

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, November 23, 1992 at 7:34 P.M.

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

*Theresa L. Cummins, Village Administrator, Clerk-Treasurer
Thomas Troy, Village Attorney*

*Absent: Yvonne Kaye
David Laubisch, Supt. of Public Works*

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7: 34 P.M.

Mayor Daniels stated Superintendent Laubisch is ill today and Trustee Kaye is out of town at this time.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the regular meeting of the Board of Trustees held November 9, 1992 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the public hearing on the proposed local law #8 to amend section 112 to include restrictions on berm held November 9, 1992 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, the minutes of the public hearing of the proposed local law to amend section 112-2 and 112-24 of the Zoning Code to regulate satellite antennae held November 9, 1992 were approved.

Unanimously carried.

Mayor Daniels reported last weekend, the Williamsville Historical Society had their antique show at a very fitting location because of its long tradition in history, the Academy School. It's now a dedicated historical site and has been serving the community for almost 150 years. It was interesting walking into the building and seeing his third grade teacher sitting at the ticket table. Her name is Lucille Beardsley and she is still a village resident residing on Hillside Drive. She runs a book business out of her house and she hasn't lost a step or beat and still remembered that he owed her 25 cents lunch money from 1951. They were about 25 vendors at the antique show and Mayor Daniels hopes it will grow.

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The school really was a nice location for it and it was fun to walk around and look into the old classrooms again. It brought back a lot of memories. A lot of people are still angry about the Board of Education of Williamsville selling that building during a weak moment when we thought that the enrollment wasn't going to be growing 10 years ago. Luke Adams, the principal of the Christian Central Academy, assured us that the fact that it is now a privately owned school shouldn't take it out of the domain of something that is still part of the heritage of the Village of Williamsville and they are welcome there. If someone wants to have a pancake breakfast or any other affair we are welcome to use their facility. They really want to make sure that we know we are welcome in that building.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$115,204.27 covering 11/06/92 - 11/20/92 were approved:

Payroll fund w/e 11/18/92	\$ 22,365.59
General fund	47,556.41
Water fund	35,588.71
Sewer fund	252.67
Glen Park fund	114.15
Trust & Agency fund	8,794.74
Capital fund	532.00
 Grand Total	 \$ 115,204.27

Large Vouchers:

Fleet Bank NY	\$32,936.51
L.R. Frank & Assoc.	\$21,967.00

Unanimously carried.

Trustee Kelly reported on Safety and Inspections. Since the last meeting, he has instituted a number of changes in the department in an effort to streamline it and get it to work in a better fashion than it's been running. Theresa Cummins, the Village Administrator, will spend some time with the people in the department to talk about proper paperwork. It's frustrating to him as a trustee to ask 3 or 4 different people what's going on a certain case and get 3 or 4 different answers. He knows it's frustrating to a number of people in the audience. One of the things they have talked about is to make sure that everything is in writing so that when we need to have some information, it's in the proper file.

Trustee Kelly publicly thanked Richard Delo for his years of service in the Building Department. He's been our building inspector on and off for a number of years. He came in and took over an unfortunate situation about a year and half ago when we had a building inspector that was never around. Unfortunately, Mr. Delo doesn't have the time required to devote to the job and requested

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a number of weeks ago that we look for a new inspector. He's taken the time to interview a number of candidates.

RESOLVED that David Sutton, of Weyand Drive, Buffalo, New York, is hereby appointed Building Inspector, Part-Tim, effective November 30, 1992 at the rate of \$12.00 per hour.

Trustee Kelly stated this part time position is going to be 20 hours a week. One of the problems that we currently have is that our present inspector has only 8 to 10 hours a week to devote to the position. Although it's enough in most time periods to take care of the new construction, it's not enough time to take care of the existing problems that we have and enforcement. We are looking forward to having a new person on and Mr. Delo will spend a few weeks training him.

Unanimously carried.

Trustee Hayes asked Trustee Kelly to comment publicly on the letter that the village received from the Town of Amherst.

Trustee Kelly stated someone dropped a memo off at his office today from Peggy Santillo from the Town of Amherst regarding the building inspector for the Village of Williamsville. Apparently she was trying to make some sort of attempt, he doesn't know the full significance of it, he just got it a few hours ago, to have the Town of Amherst take over the Village of Williamsville's Building Department. Trustee Kelly stated he wants the record to reflect that at no point in time will he vote for something like that. One of the nice things in the village is you have someone here who is familiar with our laws and is willing to go the extra mile to get things done for us. Trustee Kelly doesn't want to see a situation where the village is getting short shrift because they have some big development out in East Amherst and no one has the time to take care of things in the village. He is going to investigate this a little bit further and he may have a report at our next meeting when he finds out a little more information about it. It took him by surprise.

