

Minutes of the Special Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Tuesday, October 15, 1991 at 7:35 P.M.

Present: Ronald Daniels, Mayor  
James Hayes, Trustees  
Patrick Kelly  
Mary Lowther

Thomas Troy, Village Attorney  
Elaine Smith-Honan, Deputy Clerk

Absent: Yvonne Kaye, Trustee  
Theresa L. Cummins, Village Clerk/  
Treasurer  
David Laubisch, Supt. of Public Works  
(arrived later in meeting)

Mayor Daniels opened the meeting with the Pledge of Allegiance at 7:35 P.M.

In the absence of Supt. of DPW, Laubisch, Mayor Daniels reported that a household hazardous waste drop-off is scheduled for Saturday, October 19, 1991. Erie County will be accepting oil based paints, paint thinners (liquid solvents) up to 10 gallons from residents (no aerosol cans or latex based paints) at the E.C. Hwy garage, 1870 Military Road, Tn. of Tonawanda. Mayor Daniels said he would like to, in the future, tie the Village into the hazardous waste disposal program by developing a satellite station in the area, coinciding with the county drop-offs, so that it would be more convenient for residents to get rid of these materials. The Village could then make arrangements to have these items taken to Tonawanda or wherever the drop site is in coordination with the E.C. efforts.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held on September 9th & September 23, 1991 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the Public Hearing of the Board of Trustees for the proposed water rate increase of September 23, 1991 were approved.

Unanimously carried.

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ON MOTION, by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$209,218.14 covering 9/20/91-10/9/91 were approved:

|                                 |                            |                      |
|---------------------------------|----------------------------|----------------------|
|                                 | payroll fund w/e 10/5/91   | \$ 18,880.20         |
|                                 | General Fund               | 64,500.89            |
|                                 | Water Fund                 | 2,585.90             |
|                                 | Sewer Fund                 | 30,147.48            |
|                                 | Trust & Agency Fund        | 13,810.45            |
| Glen Park Joint Activities Fund | Capital Fund               | 544.52               |
|                                 | Community Development Fund | 77,119.70            |
|                                 | Risk Retention Fund        | -0-                  |
|                                 |                            | 1,629.00             |
|                                 | *Grand Total*              | <u>\$ 209,218.14</u> |
| Large Vouchers:                 |                            |                      |
| Norstar Bank, NA                | \$ 29,840.07               |                      |
| Lancaster Stone Products        | 24,827.19                  |                      |
| Occidental Chemical Corp.       | 7,349.36                   |                      |

Unanimously carried.

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

WHEREAS, the Village of Williamsville applied for a Local Government Records Management Improvement Grant, and

WHEREAS, this application resulted in the Village obtaining a grant in the amount of \$4,052.00,

NOW, THEREFORE, BE IT RESOLVED that the General Fund Budget is hereby increased as follows to reflect the revenues and appropriations:

|                                           |  |                   |
|-------------------------------------------|--|-------------------|
| REVENUES - State Aid Records Management - |  |                   |
| Account #01-9950-0300-3006                |  | <u>\$4,052.00</u> |
| APPROPRIATIONS - Records Management       |  |                   |
| 01-1400-1411-1000 Personal Services       |  | \$1,899.00        |
| 01-1400-1411-4110 Professional Fees       |  | 1,500.00          |
| 01-1400-1411-4010 Supplies                |  | 108.00            |
| 01-1400-1411-2000 Equipment               |  | 400.00            |
| 01-9000-9030-8000 Employee Benefits -     |  |                   |
| Social Security                           |  | <u>145.00</u>     |
| TOTAL APPROPRIATIONS                      |  | <u>\$4,052.00</u> |

Unanimously carried.

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ON MOTION, by Mayor Daniels, seconded by Trustee Kelly, the following resolution was adopted:

RESOLVED that the Village Board of Trustees, acting as the Fire Commissioners of the Williamsville Fire Department, hereby accepts the results of the October 5, 1991 Firemen's Service Award referendum as follows:

| DISTRICT # | YES        | NO        | VOID       | TOTAL      |
|------------|------------|-----------|------------|------------|
| 1          | 96         | 22        | -0-        | 118        |
| 2          | 105        | 26        | 1          | 132        |
| 3          | <u>96</u>  | <u>30</u> | <u>-0-</u> | <u>126</u> |
| Total      | <u>297</u> | <u>78</u> | <u>1</u>   | <u>376</u> |

Unanimously carried.

Mayor Daniels stated that his final resolution involves creating a street light system for Cadman Drive which is one of the last areas of the Village without street lighting. Frandina Engineering has been involved in the engineering phase of this system and have developed a set of specifications for the actual work of trenching and installing the lines and the bases for the installation of the lighting poles that will be the subject of separate resolution to accept that bid in the near future.

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

RESOLVED THAT the Village Clerk is hereby authorized to advertise for sealed bids for the installation of a Street Lighting System on Cadman Drive. Bids to be opened at 3:00 P.M. on November 22, 1991, in the Village Clerk's Office, 5565 Main Street, Williamsville, New York.

Trustee Lowther reported that the Performing Arts and Special Events group will have their Grand Opening for the season this weekend at the Meeting House, Friday, October 18, there will be a sneak preview performance and Saturday, October 19th will be the Gala Black Tie Grand Opening. The performance is a musical review entitled "Encore" presented by In Concert Productions with Hors d 'oeuvres and treats.

The Performing Arts Committee which was created a year and a half ago raised funds by conducting performances and hiring actors for these performances. This group has been disbanded as a Village

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committee with \$488.00 in an interest bearing account. Since the P.A. worked to raise this money, the Village is going to convey this money to the Performing Arts & Special Events Group since they are no longer a Village Committee.

ON MOTION by Trustee Lowther, seconded by Trustee Kelly, the following resolution was adopted:

RESOLVED that the funds of the Performing Arts Committee in the amount of \$488.61 are hereby granted to the Performing Arts and Special Events Society, effective immediately.

Trustee Hayes stated that he supports Trustee Lowther's resolution. However, he emphasized that this is an unusual circumstance in which the Village is conveying monies to a separate society and the reasons behind it.

Trustee Lowther also emphasized that if any of the money had come from the Village thru any of our general fund or other areas this would not be happening but the P.A. raised the money. Dire to legal reasons they are no longer a part of the Village as a Village Committee and none of the funds are taxpayers' money.

Unanimously carried.

Trustee Lowther read a report faxed from Trustee Kaye who was not able to be at the Board Meeting due to a previously planned business trip. As Liaison to Traffic & Safety and regarding residents concerns of traffic and speeding on Evans Street, she has sent a letter to Chief Askey of the Amherst Police requesting his assistance and recommendations regarding truck traffic because Evans has a weight limit posted.

Trustee Hayes thanked village residents for coming out to vote on Saturday, October 5th, Re: Firemans Service Award Program. He congratulated Hutchinson Hose Company for successful & informative open house for village residents. The Parks' grass reseeding project endorsed by Village Board began on Wednesday, October 9th. Elbers Landscaping reseeded 34,000 square feet of Island Park. A turf aerator was purchased with money from the Savor the Flavor and Craft Fair proceeds. It was used a number of times to prepare the soil prior to the reseeding on Wednesday in hopes of seeing germination before the bad weather sets in.

Trustee Hayes reported that the Local Government Advisory Board has 2 meetings this month. The purpose will be to continue discussion regarding the merits of a Village Administrator position and to continue work on preparing long range plans for

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the village. Each trustee/liaison will be contacted and encouraged to begin submitting long range plans for their respective areas of responsibility for consideration of the Village Board. We can then apply for and obtain grant monies when they become available at the Federal and State level and apply this money to those priorities set up by these long range plans.

Trustee Hayes stated that the Senior Citizen Committee responded to a memo request regarding the Senior Citizen Exemption Tax Program that presently exists and the annual application and renewal for exemptions. The Village of Williamsville's current income guide lines are much lower than the Town of Amherst. The Village Board is considering whether to increase the income levels for senior citizens who were applying for the tax exemptions, leave it at the current level or set it at any point in between. The Senior Citizen Committee's response was that promoting education among senior citizens of the village as to the opportunity to apply for the exemption was more important than raising, lowering or adjusting the income levels. They invited Trustee Hayes to address their luncheon on December 9th to explain the senior citizen tax exemption process. Residents are encouraged to get in touch with him regarding the benefits of this board adjusting the income levels. We generally know from past applications the number of senior citizens involved in applying the exemption process, but if we adjust the income level we do not have a great deal of data that's presently available to how many senior citizens fall within the income categories. A suggestion by Trustee Kelly was to take a look in a cooperative effort with the Town of Amherst and try to determine how many seniors in the village are applying for tax exemptions under the higher guidelines with the town. The Board will be pursuing this and is also requesting opinions of those residents who would like to talk to him.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, the following resolution was adopted:

RESOLVED that the Board of Trustees, acting as the Fire Commissioners of the Williamsville Fire Department, hereby reinstates Timothy J. Petrie, 44 N. Forest Road as a member of the department and hereby accepts Thomas C. Ratzel, 16 Eagle Street, as a transfer from the Getzville Fire Department.

Trustee Hayes indicated that he had announced for several weeks a vacancy on the Local Government Advisory Board. He had received a number of requests for appointment from talented Village residents who are willing to share their valuable time and

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effort. After careful review of all those individuals who showed interest in the vacant position, a decision on an appointment was made.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, the following resolution was adopted:

RESOLVED that Spencer P. Schofield, 153 Highland Drive, is hereby appointed to the Local Government Advisory Committee until the end of the 1991-1992 official Village year.

Trustee Lowther read a written statement from Trustee Kaye regarding the appointment of Spencer Schofield to the Local Government Advisory Committee. Trustee Kaye stated she was disappointed in Trustee Hayes' performance at denying the formation of a Community Development Committee along with Mayor Daniels and Trustee Kelly. Trustee Hayes invited those individuals who were not appointed to apply to join the Government Advisory Board even though there was only one position open. Wally Pacer who was on the list of appointments to Community Development attended a Local Government Advisory Committee meeting and submitted a letter to Trustee Hayes expressing his desire to join the Local Government Advisory Committee as he had been invited to during the public discussion. Mr. Pacer's experience in municipal law would be very advantageous to the Advisory Committee. He was also an outstanding member of the Parks Committee for the past 2 years but was also denied a re-appointment to the Parks Committee by Trustee Hayes, Trustee Kelly, and Mayor Daniels during reorganization. One has to question why Trustee Hayes continues to deny Mr. Pacer a Committee appointment. It saddens me that the members of the majority party of this Board are dragging politics into committee appointments. It sends a very negative message to our community for Trustee Hayes, Kelly and Mayor Daniels to continue to deny individuals opportunity to volunteer their time and energy for the benefit of our village unless they support the Harmony Party. I will continue to fight for what I believe is fair and ethical treatment of our residents. Thank you.

Trustee Kelly responded by saying that he never asked anyone applying for a committee appointment what party they support. Although he was endorsed by the Harmony Party he is not a member of that Party and did not ask Spencer Schofield what party he belongs to or what his beliefs are. The only question that he asked of Trustee Hayes was what are Mr. Schofield's qualifications and indeed they are tremendous. He is quite happy to vote for Mr. Schofield as a member of the Local Government Advisory Board.

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Trustee Hayes responded by saying that he resented the implication that the appointment was political. This is a disservice to all the village residents who applied and to Mr. Schofield and Mr. Pacer. Mr. Schofield's qualifications are: The senior planner for the Dept. of Environment & Planning for Erie County, he has had 17 years experience in the field of planning and is the Director of WNY Chapter of the Amherst Planning Association. He is a 36 year resident of the Village of Williamsville, has a Bachelor's Degree and Master's Degree in Geography from the State University at Buffalo, Williamsville High School Graduate Class of 1961, a cub scout den leader for the Village Troop 619, a boy scout leader for a number of years #85, former chairman of Trustees and current elder at the Amherst Presbyterian Church. He is eminently qualified for the position and Trustee Hayes resents the implication that Trustee Kaye makes that he is being appointed for political reasons and why she consistently brings that argument into discussion when we are having the very difficult choice of selecting individuals of the Village to appoint to these committees. All of the candidates who were brought forth, and Trustee Kaye did bring forth a number of names for consideration, were eminently qualified. Trustee Hayes made the decision of selecting Mr. Schofield and believes he was the best qualified at this time for appointment for the Board.

Unanimously carried.

Trustee Kelly commented that Trustee Kaye's statement was uncalled for and that the residents that she suggested for the committee who were not appointed have been publically invited to join the Youth Board in which there are two vacancies. Each one is still invited to join if they so desire. Politics had no part in the appointment decision only whoever was the most qualified candidate.

The Youth Board has its annual Halloween Parade and Party on Saturday October 26th, chaired by Mrs. Pacer, with a parade beginning at 6 P.M. from North Ellicott to Sts. Peter & Paul Church.

Trustee Kelly reported that the work on the Darling Property still continues. The Boards consensus is to give them a very little bit of property together with an easement to do repairs on their building in return for them placing a fence along the boundary that is suitable for our needs. The contracts and property descriptions are currently being drawn up.

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Trustee Kelly stated that the Planning Board has pointed out that some of the signage laws are in conflict and are inappropriate. They are presently being reviewed along with the Village Attorney to iron out the conflicting language.

Superintendent of DPW, Laubisch, who arrived late, reported that the Highway Department is in the process of its fall leaf pickup. The DPW has been through the Village once and is now on its second trip through.

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

Unanimously carried.

Michael Coahn, 82 Academy thanked Supt. Laubisch for removing brush and twigs from the property and asked if in the future permission could be given for the DPW to enter onto his property to remove shrub and debris. This would eliminate a road hazard which would be created by the excess debris from the property. He stated that he has recently taken over possession of 82 Academy and it has been neglected for 40 years and has been vacant for the past 8 years. He has been making an effort to make it a model lot for the Village of Williamsville.

Supt. Laubisch advised that public employees could not go onto private property to perform work for taxpayers. We always pick up debris on the public Right of Way between the sidewalk and street.

Trustee Kelly advised that Mr. Coahn should contact the DPW and make an appointment for pickup on weekly basis for several weeks because his request is inappropriate, but that a mutually agreed upon time and date would be more suitable.

Supt. Laubisch advised that 95% of the DPW time is currently spent on leaf pickup. There will be one more scheduled debris pickup for October after which pickups are made by a call in basis, weather and work load permitting.

Michael Coahn mentioned that his house had been discussed for use as a practice and burning exercise for the fire company and asked what decision had been made on that request.

Mayor Daniels responded that the opportunity offered to the fireman for such training was a good idea but that the request also involved razing the structure and budget restraints would not allow the village to dispose of a building that size. Also,

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entering private property would be setting an uncomfortable precedent.

Carolyn Schlifke, 192 Evans St., on behalf of Parks Committee thanked the Village Board for accepting their recommendation on the expenditure of some of the monies from Savor the Flavor and the Arts & Crafts Show in order to purchase the machine which will be used to restore the grass area in the parks. In answer to correspondence received from Yvonne Kaye about truck traffic on Evans and that we need to contact the Town of Amherst because the Amherst Police cannot enforce a truck route (street) that begins in one municipality and ends in another, a lot of the truck traffic is coming from Essjay due to continuing construction that is going on now and will be for many years in the future. Because of the scope of the development of buildings and planned residences, without the cooperation of the Town of Amherst we will be fighting a losing battle for the people of the Village of Williamsville. To ask support of the Amherst Police without Amherst's cooperation will not help since they can only enforce what you give them the right to enforce.

Trustee Lowther agreed. As a past member of Traffic & Safety Committee, similar discussions occurred, that the consensus was that the Town Board was going to be very reluctant because of the problems that they (T.A.) experienced on Wehrle Drive. However, we should approach them with this problem because trucks are now using Eagle Street and N. Ellicott with double and triple tandem trucks speeding through the area. This problem will not be resolved overnight.

Carolyn Schlifke continued that this is a serious problem and that a volunteer committee should not be asked to participate in recommending solutions that should involve elected officials.

Mayor Daniels advised that he received copies of all correspondence and advised Trustee Kaye to pursue this through the Traffic & Safety Committee with their recommendations.

Clifford Harey, 106 Highland Dr., as a member of the Traffic & Safety Committee he received memorandum from Trustee Kaye regarding several concerns and his investigations of signage for Evans prove to be illegal and unenforceable as the Town of Amherst has no scales to pursue overweight vehicles. If signage is done properly, must conform to NYS Uniform Traffic manual and that the cost of signage would be too costly to enforce a weight limit on Evans.

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Robert Krieter, Eagle Street, commented that the cost of putting signs up on Main Street is insignificant when residents have to put up with these trucks and semi's. Two Mobil gasoline tankers go through intersections such as Eagle & Evans, thru stop signs, and turn right on Main without stopping. This is most certainly enforceable.

Richard Sweeney, 325 Mill St., asked how about the construction of the Castle Creek subdivision was proceeding. He recalled that there was to be further approval by the Board required before building permits could be issued and questioned if a final approval had been given. He asked if anyone has reviewed the record of what he considered a preliminary approval that was given by the past board for this subdivision and taken the effort to make sure that a number of volunteered conditions as well as a number of regulatory conditions had been satisfied.

Mayor Daniels responded that he had met with William Whitehead and Pratt & Huth and all the questions that were presented by Trustee Kaye were satisfied except for the fire hydrant which appeared on the original plans. This did not appear on subsequent plans because of insufficient fire flow at the end of the development. We are going to address that with the fire department, William Whitehead and Pratt & Huth because the nearest fire hydrant is over 700 feet away and this is not acceptable. We questioned if the County had given William Whitehead a curb cut permit yet and were surprised to find out that none had been issued in spite of all the work that he has been doing. Mr. Whitehead has stated he would get his permit as soon as possible and if he does not obtain it, all the work there is for naught. All other information that was requested, Pratt & Huth had documentation for i.e. archaeological report, flap gate, types of homes that could be built in each area of the flood plain. A meeting has been arranged for later this week between William Whitehead, Pratt & Huth and the fire department on the fire hydrant issue.

Mayor Daniels stated that prior Mayor Brenton signed a Conditional Permit for the subdivision shortly before he left office and now we must backtrack because he acted without consulting the rest of the board. The document is in the hands of Pratt & Huth. They are willing to work around that just so the project is done correctly. Because of the significant changes on the Board and the building department, we must try to reconstruct all procedures to ensure that everything is correct before the project continues.

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Attorney Troy advised that the Exceptional Development project (Castle Creek) and the Conditional Permit was granted. As long as all the conditions are met and the State and County regulations are met, at this point it should be purely regulatory. The conditions that were set out meant that the project would not have to come back to the Board except for the curb cut and there is no requirement for this to come back before the Board.

Mary Lowther has concerns about this particular project. As a concerned resident at that time she sat thru the public hearing along with the people in the neighborhood. They had numerous questions and problems and were told that this was only preliminary and that the developers would have to come back to the Board for additional approvals. If this is not true, this Board should notify those people who attended the public hearing and chose to speak that Mr. Whitehead and his people will not have to come back before this Board because this is not what the people think.

Mayor Daniels commented that as long as all the conditions were met that they would not have to come back to the Board and if the conditions were not met, he wouldn't get a permit. There are currently only two problems with the project, the fire hydrant and the curb cut which we are addressing. All the other problems with Becky Anderson at DEC, the County and archaeological studies and the SEQRA study have all been satisfied.

Attorney Troy advised there is nothing more that can't be handled by the Building Department. The question of a final plat would be that each separate dwelling to be erected must obtain a building permit that would go thru the normal process that any other individual home would have to go thru. If there are flood plain problems, they would have to be addressed.

Mary Lowther emphasized that since the project is Exceptional Development, the Village process is modeled after the Town process which requires preliminary plat approval and the final plat approval for the development and the subdivision itself.

Carolyn Schlifke referred back to the previous discussion about the trucks and the Village of Williamsville's ordinance that most people perceive to be unenforceable. She wondered if that is so, then why do we have it. This particular ordinance was approved by the then Trustee Al Ryan some 18 years ago and has remained on the books since that time. It was completely ignored until the bridge on Wehrle Drive was closed. The original law had Wehrle

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Drive as one of the truck routes and those residents loved not having trucks on Wehrle Drive having the traffic go down Aero. What evolved was the Village Board agreed to remove Wehrle Drive as a truck route or the Village of Williamsville portion. This has not solved the truck problems 100% because there is still some truck traffic but this is a case where truck traffic did become an issue. If it could become an issue on Wehrle Drive, why can't it become an issue on Evans Street. The Town of Amherst Police Department says its unenforceable since they don't have portable scales but I don't think it takes much common sense for a Town of Amherst policeman to look at the registration of a commercial vehicle and determine whether the weight of that vehicle is over what that street is posted for. I have heard that excuse for many years both when I served on the Traffic & Safety Committee and since then. Also, the Town of Amherst has put a truck limit sign on the corner of Main and Youngs road and the corner of Youngs Road and Sheridan Drive in order to protect that section of road from heavy truck traffic and there are 10 residences on Youngs Road and a lot of golf balls. This Board should be able to ask the Town of Amherst for cooperation in order to protect the resident of the Village of Williamsville from heavy truck traffic that is originating generally from development in the Town of Amherst. I'm not saying Evans Street should only belong to people of the Village of Williamsville, but I'm asking for some cooperation between the two municipalities. I would hope that somebody on the Village Board will be able to approach the Town of Amherst Board or the people who are in charge there and try to work out a solution to our problem with no excuses that the ordinance is unenforceable because if it is then it should be taken off the books.

Mayor Daniels advised before adjournment that the Board would be going into Executive Session to discuss personnel matters.

Next meeting October 28th at 7:30 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the Board moved to Executive Session at 8:50 P.M. to consider personnel matters.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to return from Executive Session to the regular agenda at 10:48 P.M.

Unanimously carried.

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ON MOTION by Trustee Kelly, seconded by Trustee Hayes, the regular meeting was adjourned at 10:50 P.M.

Unanimously carried.

Respectfully

Elaine Smith-Honan  
Deputy Village Clerk