breaking the law by placing it here and therefore would be liable for the injury. All these years that the Village has allowed people to do these things and have never brought it to their attention that they are breaking the law. Is the Village planning to enforce this particular part of the code? Or are you just putting it in there for the Village's protection?

Trustee Sweeney stated it is his own feeling that he is not trying to enact local laws that would not be enforced uniformly and in most cases. At the same time this is a particular section where he has no intention to go out and begin a crusade to eliminate every existing infraction that exists in a short period of time. His basic desire in enacting this section stems from the fact that the public right of way has been acquired for public benefit. Therefore, to have individuals beginning to exercise control over and potentially make use of that public property for private benefit and at the same time expose others to greater risk, is undesirable and should not be continued.

Carolyn Schlifke stated if you have a code that is just so many words on a piece of paper that you don't want to enforce, she wonders why it's even there.

Trustee Sweeney stated he does intend to enforce it. There are particular cases that he has in mind where he thinks people have installed structures, pipes, and other obstacles, that are a significant threat to pedestrians, bicyclists, or people making legitimate use of the street. He would hope and intends to see that they are removed.

Attorney Troy stated the Village will have to have notice, he believes in writing of a dangerous or hazardous condition in the public right of way and have a reasonable time to act. Upon our failure to do so, if anybody was injured, then he thinks the Village could be held accountable. However, we in turn could then impose liability on the homeowner who had illegally done it.

Bob Krieter, 62 Eagle Street, stated he understood correctly the Village isn't going to systematically enforce it but only on certain people. Is this going to be selective enforcement?

Trustee Sweeney stated that like any existing law or new law that is proposed, there are certain priorities in enforcement. What he is looking to do is eliminate, what he feels, are the worst hazards-things that have been brought to the Village's attention.

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Attorney Troy stated it's what we call path in the trade. It's passive enforcement. The Village has neither the means nor the manpower to go around checking each home. If it does get a complaint, it has to pursue the complaint. Some people have buried huge posts in their driveway and painted them white. They're right in the right of way at the edge of the pavement. When the Village gets a complaint about them, residents ask that something be done about them.

Bob Krieter asked will the Village repeal any permits that were issued for people who were allowed to have these posts by permit? Will this supersede those permits?

Attorney Troy stated not if they are break away posts.

Bob Krieter asked what's to say that someone else can't get a permit to keep people from going up in the driveway?

Trustee Sweeney stated his basic understanding is that a private property has no mechanism to obtain a permit to put obstacles in the Village right of way.

Bob Krieter asked so if a permit was issued and a person does have it, are you telling me that someone else cannot get a permit then? If someone has a permit that was issued and somebody does have a break off post, does that deny anybody else here the ability to obtain a permit to do the same thing?

Trustee Sweeney stated his basic understanding is that's correct.

Attorney Troy stated he believes that there shouldn't be such things in the public right of way. He assumes from the way Mr. Krieter is talking that there are several cases where they feel they have a legal right to have them there.

Bob Krieter stated what he's looking for is if he comes in tomorrow morning and he applies for a permit to put break away posts so people can't drive up on his lawn, is he apt to get this granted or not.

Attorney Troy stated his recommendation to the Village at this point would be no, the Village should not grant such a permit. It has been consistently his position.

Bob Krieter stated that doesn't speak very well for the people that don't have curbs then, right? How are residents going to keep cars from parking on the lawns where there are no curbs. The homeowners are attempting to keep cars off their lawns. Will the Village install curbs?

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Trustee Sweeney stated as with any public improvements that are needed, if the property owners were willing to participate in the cost, the Village would install curbs, but he thinks the likelihood is remote.

Bob Krieter stated pavers in the business and commercial area are mentioned. You use the term to the edge of the right of way. Does that also include the sidewalk area?

Trustee Sweeney stated yes it does.

Bob Krieter stated opening in the right of way, utilities are also required to get permission. Is the permission in the form of a permit and is there a fee involved? Who would issue the permit? Who backfills the holes?

Trustee Sweeney stated yes it is. In that particular case, there are emergency provisions and simply reporting requirements. He's not positive himself that in every case we would actually issue a permit to a public utility. Trustee Sweeney stated he is not aware that we have a fee for utilities. He knows that there would be a fee for a private individual to make a street opening for sewer and water repairs or connections. On Page 12, Section 50.09, Item C., Public Service corporations shall obtain a permit from the Village Clerk for any street opening. Any street opening shall be restored as herein prescribed and the actual cost of resurfacing shall be borne by the corporation making the opening and shall be paid within 30 days of rendering of a bill by the Village Clerk.

Bob Krieter asked if someone gets this permit from the Building Department?

Trustee Sweeney stated the regulation that we're talking about now is applicable to public service corporations which apply to the Village Clerk. If you are a public service corporation you would apply to the Village Clerk. As an individual, you would apply to the Building Department.

Bob Krieter asked if the public utilities are supervised?

Trustee Sweeney stated basic responsibility for the repair of the work does come under the Village Department of Public Works and the Superintendent would exercise supervisory capacity.

Maryanne Avery, 64 Garrison, asked if the hearing on this is going to be closed tonight?

Trustee Sweeney stated yes. If you want to get a copy of the proposed code and make comments within the next week, your comments will be taken into consideration when we are taking action on the code.

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Maryanne Avery stated it seems to her that when residents put in timbers along the front of their property, it makes the whole street look a lot better because it cleans up the muck. It's really to public betterment. It straightens up the area and it's alot cleaner. Why do you define something that is neat and low as being an obstruction in the first place? Her problem is with the muck. If there is alot of rain, there's alot of runoff and there are alot of places where there isn't any curbing. If somebody comes along and wants to improve this situation, can they get a permit from the Village to put in their own curbing or a wooden curb in? Is that legal? If they want to improve the situation, why should they be penalized for it?

Trustee Sweeney stated that Ms. Avery is making a valid point that in certain instances the local law, as we are proposing, it would work to the detriment of someone who is willing to make an improvement. The Village Board members will discuss this point. He still goes back to the basic emphasis of the ordinance is for the Village to exercise control over the public property.

Bob Krieter asked if Trustee Sweeney is willing to review this and possibly rewrite this section? He would like to see permission for some sort of obstacle to keep people from driving up on your lawn. He wants to see something like a railroad tie or a 6x6. He wants to see something like that written in a local law. Other communities like the Town of Amherst have them.

Trustee Sweeney stated he's not sure that that's an example that he wants to follow. The basic point he is trying to make is he doesn't feel it's exercising his responsibilities for control of public property by allowing individuals to put up structures. He can cite examples where there are railroad ties that are hazards.

Bob Krieter stated he would like to see consideration by the Board to allow an accepted standard, meaning a 6x6 or some sort of wooden type barrier. He doesn't think Trustee Sweeney has heard the end of this if he is going to do selective enforcement.

Deputy Mayor Yvonne Kaye commented she has also asked that question, particularly of David Laubisch, Superintendent of Public Works. One of the problems it poses is that from a snow plowing standpoint, if they aren't placed properly at the edge there's a tendency to a have a plow hit one of those and have it knocked out into the street causing some problems. So even though she can appreciate Maryanne Avery's point about trying to avoid the muck, it is her understanding that they can pose a safety hazard. Deputy Mayor Kaye asked Trustee Sweeney if there is an option for homeowners or residents to actually install a concrete curb through a permit process if they choose to apply.

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Trustee Sweeney stated his basic understanding is that the local law we're discussing would prohibit individual property owners from constructing curbs and/or guard rails. At the same time, the Village certainly has it within it's power to construct curbs along public roads and assess the cost thereof to the abutting properties. If everyone on the street would want curbs and be willing to pay for it like other public improvements, the Village could undertake that work.

Deputy Mayor Kaye asked would that then be 100% participation by all the residents on the street or is it a certain percentage?

Trustee Sweeney stated he thinks he would have to have that researched. His feeling is that it would not have to be 100% and it would largely be up to the discretion of the Village Board what the percentage should be before we would proceed.

Attorney Troy stated he admits it's a matter of first impression, but he would be careful in making such a statement. We know that the New York State Village law permits an allocation of the costs of sidewalks but he doesn't think there is any reference to curbing and curbing is an incredibly expensive enterprise.

Trustee Sweeney stated he is not proposing that the Village would pay the cost of that curbing but rather would assess it against the property owner.

Deputy Mayor Kaye asked Attorney Troy if that is an area which he can research legally, that if the homeowners are willing to bear the cost of putting in a curb on their own that meets the specifications, can this be done?

Attorney Troy stated he has no problem with that at all.

Deputy Mayor Kaye stated she is asking Attorney Troy to research this and Trustee Sweeney to look into providing something in the code that would allow for curbing to be installed. This would be for permanent concrete curbing that would meet certain specifications outlined by the Village if there would be a majority or a total agreement by the homeowners that they wanted curbs and would bear the cost of the installation. Her understanding is it's about \$15-\$18.00 a lineal foot for concrete curbing.

Carolyn Schlifke stated the way she reads this section it says that none of these things may exist in the public right of way without prior written permission of the Board of Trustees. If she were an individual reading this and trying to interpret it, she would come to the Board and ask for written permission. The way it is written you are giving them that option. The sentence has to be taken out if you are not going to give any permission or if it is left in, you then must consider that written application.

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To her knowledge there is only one permit that has even been issued in the Village of Williamsville for something in a public right of way and that gentleman did go through the permit system, and as far as she knows, the permit was issued for him to put up what he has in his driveway.

Trustee Daniels stated on Cadman Drive, which is a circular road, there are alot of long front yards with posts and steel obstructions sticking out of lawns. In fact, neighbors have complained about the hazard to children riding bicycles and to motorists. Trustee Daniels has talked to the neighbors and to David Laubisch on this. The problem is the inconsistency of having railroad ties or anything along that right of way unless it's the same for every home. It's the unexpected that causes a hazard. It's one thing to say if the majority of the residents would like a capital improvement, even at their own expense to do a whole street, Cadman Drive. It would be incredibly expensive when you think of \$18.00 a running foot for curbing. It entails some blacktop work as well. It's a major project. He doesn't believe in practical terms it will ever happen that a whole street, unless it's a very short street, would opt for curbing for their whole street without alot of strife in the neighborhood. If the majority wanted it, that would mean if 49% didn't they would still have to pay for the wishes of the 50%. A very difficult, sticky issue and there are several in the code that just can't be reconciled. He thinks it's unfortunate that we don't have curbing. He thinks it's very unfortunate for lawns that keep getting run over. He knows 2 on the corner of Cadman and Werhle that always have tire ruts the whole summer long. You almost can't blame them for trying to stop that. Trees get run down, hedges get mowed down. He wishes there could be some sort of solution that could be worked into the code. It's a very frustrating situation.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to close the public hearing at 9:30 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk/Treasurer

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

Thomas V. Troy, Village Attorney  
Theresa L. Cummins, Village Clerk/Treasurer  
David Laubisch, Supt. of Public Works

There Clerk read the notice of public hearing being held on February 11, 1991 at 7:40 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which would repeal Section 58 of the Village Code-Plowing of snow by private snowplow operators.

Trustee Sweeney stated this hearing is intended to hear any comments regarding the snowplowing provisions of the existing Village Code that are currently in a separate section of law that we're proposing to consolidate into Chapter 50, the chapter that we just concluded a hearing on.

There was no comment from the audience.

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved to close the hearing at 8:33 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, 5545 Main Street, Williamsville, New York on Monday February 11, 1991 at 7:30 P.M.

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

Thomas V. Troy, Village Attorney  
Theresa L. Cummins, Village Clerk/Treasurer  
David Laubisch, Supt. of Public Works

In the absence of Mayor Brenton, who was expected later, Deputy Mayor Kaye called the meeting to order with the Pledge of Allegiance at 7:30 P.M.

ON MOTION by Deputy Mayor Kaye, seconded by Trustee Daniels, the minutes of the regular meeting of the Board of Trustees held January 28, 1991 were approved.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Sweeney, it was moved at 7:31 P.M. to open a public hearing regarding Use of 1991-1992 Community Development Funds. (The public hearing was closed at 7:40 P.M.)

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved at 7:41 P.M. to open a public hearing on a proposed local law - Repeal existing Chapter 50.00 - Sidewalks and Streets and Adopt new Chapter 50.00-Streets and Sidewalks. (The public hearing was closed at 8:30 P.M.)

Unanimously carried.

Mayor Brenton arrived at 8:30 P.M. and Deputy Mayor Kaye returned the chair to him at that time.

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved at 8:31 P.M. to open a public hearing on a proposed local law - Repeal Section 58.00 - Plowing of Snow by Private Snowplow Operators. (The public hearing was closed at 8:33 P.M.)

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 February 11, 1991 at 7:30 P.M.

Mayor Brenton reported that under the Executive Budget revenue sharing is going to be eliminated for towns and Villages throughout the state of New York and that certainly is going to impact the Village of Williamsville as it will other municipalities in that regard.

Mayor Brenton presented the effect of the 1991-1992 budget proposal of Governor Cuomo. (Copy attached) The total reduction of both years would be \$242,275. which is a considerable amount of money which would have to be borne by the local taxpayers. We will have to rely on the state legislators in the Assembly and Senate to try to forestall those proposed cuts at least to the extent that they might be reduced to some degree so that the total impact will not be borne by the local taxpayers throughout the municipalities of New York state. Mayor Brenton can only say in the Village of Williamsville we have practiced fiscal responsibility throughout and he thinks with some other areas of governments, be it within the townships or within the state or perhaps even the counties, it has been let's spend, spend, spend. Now the chickens have come home to roost. In our particular situation, we have not spent other than what we have felt has been needed for our residents and has been needed for the services that we have to provide our residents. There are two issues here. The first is the mandated services such as snow plowing, garbage removal, things of that nature that is our duty to accommodate. Then there are items such as parks that we have tried to improve or that we have indeed, added to. We have been very cost responsive and effective pertaining to expenditures of those funds and we are thus in relatively good shape to withstand some of these pressures compared to what other municipalities might be expected to have confront them. However, we can expect, if these measures are to go through, that we'll have to pay additional property taxes in order to compensate for the loss of these state revenues. Mayor Brenton stated he thinks it is important that this be noted in the minutes and be made aware to his fellow Board members as well as the general public. He has instructed that the Board members develop their budgets for our upcoming fiscal year, which will start on June 1st, with the utmost fiscal responsibility and constraint, scaling back wherever possible and we can only hope that the total effect of Governor Cuomo's proposal will not be passed on to villages and towns throughout the state of New York.

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ON MOTION by Mayor Brenton, seconded by Trustee Daniels, vouchers in the amount of \$91,306.94 covering 1/26/91-2/7/91 were approved:

payroll fund w/e 1/30/91	\$20,757.20
General fund	36,919.74
Water fund	26,065.04
Sewer fund	295.47
Glen Park fund	322.80
Trust & Agency fund	<u>6,946.69</u>
*Grand Total*	<u>\$91,306.94</u>

Large Vouchers:

Erie County Water Authority	\$24,529.40
Occidental Chemical Corp.	7,345.13

Unanimously carried.

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

RESOLVED THAT Theresa L. Cummins, Village Clerk/ Treasurer is hereby authorized to travel to Albany, New York on February 26 and 27, 1991 with other representatives of Erie County governments for the purpose of meeting with State Legislators regarding the devastating impact the proposed State aid cuts will have in local municipalities, and the cost not to exceed \$200.00, to be paid by the Village of Williamsville.

Trustee Daniels thanked Mayor Brenton for his presentation on the fiscal impact to the Village of Williamsville on these proposed state cuts. Trustee Daniels commented on the severity and impact and the fact that it's a very serious one. Mayor Brenton has a good grasp of the fiscal cuts and Trustee Daniels thinks that the Village would be very well represented by the Mayor of the Village going to Albany. He thinks that would be a responsibility of that position, as Mayor of the Village, to represent us in a lobbying mode. Certainly we need all of the input and the pressure that we can cause to bear on the government in Albany. He thinks that in dealing with that type of issue, Trustee Daniels would like to see Mayor Brenton attend that meeting as well.

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Mayor Brenton stated he would concur with that and indeed perhaps Trustee Daniels doesn't know but Mayor Brenton is allowed \$1,000 a year in expenses in the budget but every year that \$1,000 sits there because usually he doesn't use it. However, if he does go to Albany, he goes at no expense to the Village because his occupation allows him free travel on Amtrak, so there's no need for a resolution. There certainly would be no sense in him creating a resolution when he has accommodation and free transportation in Albany. He does take Trustee Daniels' thought in mind and it is definitely in his mind to go with Village Clerk Cummins, but in the event that his demanding schedule precludes him from being able to attend that particular meeting, we will be represented there. So he saw no need for a resolution for two people at this time to go especially when one of them can travel as he does for nothing.

Trustee Daniels stated he wasn't actually calling for a second resolution or even a modification of this as more of an encouragement because of the importance of the issue just to be well represented in Albany. He would certainly encourage Mayor Brenton to attend.

Mayor Brenton thanked Trustee Daniels and for his encouraging words.

Unanimously carried.

Trustee Sweeney commented it is very likely that his reign as a participant in the Village recodification process, is at an end with the completion of the hearing this evening. It may very well complete our process of systematically going through Village code and updating and streamlining the process. With tonight's meeting he wishes to express that it has been an enjoyable but at times frustrating process of trying to explain this recodification process. He does hope in the future that there will be further opportunities for the Village citizens to express their views on needed revision to our local laws. He is happy to see the process that has been going on for some 10 years, drawing to a close.

Mayor Brenton stated on that particular subject it has been a difficult situation for Trustee Sweeney and he knows a great deal of work and also for the Building Department and the Village Clerk and of course Trustee Kibby before you, because as Trustee Sweeney indicated, it has been many years in coming. Mayor Brenton thanked Trustee Sweeney and congratulated him and those who have worked so diligently to change our code. It has taken a great deal of effort.

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Trustee Bindert had no report or resolutions this evening.

Trustee Daniels reported the Performing Arts had a children's show this past Sunday which was very well received. Next Friday and Saturday night we're presenting Banjo Americana, 3 banjos, tuba and piano. It will be the history of the banjo from the 1860's to present including alot of foot stomping and finger snapping type of music, preceded, if you like, a dinner/theater combination with the Eagle House. It was very successful last time and we're looking forward to it being even better received this time. It's nice to include the businesses on ventures like this and everybody makes money and also provides a service to the community.

Trustee Daniels also reported we tried to put a skating rink in Glen Park for the winterfest, which attracted alot of people Sunday even though there was no snow. The hay wagon ride, the petting zoo and the pony ride and the nature walks were very well attended. We had wanted to resurrect the area behind the nature building for skating as it was originally developed. The Fire Department poured water into the whole area in the hope that it would hold and freeze. But it did not hold the water. The following day he called Great Lakes Plastics because what it needed was a liner. It's been done in previous years. David Laubisch stated that in order to flood it they had to use two gas pumps from the creek for a day and a half before the water finally stayed there to any degree and froze. Even then the quality of the ice was not the best. To cover about one half the area, Great Lakes Plastic said a sheet 120'x100' would be needed and would cost about \$250.00. We could do something like that for next year.

Trustee Kaye reported that the recycling program begins on the week of March 19. The recycling day will be your garbage day, for all of those businesses and residents who have municipal garbage pickup at this time. For all those people who do not have municipal garbage pickup, BFI will be making particular arrangements with those individuals and businesses to have them participate in recycling prior to the mandate of 1992. This week a letter will be going out with a flyer to all the residents and businesses who have municipal garbage pickup outlining the specifics of the program. It also talks about the 3 days that the Village has set aside for residents to come and pick up their recycling bins downstairs in the back of the Fire hall. Those dates are Saturday, March 2, 10:00 A.M. to 4:00 P.M., Sunday, March 3, 12:00 noon - 4:00 P.M. and Wednesday, March 6, 10:00 A.M. - 2:00 P.M. and with the evening hours that same day from 5:00 P.M. - 8:00 P.M.

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For those people who may be out of town or infirmed, we're asking those people to just call Village Hall and we'll make a special arrangement for distribution of their bins. Articles will appear in the Bee about it and residents will be getting pieces of literature in their mail about the recycling program.

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

RESOLVED THAT Albert Weisser, Donald A. Schueckler, Jr. and William Grady, Williamsville Firemen, are hereby authorized to attend the Electrical Fire Investigation Training School in Montour Falls, New York, from March 18-20, 1991, and the cost, not to exceed \$175.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye stated her second resolution is a budget transfer from snow equipment into service contracts. We had purchased a piece of equipment from our snow equipment budget item that turned out to be less than we anticipated. In our service contract area we had two very costly maintenance repairs this past item, one for the highlift and one for the dump truck. The sander portion of the dump truck used over 50% of our repair budget in that line item for the DPW.

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

RESOLVED THAT the following transfer is hereby made in the General fund:

From:	To:
1.5142.2 Snow-Equipment	1.5110.4163 Service Contract
\$1,400.00	\$1,400.00

Unanimously carried.

Mayor Brenton thanked everyone that has worked so hard to get recycling established in Williamsville ahead of the mandate.

David Laubisch stated he had no report this evening.

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

Unanimously carried.

Mr. Sajdak, 255 South Cayuga Road, read a letter regarding the flooding of his lot. (Copy attached)

David Laubisch, Superintendent of Public Works, stated the closest storm sewer system to the corner of the area in question is 210' away. The answer to the problem would be to give the water that Mr. Sajdak is referring to, an opportunity to enter the storm sewer system that is existing there. The distance that were talking about is a minimum of 210'. As far as the feasibility of the work solving the problem, he really hasn't had adequate time to make that determination.

Mr. Sajdak asked if they are proposing some kind of drainage to pick up at the low spots and is it going to be surveyed and when will the work start?

David Laubisch stated a storm receiver would be the solution. This is the basic information he has relayed to the Village Board. It will be up to the Village Board to make the decision as to what they would like to do. All he can do is recommend it to the Village Board. The answer is to give the water some place to run.

Trustee Daniels stated this is going to be a situation where it sounds like it is going to be a considerable amount of money. Trustee Daniels said he would be more comfortable if we could have an engineer look at the problem so that we can get some parameters for this and an idea of exactly what type of work and money we're talking about.

David Laubisch stated the only way, in his opinion, is to connect it to the storm sewer so it will function effectively and properly and so we can clean it in the future. Anything outside of that wouldn't be done in a professional fashion.

Mayor Brenton stated Mr. Sajdak indicated in his statement the problem is made worse by the sidewalk. Mayor Brenton takes extreme exception to that. If anything, the sidewalk, where previously there was no sidewalk, that sidewalk now impedes some water from entering Mr. Sajdak's yard in times of lighter precipitation. That is Mayor Brenton's opinion as opposed to Mr. Sajdak's opinion as he stated in his statement.

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So that is not the fault of the sidewalk. To raise the sidewalk for the purpose of blocking water would not be sound engineering or actual practice. As Mr. Sajdak indicated to Mayor Brenton in all the years that he has been here, his property has received a great deal of water. Over all the years, and Superintendent David Laubisch confirms this in his discussions with him, he would like that to be a matter of the record regarding the situation.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to go into Executive Session at 9:10 P.M. for the purpose of discussing personnel matters.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Daniels, it was moved to return to the regular agenda at 10:15 P.M.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Sweeney, the meeting was adjourned at 10:16 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk/Treasurer

PART I

Mr Chester Sajdak  
255 So Cayuga Rd.  
Wm. 21 of Feb. 11/91

Brenton

Mayor, Board Members:

I'm Mr. Sajdak living at 255 So. Cayuga Rd for the last 38 yrs. thru the last 15 years. as so, this area has developed & improved. But the most recent sidewalk installation turned out very disturbing & frustrating. Right after the first moderate rains experiencing flooding, also some friction developed & high temps flared up because of the issue with my neighbors, Wellington Condo Association. They don't like the flooding situation

any more than I do, but I'm bearing the brunt of it all. Besides a <sup>total</sup> lack of communication.

Seemingly there have been some <sup>damages</sup> miscalculations as to the level of sidewalk & grade for proper drainage. I can't see the logic that at the high level, sidewalk is above street pavement, while the lower walk being 3-4" below street surface, obvious making it more vulnerable to floodings.

In the two sketches I submitted, plainly indicates the water runoff has no place to go & my property is being used as a receptacle so to speak. Surely, no street runoff water should end up on private land.

one also illustrates the past & present drainage arrangement as far as the neighboring property is concerned. Also the reason for the temporary (chute) under sidewalk to relieve the overflow as it should occur, until finally that is solved. The chute was covered up right away & never became functional.

Would seem logical to me to redo the present <sup>low</sup> sidewalk, to a height somewhat equal to the rest of it. Let the water run its natural way & empty into walking, which is only a few feet away; provides the necessary facilities such as curb & storm sewer & dispose of the water properly & resolve the problems altogether.

I'm asking the mayor, board members & heads of depts to evaluate the situation & act accordingly to resolve the situation and give everybody <sup>CONCERNED</sup> peace of mind. Would also appreciate being up dated of your final decision & procedures.

I Thank You  
Mr. Safdar

Would like to submit these for the record. If I may?