Trustee Hayes stated the reason he asked the question is because if it weren't so serious, it would be laughable. The Town of Amherst, in their current state of their circumstances, begs the question as to how they possibly could have the manpower or the resources to be of assistance to the village. Trustee Hayes would also be interested in a report at the next meeting because that memo was addressed to just two members of this board rather than the board at whole. Trustee Hayes asked Trustee Kelly if he had any other information as to why it was just directed to those two?

Trustee Kelly stated no. He just received it this evening. He hasn't had time to look into it. One of the persons it was addressed to was Trustee Lowther. She apparently has not even gotten the memo yet.

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Trustee Lowther that's correct. It was addressed to her and she has not yet received the memo. Other people have received it. When she does get it and she has an opportunity to read it, she will certainly comment on it.

Trustee Kelly stated his second and third resolutions have to do with amending various sections of our Zoning and Vehicle and Traffic Codes. They've been subjects of prior hearings that we have held. The first one has to do with the construction of berms. A berm is a big mound of earth, the most significant of which you can see on Evans Street. The board feels it important that it be regulated. The regulation is going to ban any berm that exceeds 36" of height.

RESOLVED that Local Law #8-1992 - Amending Sections 112 of the Zoning Code placing restrictions on the construction of berms, which was the subject of a public hearing on November 9, 1992 is hereby adopted.

Unanimously carried.

Trustee Kelly stated his next resolution has to do with visibility at intersections. Some of our public safety officials have asked that this be brought up. It was subject to a public hearing about 2 or 3 months ago. We have a law that bans plantings or bushes at intersections when they are higher than 3' and trees that are lower than 7'. What we have was a situation that when you come to a stop sign or an intersection, you can't see cars or vehicles coming from other directions and more importantly you can't see pedestrians coming. When we originally had the public hearing we sought a ban from the triangular portion, 30' on either side from the intersection. After having some opposition and talking to various members of the public safety areas we changed that to 20'. They feel that 20' will still give us the sight lines that we will need.

RESOLVED that Local Law #9-1992, Amending Section 103-20(E) of Vehicle and Traffic Code regarding Visibility at Intersections, which was the subject of a public hearing on August 24, 1992 is hereby adopted.

Trustee Hayes asked if there are property owners who are not now in compliance with this law. Are they grandfathered in or are they subject to prosecution?

Trustee Kelly stated no. According to his discussions with the village attorney, since this is a public safety issue, there would not be any grandfathering clauses. There are certain intersections right now that violate it, a few of which have had a number of complaints about them. According to our village attorney, if it's for public safety, we do not have to worry about any grandfathering clauses.

Trustee Lowther asked if these were hedges that were creating the problem.

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Trustee Kelly stated for the most part they were hedges. Some are trees. Obviously, with the trees you can cut the lower branches and you will be okay. With the hedges you can trim them down to a maximum of 3' height. He thinks some areas will have to lose some hedges, but he would rather lose a hedge than somebody's life.

Mayor Daniels asked when will the resolution be enforceable.

Trustee Kelly stated it takes place immediately upon filing with the Secretary of State.

Unanimously carried.

Trustee Kelly stated he doesn't have any other reports from his other committees. They are meeting on a monthly basis and continuing their work.

Trustee Lowther reported the Environmental Advisory Council will be meeting on December 3rd.

Trustee Lowther reported she attended a meeting on Saturday at the Cheektowaga Central High School. There were elected officials from all over Western New York who had been asked to come to this meeting and talk about mandated expenditures that have been passed on to the county and the town and the village local government. Basically, the mandated reforms that are being looked at this point are the Medicaid expense and the Welfare expense. When the county distributed their budget last week, it was made known that even though the budget was only going up a few percent, the translation to the people who live in the Town of Amherst is an 18.5% increase in your town and county tax that you pay once a year. This board worked very hard last year to have a budget passed for the village residents that had no increase whatsoever. When you turn around and you see a budget that's passed with a relatively modest percentage increase and it translates to 18.5% for us, that's, for her, totally unacceptable. As a resident, as a tax payer, she doesn't appreciate being hit with increases like that. She thinks the solution is to work on a bipartisan basis with our other elected officials and find ways to control these mandated reforms. There are things that can be done, there are things that have been proposed. At our next meeting she is going to be offering a resolution for this board to go on record in support of our elected officials to start investigating these options and doing what has to be done to controlling these costs so we aren't faced with increases like this. She feels very strongly that the next step will be that the mandated expenses will be so high that the money that we rely on from the state government for our state aid and for our CHIPS will be eliminated or greatly reduced which will mean we will have to raise the taxes and that's not the way she feels we need to be going in this particular matter. She has been meeting with Senator John Sheffer and getting some information from him about what can be done to control these costs and she will be presenting the resolutions at the next meeting.

Trustee Hayes reported on the Southeast Amherst Traffic Study Meeting, which has been postponed again. It was originally scheduled for tomorrow and it has been rescheduled for Tuesday, December 8th, 2:00 P.M. in the South Conference room at Town Hall.

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The reason for the change this time is that the lead person who was working with us from the consulting firm of Bergman and Associates, has left Bergman and Associates and is now with another firm. However, because she had begun the process with the village and would like to see it through completion, she has arranged her schedule with her new employer to join us for that discussion on Tuesday, December 8th. A copy of the draft report has been forwarded to him. It is the size of a telephone book and unfortunately, he thinks it would take the village staff about a year to copy those materials. If you are interested in those materials, some can be made available in the Town Hall through the town offices. He believes they have several extra copies that can be studied in the confines of the Town Hall. Trustee Hayes is still plowing through the report and he is glad the meeting was postponed so he has more time to read through it. It really is a very comprehensive document. He looks forward to that meeting and to the final reports of the consultant.

Trustee Hayes reported tonight during the work session the village board heard a report by Parks Committee member Jonathan Guillaume. He came to the meeting and showed a model that he has constructed to illustrate some of the changes that are being recommended by the Parks Committee for the Lehigh Memory Trail area. There is a 10 step program that has been discussed at the Parks Committee and the village board was brought up to speed on that. If you're interested in what's going on at the Lehigh Memory Trail, what's being discussed, what some of the plans are, the terrific model that was constructed by Mr. Guillaume is going to be on display in the conference room during regular business hours. Anyone can come and take a look at it and if anyone has comments, Trustee Hayes would certainly be very interested in hearing about that project.

Trustee Hayes reported of the village board, received notification from the Old Home Days Committee that they are requesting reserving days for Old Home Days in Island Park for 1993. Last year this was the subject of a public hearing and an intense effort on behalf of the village board to solicit citizen input on what should be done. Trustee Hayes personally ran a survey in the Amherst Bee asking citizens to express their opinions and collected over 300 surveys from both village and town residents about the issue. Trustee Hayes shared those with Trustee Kaye who year, is the liaison to the Old Home Days Committee this year. He is glad to receive their request and he would hope that the village board could act expeditiously on that request given that next year is a difficult year in terms of scheduling. We have the World University games and the Parks Committee is already talking about their dates for Savor the Flavor of Williamsville. He thinks anything that the village board could do to establish a date for Old Home Days would be greatly appreciated by all of our residents. He will be speaking with Trustee Kaye and hoping that she will be bringing forth the resolution at our next meeting designating Old Home Days for 1993.

Trustee Hayes reported that there will be no Senior Citizens Committee on November 25th. The Seniors Committee is adjourning for the holidays and they will reconvene in January. They do have a luncheon planned in December and that will take the place of their regular meeting.

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Trustee Hayes also reported that on Sunday, December 6th there will be Christmas caroling in Island Park. That is a traditional event that is sponsored by the Village Youth Committee and everyone in the community is invited to attend.

Trustee Hayes reported that in the mail today he received a copy of a new publication that is entitled "500 Great Rail Trails". It's a directory of multiuse paths created from abandoned railroads. Since we were one of the first 500 communities in the country to have a "rails to trails" conversion, we have been listed in this publication which is going on sale across the country within 30 days. We received one free copy which will be on display in the village office. If anyone wants to look at it or order copies, there's also an order form that we can make available. If anyone is interested or perhaps who worked on the project, please be in contact with Trustee Hayes.

Mayor Daniels stated the Department of Public Works is still continuing to clean up the leaves that fell at the last minute. It seems that the last couple years snow has complicated the leaf pickup. The DPW has had use the shovel and every other piece of equipment other than the vacuum to get around the village and pick up the leaves but they are progressing fairly well. If anyone still has leaves in their yard, please don't rake them into the streets, leave them at the curb line so that it doesn't become a danger for the vehicles on the road.

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

Unanimously carried.

Mayor Daniels stated that Mr. Hipp and his daughter, Karen Klem, have been here on a previous occasion regarding a drainage problem that exists where she resides on Farber Lane. A storm drain in the front of her property hasn't been functioning well and by all accounts probably never did function too well. Farber Lane was constructed without storm sewers as were a few other areas throughout the village. Mr. Hipp feels is that it would be great if the village would try to find some way to alleviate the water that collects in front of the driveway of 102 Farber Lane. Mayor Daniels stated he contacted several well drilling companies since one alternative to installing actual sewer lines is to run a dry well which is a well drilled deep enough into bedrock so that rain water is carried into the water table. The procedure is to drill approximately a 6" or 8" hole. There are two water layers. The initial layer is usually encountered before 60'. There will be water running in a layer there that they drill down to, then they put in a sleeve, another pipe, in that hole to eliminate that water from flowing into the hole and drill down even further to approximately 100' into another aquifer. At that point any water coming down as precipitation will go into that hole. They have had very good results in and around our community. Very close to this area are several wells of that nature such as the Micro building on Youngs. Also there are several in the Transit Road/Main Street area. We contacted Frey Well Drilling and Buffalo Drilling and received some estimates. There is another area in the village that has a drainage problem. We've received estimates on both of these. It is now under the board's consideration as to whether we will or will not move ahead with these projects. The estimate to get this well operational was for somewhere

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around \$5,500. The success rate is virtually guaranteed. The fellow who came to the site to lend us his expertise has been doing this for about 50 years. He is very knowledgeable in this type of pursuit. Mayor Daniels asked Mr. Hipp to attend this meeting because he would like to bring it up to the board at the work session. Mayor Daniels was hoping Mr. Hipp could answer any further questions that the board might have on the Farber Lane problems.

Trustee Lowther stated she would like to see some discussion by the board during the work session. Mr. Hipp has given the board some real good information. She has been down Farber Lane several times when it's raining so she can observe what's going on.

Trustee Hayes stated he used to live on Farber Lane so he knows exactly what she is talking about.

Mayor Daniels asked how many houses would be helped by the project. One of the things the board has to consider is the money and the amount of overall good that would be realized. If it's a very localized problem with water just collecting at her driveway, there would be less incentive to devote \$5,500 to something of that nature. Does she feel that this would drain water from homes around her in a considerable length?

Ms. Klem stated it is sort of sporadic up and down the street. Her house and a couple houses down are probably the lowest spots. It's scattered throughout the street. Even if the drill hole alleviates the problem 40%, it's better than nothing.

Trustee Lowther stated it seems like the houses on both sides of her have relatively good drainage but a couple more houses up towards Main Street were pretty bad too.

Mr. Hipp asked if there was any record in the DPW as to how deep the current holes are.

Mayor Daniels stated no. One of the oldest employees who retired last year, who had been here about 46 years, couldn't recall how and when that receiver had been installed. He thought it might have been a project by a resident rather than the village. That's why it may have not have done to the standards that it should have been.

Mr. Hipp stated because of the type of receiver that was put in he doesn't think an individual owner would do it. He put a steel rod down there, he gets down about 15'. The sleeve that is in there seems to be offset. When you put the rod down there, if you're over on one side of the sleeve, it only goes down about 6', you have to wiggle it over and finally you get it down there. He thinks the sleeve has shifted.

Mr. Hipp wondered if the problem could be alleviated by drilling less than 100'.

Mayor Daniels stated if that is the case then they would only charge us for that amount. Without drilling we won't know. The companies have bid on the worst case scenario.

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Mayor Daniels stated the project could be considerably less than that and we'll make sure that we are there to oversee. They will hit water and then they have to go down beyond that into the second aquifer. In talking to Buffalo Drilling, they seem to think that this procedure was pretty standard. We can hope that it will be much less involved than what they are projecting. The board will discuss it and Mayor Daniels will let Mr. Hipp know tomorrow.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to go into Executive Session at 8:09 P.M. for the purpose of discussing the ongoing Union negotiations between the Union and the Village of Williamsville.

Unanimously carried.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Hayes, it was moved to adjourn the meeting at 10:00 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer