

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 28, 1994 at 7:31 P.M.

*Present: Ronald Daniels, Mayor
Patrick Kelly Trustees
Yvonne Kaye
Mary Lowther
Basil Piazza*

*Thomas Troy, Village Attorney
David Laubisch, Supt. of Public Works
Theresa L. Cummins, Village Administrator, Clerk-Treasurer*

Also Present: Sherry Brink, Recording Secretary

The Clerk read the notice of public hearing being held by the Board of Trustees on Monday, February 28, 1994 at 7:30 p.m. for the purpose of hearing all persons interested in discussions on a revised Exceptional Development permit for the Castle Creek Development.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to open the public hearing at 7:31 P.M.

Unanimously carried.

Trustee Kaye stated Castle Creek is a subdivision which is off Garrison. This public hearing is being held on adding two additional lots to the subdivision which are coming from approximately 45,000 additional square feet being added to the development.

Trustee Kaye stated the present eight lots would be going to ten lots with two additional lots. There would be a total of ten buildable lots. The revision presented to our Building Department, was sent to the committees of Traffic and Safety, Environmental, and Planning for their review as well. We also have a letter from Pratt and Huth Associates, the engineering firm for the developer, which is addressed to Mr. Whitehead. It states that "the existing 8" water line and the 8" sanitary sewer that were installed on Castle Creek Trail have sufficient capacity to service the two additional sub lots." The addition of the two building lots and the acreage does meet all codes at this level of proposal. We are talking about the focused impact of the proposal of the additional lots. The Planning Board's position regarding the additional two lots have four comments. Trustee Kaye read the four comments. (Copy attached). The comment from Traffic and Safety was that they had no problem with the reconfiguration; however, they did restate that they felt the sidewalks should be installed as per the Village code at the Environmental Committee meeting, questions were raised about the maintenance of the center of the cul-de-sac.

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Trustee Lowther stated it apparently hadn't been raised in the past. They questioned what was going to happen in the center of the cul-de-sac and who would accept responsibility for any damage by our snow plows or any other vehicles during the winter season. They also strongly supported the four proposals made by the Planning Board to screen the views on Willowbrook and also requested the review of the drainage and other utilities as well as the landscaping plans for their comments when they are available. She understands that won't be until Mr. Whitehead is further along without the development.

Trustee Kaye stated she understands they requested that the sidewalks be installed as well.

Trustee Lowther stated they were in favor of that proposal because it is in Village Code.

Trustee Kaye read the review from the Fire Department from Fire Chief James Zymanek. (Copy attached.)

Mayor Daniels stated that Doug Adema had also asked for assurances on no fill in those two lots. That was part of the minutes.

Trustee Kaye that was not one of the four items. There is some correspondence regarding the fill that some fill is allowed to be put in there.

Richard Baer, 50 Willowbrook Drive, stated he is speaking for the residents of Willowbrook Drive. Referring back to the minutes of June 26, 1989 when this Board originally passed this subdivision, in Item 3 Mr. Whitehead has proposed to mitigate the potential adverse visual affect of the subdivision on residents of Willowbrook Drive through "screening and further to limit the esthetic impact by deed restrictions prohibiting chain link fences, above ground swimming pools, dog houses, garden or storage sheds from rear yards abutting property on Willowbrook Drive. On Items 3 and 4 of the motion that a set of common restrictions in a form acceptable to the Board of Trustees shall be required as proposed to address esthetic concerns within the subdivision and 4, that all rear yards adjoining property on Willowbrook Drive shall be visually screened there from by a dense Evergreen planting in combination with the preservation of existing trees wherever possible." The people on Willowbrook Drive have always felt that those statements were somewhat ambiguous and left a little bit too much up to the developer. Therefore, the residents respectfully request that this Board have something written in as far as formal, specific, enforceable deed restrictions along the lines of Items 1-4 that the Planning Board recommended of their meeting of February 7, 1994. That would make everyone that abuts that property feel that that is the best that can be done through visually screening those rear yards from our front yards on Willowbrook.

Joseph Sahlen, 34 Willowbrook Drive, stated he anticipates putting his house on the market within the next couple of months. What is the timing of this buffer zone and when the contractor anticipates the initiation of construction because Mr. Sahlen feels it is important to have this buffer while construction is going on, even more so, when houses are finished.

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David Sutton stated the lots are to be sold individually and they would be built upon when each lot was sold. It would be over a period of time.

Mayor Daniels stated Mr. Whitehead had mentioned to him the possibility of putting up a model home on one of the lots but there was no date. He is out of town right now which makes it difficult to get any information.

Trustee Kaye asked Attorney Troy if the Board adopted the Planning Board's 1-4 recommendation of the buffer zone, when would that take effect and what part of the process would that go into.

Attorney Troy stated he believes Trustee Kaye is concerned about the possibility of individual development and that there be a buffer zone there before the lots are built upon. He doesn't think it is feasible to put all those plantings in there and then disturb them during construction.

Trustee Kaye stated they would be at the rear lots and they talked about maintaining the existing acreage that is there now so that if, in fact, a lot was built upon, a bulldozer wouldn't come down and take all the existing trees in that 10' buffer zone. They would need to leave those and she would guess that after the house was built then the rest of that foliage would be planted. The concern is that the trees would not be taken down. Is that her understanding?

Mr. Baer stated right. That is everybody's concern. It's the trees that are there, the drainage, the easement, it's not going to be used for building. We would hate to see all the existing trees wiped out and then wait 20 years for a new growth.

Attorney Troy asked Mr. Baer if he is suggesting that there is the possibility that we can prohibit the removal of all trees as they now exist. Strictures of that sort are counter productive, in his opinion, because there may be some which will be desirable to remove. He is not that familiar with the terrain there but he would be inclined to devise some method of protecting it, if he wants the Environmental Committee work along with them or something like that.

Trustee Kaye asked at what point in the process does that happen where we have the ability to say and implement the fact that the Village requires a 10' buffer zone if we choose to leave the existing trees.

Attorney Troy stated he guesses that we could insist that no existing trees be removed from the developed area without the consent or approval of the Village Environmental Board. He doesn't know if that is a good idea, he is just suggesting that as a possibility. On reflection, he might draw back a bit no trees would be removed. Everything would remain the way it is. Any supplementary plantings or any other shrubbery would have to follow the disturbing of the soil. It would have to be as part of the final completion process.

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Trustee Lowther stated we are talking about the 10' buffer strip at the rear of the lots.

Attorney Troy stated those lots are not that deep. They are rather shallow lots. Anything you do is going to pretty much disturb the whole area.

Mayor Daniels stated he thinks Mr. Sahlen's concern is he would rather have the buffer there while the construction is going on to eliminate the visual.

Attorney Troy stated some of those lots which abut on the Willowbrook side are not very deep.

Mayor Daniels stated that is correct. Especially the first lot. In earlier conversations, he is sure Mr. Whitehead was talking about tree spading. Mayor Daniels doesn't know that we should say he can't remove any, what we do want to insist on is that he maintains a buffer there in accordance to what the Planning Board had recommended with 10% foliage initially and eventually 50%. Mayor Daniels remembers Mr. Whitehead saying he was going to spade some trees and move them and he really likes large trees. We will make sure that is a stipulation that he will follow unless there is some unreasonable request due to some line that has to be run or some excavation and need to place something there temporarily that he would be required to maintain that buffer during construction as well.

Mr. Baer stated our feeling was that since it is a drainage easement anyway, he probably wasn't going to touch it. We are not saying prohibit from any tree from being removed, just don't clear cut it. It is somewhat of an ambiguous statement that it will be densely planted.

Trustee Kaye asked Attorney Troy if we could, as a Village, at the time that we adopt a resolution of acceptance if the Village chooses to accept to amend this, at that point in time, put in those items that are conditional upon the approval.

Attorney Troy stated yes.

Jimmy Schifford, Oakgrove Drive, stated it has directly affected the people on Willowbrook. Without trying to define what the buffer is, has there been any consideration given to putting a buffer on the new lots that will be backing up to the Oakgrove residences. She would also like a clarification of what "deed restriction" means.

Trustee Kaye stated it is her understanding that there has been no discussion about a buffer zone at the back of the new lots, 9 and 10. However, there is a strip that is 20' wide that will remain wooded as it is now. There is nothing in writing that would say that it has to be maintained in that way.

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Attorney Troy stated a deed restriction in this situation places burdens upon the property owner to maintain the rear part of the property in accordance with the standards that are established by the Board as part of its granting of this change. That's essentially what it is. Each time it is transferred it will have that same kind of restriction in it or by setting up a set of common restrictions over the whole area, which might be the easiest way having compensation factors in there too. That's probably the most like way to do it other than to rely on each individual property owner.

Charlotte Acer, 195 Garrison, stated that on Lot #1, since it is only 100' at its east side, we have to think as they suggested that the house has to be a certain number of feet from the street. We know that in that case with Lot #1, it's the only one that would be a problem in terms of bulldozers. The other two are longer, #3 and #4; therefore, their houses are going to have to be up closer to the street and therefore will be no reason to go back to affect that buffer for more than even 10'. She thinks people can be comfortable about Lot # 2, 3, and 4. The first house will have to be the one that is closest to Willowbrook just because it is a narrow lot.

Trustee Lowther asked Mr. Sutton what the Village set back is.

Mr. Sutton stated it is 25' minimum and 50' maximum.

Ms. Acer stated it was a surprise to many of the residents to receive this in the mail because the configuration was not a configuration that had been thoroughly discussed, even minimally, with the people involved in the property itself. Therefore, she found two errors in the sheet that was given to the public. One was the fact was that this was not far enough along in discussion to be presented to the public. It's okay because it doesn't mean that the minute that we all say this is great, that it is going to turn around and happen tomorrow because it still hasn't gotten anywhere near that level. Her second comment is in the writing of the letter that came with it, it said from eight building lots to 10 buildings. They did not use the word lots, they said it wrong. It scared a lot of people that there were going to be 10 buildings in this area and there are not.

Mayor Daniels stated this was the original plan that the Board turned down because the Fire Department would not allow this to happen.

Ms. Acer stated that is not the original. The original that was turned down had two lots that had a narrow configuration. The one that we had first had a lot that came straight off from its original position. We had two lots that came from there that were turned down because they figured with a fire the truck could not turn a corner enough to get into them both. What she was trying to do is maintain the same distance in Lot #5 and be sure that the entrances of each of the other lots were as small, #5 is the smallest one, she wanted to insure that the #5 lot was identical because if a fire truck can come down here and there is a fire in Lot #5, the fire truck has two choices. It can come down the left side and try to maneuver itself into that little space or it can come and make its turns here and try to it again but in the sharper position.

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She had not been in on the discussion of that original configuration that was turned down which had two lots nowhere shaped like this at all. There was just a nice little lot and a wonderful big one that went all the way back down and had a 120' waterfront. That was turned down but she was trying to prove that the fire truck is going to have just as much trouble turning into Lot #5 as it would into these open driveways. The fire truck can go in without even turning sideways with one guy, here he has to turn sideways. That was nothing that we could all discuss tonight.

Trustee Kaye stated this is the plan that we have had filed from the developer, Mr. Whitehead for us.

Ms. Acer stated that plan is an impossibility because since it happens to be her property that stands in contention here, she never once accepted this plan. It showed up one day and she said, "I'm awfully sorry Bill, but this is not anything that we would accept because we want either full water front property for one person and nothing for the other. We don't want those skinny pie pieces".

Trustee Kaye asked if that this plan that we are talking about for a public hearing tonight is not acceptable between her and the developer.

Ms. Acer stated so far it is not. Instead, she has the plan here which is not anything that the Fire Department is going to be annoyed about because there is plenty of space.

Trustee Kaye stated this hearing regards this plan that has been submitted to the Board.

Trustee Kelly asked if this will never be acceptable to Ms. Acer.

Ms. Acer stated she is not saying it never is. She is saying it was never anywhere near being printed in public because it hadn't come to a level of discussion. The last discussion that she had was she was not going to accept that little drawing.

Mayor Daniels stated this is something that we cannot be party to a private contract between Ms. Acer and Mr. Whitehead. The Village has to take what Pratt and Huth has drawn. Mr. Whitehead preferred this plan and if this plan was not acceptable, that might of hinged on the deal in its entirety because he is looking at a dollar and cents approach to see whether he can work it out financially. Mayor Daniels is assuming that. He thinks Mr. Whitehead was not going to go ahead if this were going to be turned down. If he were going to purchase the land and then find out he couldn't do anything that was, more or less, putting the cart before the horse. Mayor Daniels thinks Mr. Whitehead wanted to see what the opinion would be and where this was going.

Trustee Kaye stated her understanding from the developer is that this is what he was presenting to the Village of Williamsville to accept. In terms of 10 building lots, this plan would allow for 10 buildable lots even though whoever may own some of them may choose not to build on them at the present time; however, they are buildable lots at some time in the future.

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James Zymanek, Fire Chief, stated he thinks Ms. Acer has the conception wrong of what the Fire Department has to do regarding cul-de-sacs. We don't drive in anybody's driveway to access a house for a call. We have to pull into it. The situation that was presented to him which he commented on was those two lots that were in the back would have had a 20' driveway for him to access a house. This is what Mr. Whitehead presented to him. Pulling into a cul-de-sac to get a house on that lot, which are going to be 3,000 square foot houses at a minimum, which is a big house. With a big house, you have a big fire. With a big fire you need a big fire truck. Our fire truck is 47 1/2' long. There is no way it is going to make it in there with an engine in front of it, make a right hand turn into that driveway, go 100' down into the driveway to be able to fight a house fire. It can't happen. Village code requires that of each property has to front on to a Village street. The way it was presented to Mr. Zymanek, it didn't come that way.

Ms. Acer stated the other configuration did.

Mr. Zymanek stated the other configuration basically gave us an alley way that we had to drive down. If a fire happens once in a hundred years, that's a lot. It's a day to day operation for the DPW getting down there to get the garbage, getting the recycling down there. If somebody has a party down there and parks one car wrong, that throws the whole shooting match into a frenzy. It really causes a big problem for the Fire Department. Whether it is right, wrong or indifferent, that is what Mr. Whitehead gave to the Fire Department. That is the way we presented ourselves and that is the way we present ourselves on every cul-de-sac, whether it is in the Village of Williamsville or in the five fire protection districts we cover in the Town.

Ms. Acer stated she understands that part if the Fire Department is not going to turn in to the driveway. In the meantime, before Mr. Whitehead left, she spoke to him about an idea that the residents had right from the beginning which is why she is sorry this was sent out to the public and that is were we to find a buyer, he will perfectly well accept a single and that is what is on the drawings here today, is a single lot which is what she intended since she moved here 36 years ago, that there would only be one person living in that woods area by the castle and that is the way she still wants it. If we can find a buyer for that, she doesn't know what the Board will do now about the fact that we are supposed to say yes or no to this because this doesn't exist.

Mayor Daniels stated this is a public hearing and no decision is made tonight. We would wait until we have all the facts to make the decision.

Trustee Kelly stated since it is clear that the woman who owns the property is unwilling to sell under these circumstances; he suggests that we recess this meeting for a month. We are wasting time talking about something that is not going to happen.

Ms. Acer stated she thinks one of the things Mr. Whitehead was looking for and she understands his situation, is that he wanted to prove to a lot of people that it is set for ten, that the sewers can handle ten, which she is hoping over her dead body there will never be ten. She is hoping there will be nine or eight. That is what the major problem was.

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Another major problem was the runoff of water because there might be some more fill put in, naturally, into what is now the present woods that are in the red area on the drawing. If we had not had any water in the last 12 years and there has been no building and then accept that Mr. Whitehead's plot has been up for a fee for 20 years and they put big piles of soil right next to us and we still haven't had any water even though there is no drainage put in and Mr. Whitehead is planning to put the drainage in. She is not concerned about drainage when the residents have lived there all this time with his building up and no drainage sewers in and we haven't had the water. The people on the north section along Oakgrove were concerned about water in their yards but if they haven't had water in their yards for 25 years, she hardly feels they are going to get them in 1995.

Mayor Daniels stated then that it is the Board's understanding that as presented this is not something that we can discuss because it would not be her will to sell under these lot conditions.

Ms. Acer stated under the drawing that exists on that sheet with all the extenuating circumstances are quite similar. It's only a line we are talking about.

Trustee Kelly stated we can only have a public hearing regarding a certain plan.

Mayor Daniels stated what we have required of Mr. Whitehead is to have his architect, Pratt and Huth, produce a plan. If this is not valid then he thinks we have to redraw according to what Ms. Acker works out with Mr. Whitehead. The Board is just a reflection of what they decide on.

Trustee Kelly stated if it's not going to happen exactly the way it's planned right there, we would have to hold another public hearing.

Trustee Kaye stated she feels strongly that we need to give people the opportunity to continue to speak tonight, if they choose to do so. It sounds like the Board will have to have another public hearing; however, she does feel strongly that people have come out tonight and if they want to make some comment about this, that they should have the opportunity to do so .

Mayor Daniels stated if this does not go through and it reverts back to the original plan, then there is no public hearing because that has already been approved.

Attorney Troy stated when Mr. Whitehead originally submitted the plan it was essentially the plan which Ms. Acer is advocating this evening. We advised him at a preboard meeting that it wouldn't be compatible with the requirements of the Village. It was unacceptable on the face of it and he went back and worked something up.

Trustee Kelly stated that is not true. Ms. Acer has one lot where Mr. Whitehead wanted two.

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Trustee Kaye stated Mr. Whitehead came to a preboard meeting with a plan that looked very similar to this with the exception, if it was cut in half. It had an access road. We, as a Board, told him it was not acceptable in that way and then he submitted this plan.

Dave Sutton stated he thinks the issue is the introduction of two additional lots. Whether the discussion between the two parties involved financially decide to consolidate that and make it one, that really doesn't affect the proposal here. He thinks if the Board can discuss this issue based on the two and then downgrade it to one, condense the two lots and make them one, then it wouldn't really affect or change the outcome of the development.

Trustee Kelly stated it affects it quite a bit because first of all that design is radically different from this but secondly, we can have the hearing all over again. He doesn't want to waste the Board's time investigating something that is not going to happen. These residents are sitting here, and if there is going to be any change they are going to be coming back again to make their comments. He thinks the developer ought to get his act together and present us with a proper plan before we take up everyone's time. He is just trying to save time. If people want to talk, by all means they have a right to but it seems to him to be a total waste of time right now.

Trustee Kaye stated she appreciates that comment and the fact that we are talking about adding space and additional lots so if there is someone else in the audience who does want to comment now, having all this knowledge that it may change, they can still comment now.

Carol Sloan, Oakgrove, stated when the original plan was submitted in 1989 there was an environmental study conducted for eight building lots. Will ten lots change that environmental study and has that been addressed?

Trustee Lowther stated there was an environmental assessment done at that time.

Mayor Daniels stated he thinks one of the factors that the Board considered was that it was increasing the number of dwellings to ten but it was also adding about an acre of land. It was not compressing ten homes into what was eight. It was increasing the size and the two new lots were a good size and, in fact, bigger than most of the others.

Trustee Kaye stated she will and see whether an additional environmental impact study is necessary. She doesn't know the answer to that question but she will look into it.

Trustee Kelly stated he thinks it is important that rather than close the public meeting that we recess it to March 28th and Mr. Whitehead should have some finalized plans because he doesn't want to waste people's time.

Trustee Kaye asked Ms. Acer if that will give her enough time with Mr. Whitehead.

Ms. Acker stated yes.

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ON MOTION by Trustee Kaye, seconded by Trustee Kelly, it was moved to recess the meeting to March 28, 1994.

Unanimously carried.

Mayor Daniels stated that all along there has been a lack of communication with the developer and his neighbors and he is not going to comment on why and how it all happened. We have had those type of problems all along with this type of project, whether it is getting easements for rights of way or people who won't talk to each other and that makes our job, as a Board, even that much more difficult. This is a good example tonight because there were some misunderstandings between the parties involved. It never should have come, at this point, to our Board. Hopefully we can start talking and "loving they neighbor" so that we can really get our ducks in a row before we see who's who with these things. We will certainly try to make it as painless as we can, under the guidance of the laws of the Village, for everybody concerned.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 28, 1994 at 7:30 P.M.

*Present: Ronald Daniels, Mayor
Patrick Kelly Trustees
Yvonne Kaye
Mary Lowther
Basil Piazza*

*Thomas Troy, Village Attorney
David Laubisch, Supt. of Public Works
Theresa L. Cummins, Village Administrator, Clerk-Treasurer*

Also Present: Sherry Brink, Recording Secretary

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:30 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the regular meeting of the Board of Trustees held February 14, 1994 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, the minutes of the public hearing of the Board of Trustees held February 14, 1994 regarding the proposed expenditure of \$55,370.00 of 1994 Community Development funds were approved.

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Lowther, it was moved to open a public hearing at 7:31 P.M. for the purpose of hearing all persons interested in discussing on a revised Exceptional Development permit for the Castle Creek Development. (The public hearing closed at 8:14 p.m.)

Unanimously carried.

Mayor Daniels read a letter he received from Mary Lou Rath who is our new 60th Senate District representative regarding a grant we have received. (Copy attached) Mayor Daniels has been working with Senator Sheffer, until his departure, on the possibility of this grant for the Village and there are several great uses that we can make of that money. During all of the time he was our Senator he has been very generous to his old community of Williamsville. He is responsible for the brick paves that residents see on Main Street. There were \$80,000 in grants that came our way thanks to him. He's always had a great love for this community. He was a Trustee and a Mayor of this community before he reached the State level. We still miss him and wish him well in his career. Due to his efforts on the State level, we will be receiving that \$50,000.

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Our Historic Preservation Committee in the Village will be holding a public hearing to gather information and suggestions from the community on how best to set up this type of project for a Village. There are all kinds of opportunities, educationally, architecturally and so many options that we have that we really need to go very carefully. This \$50,000 is a lot of money but it can go very quickly and we will need some long range plans to replenish this money as time goes by. He thinks that can be accomplished as well with Mary Lou representing us very ably on the State level.

Mayor Daniels reported he has received information from Brian Rusk, who took Mary Lou's place on the County Legislature that he has gotten \$2,500 to do sidewalks in the Village. That will be a grant from the County and as a Board, we will be discussing the best places for that money to go such as public sidewalks probably in the areas that are trafficked very highly. There are no sidewalks at the present time on Union Road and Garrison Road. That will be an incentive for the Village to do more sidewalking. Mayor Daniels thanks Mr. Rusk for that member money that we have received.

Mayor Daniels stated he wrote a letter to Williamsville South High School to the Participation in Government teachers. He read the letter. (Copy attached) At the end of the meeting if there is anyone interested in taking about a 10 question quiz about the Village, the winner will win a Village sweatshirt valued at \$20.00.

Mayor Daniels reported on the Village's ongoing struggle to have Garrison Road repaved. His "Burma" signs are back up on Garrison Road and we are going to put a full count press on the County and especially Dennis Gorski, who seems to be able to at the snap of a finger release money. In his State of the County message which Mayor Daniels received this week County Executive Gorski was very proud of the fact that within 10 days of an announcement of 600 jobs at Ingram Micro he was able to get \$200,000 for Wehrle Drive Road improvements and here we have been trying to get Garrison Road repaved for at least 8 years with constant letters and constant campaigns and lots of pressure, trips to the legislature on his part and they just seem to laugh at the Village. Mayor Daniels has put a resolution on our agenda tonight urging the County, in view of their surplus and in view of the ability to fund something like this, to please rebuild Garrison Road. Councilperson Jane Woodward is sponsoring a like resolution tonight on the Town level and Brian Rusk is forwarding a resolution to the County legislature at the same time. We are going to try and get some press coverage and see where it is going to go. It's a very frustrating situation that we continue to work on.

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ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$120,388.70 covering 02/10/94 - 02/24/94 were approved:

Payroll fund w/e 02/19/94	\$23,663.25
General fund	89,172.27
Water fund	192.30
Trust & Agency fund	<u>7,360.88</u>
Grand Total	<u>\$120,388.70</u>
Large Vouchers:	
Hutchinson Hose Company	\$76,016.50
Morton Salt Co.	\$5,192.31

Unanimously Carried.

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

RE: Calling for immediate repair by Erie County of Garrison Road.

WHEREAS, Garrison Road, a two-lane road which extends from Main Street to Wehrle Drive in the Village of Williamsville, is presently under the control of the County of Erie, and

WHEREAS, Garrison Road is currently in a state of drastic disrepair, containing hundreds of potholes six inches deep, and

WHEREAS, hundreds of motorists have complained of the damage to their vehicles due to potholes on Garrison Road, and over 500 residents have signed a petition demanding reconstruction of Garrison Road, and

WHEREAS, in a matter of ten days, Erie County Executive Dennis Gorski responded to a request for improvement of Wehrle Drive in conjunction with the expansion of Ingram Micro Corporation, allocating \$200,000 for turning lane and shoulder improvements, while requests for much needed improvements to Garrison Road continue to be ignored, and,

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WHEREAS, according to Sheila Kee, Director of Budget, Management and Finance, there existed, as of November 30, 1993, a projected surplus in the Erie County budget of \$22.9 million of which \$15.1 million was earmarked for 1994, \$3.4 million is reserved, and \$4.4 million remains unreserved, and

WHEREAS, the expenditure of necessary funds to rebuild Garrison Road could be made available , and is not unreasonable,

NOW, THEREFORE BE IT RESOLVED, for the safety, welfare and protection of the property of pedestrians and motorists, the Village of Williamsville once again emphatically requests Erie County to rebuild Garrison Road as soon as weather permits.

Unanimously carried.

Mayor Daniels stated the bridge over Ellicott Creek is due and scheduled by the DOT to be rebuilt this Spring. As part of that procedure, they want the Village to sign contracts and on the Village's behalf, we requested Nussbaumer and Clarke to look at those contracts and advise us on the desirability of signing them since we don't have an in house capability for that.

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

RESOLVED, that Nussbaumer & Clarke, Inc., Engineers, are hereby appointed to provide engineering services in regard to a review of a Water Supply Application for approval of Plans as part of the Ellicott Creek bridge reconstruction project, in the amount of \$694.30 per their proposal of February 11, 1994.

Trustee Kaye commented from our pre work session at our last Board meeting the request was made that we have additional information in terms of what other firms would charge for this work. Her understanding is the Board didn't actually ask for proposals, our Administrator did get one additional quote that would have been higher. Her hope is that in the future we would make sure that when we have people ask for additional quotes, we would get them to make sure that our costs are competitive. Additionally, when we are looking at those kinds of proposals we send them out simultaneously to the engineers so that there isn't any unfair advantage to any engineering firm when we go back and ask for additional quotes.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, February 28, 1994 at 7:30 P.M.

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

RESOLVED, that the following budget transfers are hereby approved:

<u>FROM</u>		<u>TO</u>	
01-1000-1010-4450		01-1000-1010-4010	
Bd. Trustees-Misc.	10.00	Bd. Trustees-Off Supp.	\$10.00
01-1900-1990-4000		01-1400-1410-4160	
Contingent	1030.00	Clerk-Prof. Svc.	1030.00
01-9000-9081-8000		01-9500-9550-0000	
Empl. Ben.-Unemp.	<u>3500.00</u>	Trans. To other Funds	<u>3500.00</u>
	<u>4540.00</u>		<u>4540.00</u>

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to suspend the rules for an additional resolution not on the agenda.

Unanimously carried.

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

RESOLVED that the bid from Gleason's Nursery to plant trees on the east side of Evans Street in accordance with the Small Business Administration Grant received by the Village of Williamsville be approved in the amount of \$4,455.

Trustee Lowther stated she thought the grant was for \$2,500.

Mayor Daniels stated that is correct. It is a 50% matching grant.

Trustee Lowther asked if we have the funds to do the additional match.

Mayor Daniels stated that is correct. We have that in the budget at this time.

Unanimously carried.

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

Unanimously carried.

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Trustee Piazza reported there are several activities that the Senior Citizens group is sponsoring. There is a trip to Eastern Canada this summer, one to Frankenmuth which is in the midwest and one to New Hampshire and Rhode Island late in the summer. These are all motor coach type trips which are several days in duration. If residents are interested in any one of these trips, please call Village Hall or contact Charlotte Jurek. We did have two people resign from the Senior Citizens Committee and so there are two openings for new members. Our next meeting will be March 23rd.

Trustee Piazza reported the Parks Committee talked to one person from the Burke Company about park equipment that we would like to see installed at the Long Street Playground. That gentleman is in the process of reviewing together the information we gave him. He will then give us a specific proposal before we accept it. We want to compare that proposal to the proposal of other companies but rather than compare apples and oranges, we want to make sure we see what he has so we can then use that as a base for specs to go out to other companies. This is an ongoing process and we are not sure how long that will take. We hope to have everything in place before the park opens in late May, early June. The next Parks Committee meeting is March 16. We will also be planning for Savor the Flavor at that meeting. If anyone is interested, we would appreciate their input.

Trustee Kaye asked if there is a tentative date for Savor the Flavor.

Trustee Piazza stated the definite date for Savor the Flavor is Tuesday, July 12th. That is one week before Old Home Days.

Trustee Piazza reported the Government Advisory Board has a couple of ongoing situations. Part of our group looks at the water situation in the Village and what needs to be done and where and there is a lot that needs to be done with our water system but that study continues. He doesn't have any specific recommendations at the present.

Trustee Piazza reported the FCC has passed regulations saying that cable companies must reduce rates by 7%. Our Oversight Committee will have to get in contact with Adelphia to see how that will impact our residents in the Village. He doesn't know, at the moment whether it is on across the board reduction or whether they are going to try some other methodology to skirt that 7% reduction. The 7% reduction ruling came into effect because cable companies had been skirting the original ruling last year not to increase their rates. Various cable companies have used other approaches in order to still increase their incomes.

Trustee Lowther stated she noticed all through March and April the Government Advisory group is not meeting. Do they have any meetings scheduled?

Trustee Piazza stated the next meeting is March 19th.

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

RESOLVED that the following budget transfers are hereby approved:

<u>FROM</u>		<u>TO</u>	
01-7600-7620-4180		01-7600-7620-2000	
Sr. Citizens-Prog.	\$80.00	Sr. Citizens-Equip.	\$80.00
01-7100-7110-4161		01-7100-710-4070	
Parks-Repair Lights	<u>40.00</u>	Parks-Utilities	<u>40.00</u>
	<u>\$120.00</u>		<u>\$120.00</u>

Unanimously carried.

Trustee Kaye reported that there is no Youth Committee meeting until April 12th; however, we do have a Planning Board meeting coming up on March 7th.

Trustee Kaye stated her resolution is to award the recycling contract. The Village of Williamsville has been in recycling for three years now and it has been very successful. BFI has been picking up our recyclables and we have been very happy with the level of service that we have received. The resolution does award the bid to BFI again this year for their low bid meeting all the specifications with a 25% rebate of revenue which is the same as we have right now. There is little difference in terms of the new contract. We will have a cost of collection of materials. There will also be a cost per ton for disposal of material but the 25% revenue will stay the same. This past year we have received approximately \$4,000 in the revenue from the pickup and sale of recyclable goods. The bid that we will be accepting this evening will save the Village approximately \$11,000 per year compared to what we are paying right now. She is very pleased to see that the bids came in at such a low rate. When we initially starting looking at how we were going to go about collecting the recyclables for the next few years, we also looked at the Village collecting it ourselves; however, when the bid came in we found that it certainly was a cost savings to go contract it out. When the recycling contract goes into effect we will have an expanded list of recyclable items that will be picked up. We will be having that list printed in the Bee and we will be sending it out as well. Residents will now be able to put in junk mail, bound books, phone books and additional plastics such as #5, 6, and 7 that were not acceptable before.

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

WHEREAS, the Village of Williamsville advertised for sealed bids for collection and disposal of recyclable materials, and

WHEREAS BFI Waste Systems submitted their low bid meeting specifications, with a 25% rebate of revenues,

NOW THEREFORE BE IT RESOLVED, that the contract for the Collection and Disposal of Recyclable materials is hereby awarded to BFI Waste Systems for their bid as follows:

\$162,600 -3 year cost of collection of materials
23.00 per ton for disposal of the material
25% return of revenues to the Village of Williamsville

Trustee Lowther asked when can residents expect to put out the new item for recycling.

Paul Balbursz from BFI stated the new contract goes into effect March 16th.

Trustee Kaye stated her understanding is if the Village accepts it prior to that contract date the residents can put the new items out earlier.

Trustee Lowther asked Trustee Kaye if we will be expecting some assistance in the printing of our new recycling bulletin.

Trustee Kaye stated yes

Unanimously carried.

Trustee Kelly read a letter that Niagara Frontier Transportation Authority has directed toward to the Village regarding a new service they have. (Copy attached). Dave Laubisch is going to cooperate with the NFTA on this and he asks that the Bee can post something to this effect because it is a major change in how people with disabilities will be able to access the NFTA and get some transportation.

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

RESOLVED that the Village Administrator is hereby authorized to advertise for sealed bids for one (1) Light Duty Rescue Truck for the Williamsville Fire Department. Bids to be opened at 2:00 P.M. on March 9, 1994 in the Village Administrator's Office under the terms of the standard bidding resolution.

Unanimously carried.

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

RESOLVED that Mayor Ronald Daniels and Trustee Basil Piazza are hereby authorized to attend the Lobbying Meeting on State Mandates sponsored by the Association of Erie County Governments in Albany, New York on March 21 and 22, 1994 and the cost, not to exceed \$125.00 each to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED that the following budget transfers are hereby approved:

<u>FROM</u>		<u>TO</u>	
01-1100-1110-4130		01-1100-1110-2000	
Justice Ct. Juror Fees	365.00	Justice Ct. Equip.	15.00
		01-110-4010	
		Justice Ct. -Off. Supp.	350.00
01-1600-1640-4160		01-1600-1640-4070	
Garage-Repair Bldg	950.00	Garage-Utilities	760.00
		01-1600-1640-4261	
		Garage-Maint.Fees	190.00
01-5100-5110-4260		01-5000-5010-4010	
St. Maint-Maint.Supp-	190.00	St. Adm. -Off. Supp.	190.00
01-5100-510-4250		01-5100-5110-4600	
St. Maint.-Gas&Oil	190.00	St.Maint.-Cloth.Allow.	190.00
01-5100-5110-4271		01-5100-5142-4290	
Maint.-Blacktop	6045.00	Snow Remov.-Salt	6015.00

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		01-5100-5142-4162	
		Snow-Repair Trucks	30.00
01-5100-5182-4110		01-5100-5182-4450	
Street Lighting Cont.	385.00	Lighting Misc.	385.00
01-8100-8160-4330		01-8100-8160-4161	
Refuse-Dump Fees	1500.00	Refuse-Repairs	1500.00
06-1900-1990-4000		06-8000-8310-4160	
Contingent	2100.00	Profess. Fees	1000.00
		06-8000-8340-4120	
		Bond & Note Exp.	1110.00
07-1900-1990-4000		07-8000-8120-4110	
Contingent	<u>500.00</u>	Profess.Fees	<u>500.00</u>
	<u>\$12,235.00</u>		<u>\$12,235.00</u>

Unanimously carried.

Trustee Kelly stated budget time is starting to come. As of this Saturday we will be having regular budget meetings which are open to the public if they desire to attend. Anybody's input on how to save funds for the Village is greatly appreciated.

Trustee Lowther reported that Traffic and Safety met last Thursday and discussed two items. One was Castle Creek and Trustee Kaye read our comments into the record for the public hearing tonight. We also talked about a new construction, interior renovation, at the New York Telephone building, now the NYNEX building at Glen Avenue and North Cayuga. We had a couple of recommendations on that which we passed on to the Building Department.

Trustee Lowther reported the Environmental Committee met last week and also had a lot of discussion about Castle Creek. Those comments were turned over to the Building Department and included in the minutes for the public hearing this evening.

Trustee Lowther stated the Glen Park Joint Board will be meeting tomorrow night at Town Hall at 7:30 p.m. She will be setting up an appointment within the next two weeks to speak to the representative from the Department of Interior regarding the \$10,000 matching grant we have received from them that we discussed at the last meeting.

Trustee Lowther is pleased to report that we received an additional \$1,000 grant for the Glen Park Environmental Education Program that we began last year in the Nature Center. It was very well received by the public and there is a lot of demand for these programs that were geared toward the children. We received the \$1,000 grant from the Erie County Environmental Education Institute, the same as we did last year. They were the people who provided the seed money for us to get that program off the ground and she is happy to see it continuing this year because there is a real need for it in the community.

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

RESOLVED that the following budget transfer is hereby approved:

<u>FROM</u>			<u>TO</u>
09-7000-7141-			09-7000-7141-
4163			4450
Glen	Park-	\$90.00	Glen Park -Misc.
Lighting			\$90.00

Unanimously carried.

David Laubisch, Superintendent of Public Works reported that we received some inquiries at the DPW regarding the fashion in which the sidewalks are being plowed this year. We have had some problems with our sidewalk plow. These problems were such that we felt that it was necessary to get a factory representative to rectify them and that is the reason for the delay in plowing sidewalks at certain times. We are now in the process of rectifying these problems which should eliminate any delays in the near future with plowing the sidewalks.

Mr. Laubisch reported on February 24, 1994 the Northwest Solid Waste Management Board of which the Village of Williamsville is a member met and at that time O'Brien and Gere Engineers presented the Board with a draft of a Comprehensive Solid Waste Management plan. There is a copy of this management plan in the Village Clerk's office. There will also be one available at the Williamsville library and they have set a tentative date of April 13th at 7:00 p.m. for a public hearing on this plan in the Town of Tonawanda Hall. He will confirm this date at the first Village Board meeting in March. If anyone in the public or any Board members would like to attend, we will have definite information as to the site and the time.

Trustee Kaye asked about the memo Mr. Laubisch sent the Board about the removal of the flood gates. She thanked him for putting it all together for them in terms of the labor and the equipment. Does he have a total dollar amount attached to this at all?

Administrator Cummins stated it is about \$1,200.00 for the labor and plus the cost of the equipment that Mr. Laubisch has listed.

Trustee Kaye stated she would like to put this on a future work session on the Board to talk about how we are going to handle this next winter in terms of the removal of flood gates. We should be talking about it in more detail about what we are going to do and how to appeal that so we are not caught in that situation again.

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Trustee Kelly stated he has also asked Assemblyman Anderson to look into what the State can do, if anything, toward taking that burden off the Village, whether it goes to State ownership or some other ownership just what may or may not be available. He said it would be a few months before he could get back on that.

Administrator Cummins reported we have installed in the front office a new assessment system called the RPS system which has all the property of the Village on it. Anyone who wants any information on their property can come and ask us about it. We'll be able to control all our assessment roles and the exemptions. We like the idea because we're going to be able to control it rather than have the County or Town of Amherst control it for us. She thinks we are one of the few Villages that has the system installed in house now and we re really happy with it.

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

Unanimously carried.

Robert Kreiter, 26 Monroe, stated he noticed that the tree species that are going to be put on Evans all seem to be of medium height. Is that right?

Mayor Daniels stated we had chosen Shade Master Locus and Green Spire Linden.

Mr. Kreiter stated they seem to be small trees for an area without wires. Is that set in concrete? He would picture that area as having large trees.

Mayor Daniels stated the bids came back on that particular species. The Small Business Administration's concern is not so much with the species as with the project itself and where they are going to be planted. He does suppose that there is some room for that. The only problem with it is that we would have to go out to another set of bids on the different species at this point and that may hurt our ability to plant this Spring. This was in the original grant. Those two were specified by the Tree Warden, Jennifer Lorenzini.

Trustee Kelly asked if they grow faster.

Mayor Daniels stated he has all the specifications on them in his office and it is a tree that is common in the Village. They are very hardy.

Mr. Kreiter asked if it is a matching grant.

Mayor Daniels stated it was a 45/55 grant that he had applied for.

Mr. Kreiter asked how much money is allocated for this in 1994 for tree planting.

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Mayor Daniels stated \$3,500.

Mr. Kreiter asked if any money was left over from last year.

Mayor Daniels stated he thinks we spend it all every year

Mr. Kreiter stated that roughly comes down to \$135.00 a tree. Can we lock into that for the future. A lot of trees are needed throughout the Village.

Mayor Daniels stated the State is paying \$2,500 of this amount. Every person who requested a tree is receiving one.

Mr. Kreiter asked if Gleason's would supply trees for other areas for that price.

Mayor Daniels stated no, actually less. When you get into these grants, they have a different scale which they must adhere to as far as the wages that they have to pay. There is a law they have to follow. This is more than we normally pay for trees in the Village but because it was a State grant, you have to be very careful with the figures. Normally they don't charge this much.

Mr. Kreiter asked Mayor Daniels if he has the list of trees where they are going to go this year

Mayor Daniels stated yes.

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, the meeting was adjourned at 8:52 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer