

**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, March 14, 1994 at 7:30 P.M.**

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

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

*Also Present: Sherry Brink, Recording Secretary*

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

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

Mayor Daniels stated Superintendent of Public Works, David Laubisch, is ill this evening.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, the minutes of the regular meeting of the Board of Trustees held February 28, 1994 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, it was moved to table the approval of the minutes of the public hearing of the Board of Trustees held February 28, 1994 regarding the revised Exceptional Development Permit for the Castle Creek Development until the hearing is completed on March 28th.

Unanimously carried.

Mayor Daniels reported there is concern about traffic coming into the area especially along Wehrle and Garrison Road. He had correspondence from a resident who lives near the Wehrle/Brookside area and the resident had sent a letter to Edward Small who is the Chairman of the Niagara Frontier Transportation Committee, asking them to look into the Aero Drive area as a possible diversion to some of the traffic that is now coming our way in the Village. There is concern that the traffic in Williamsville, on the whole in the Village area, is becoming untenable. Main Street is really gridlocked, bumper to bumper, along with increased traffic on Garrison and Wehrle due to the expansion of business in the industrial office complex area in that sector. We have an interest in seeing what other roads can be used to take some of that traffic away from our area. There has been considerable push in the past to get a new exit off the thruway on to Youngs Road. That is one possibility, moving in the toll barrier that is there now to something farther east and utilization of Aero Drive, which is a County road, which could carry some traffic away from the Wehrle area.

**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, March 14, 1994 at 7:30 P.M.**

Mayor Daniels sent a letter, as well, to Edward Small adding the Village's support to anything they could do to expand that original study that was conducted in the area but unfortunately ended at the Amherst/Town boundaries. This study should really be all inclusive and Cheektowaga should be included as well.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$181,747.23 covering 02/25/94 - 03/10/94 were approved:

Payroll fund w/e 03/05/94	\$19,998.35
General fund	151,416.49
Water fund	3,414.49
Sewer fund	1,336.72
Glen Park fund	270.14
Trust & Agency fund	<u>5,310.95</u>
Grand Total	<u>\$181,747.23</u>
Large Vouchers:	
Paine Webber, Inc.	\$117,000.00
Niagara Mohawk	\$7,055.86

Unanimously Carried.

Trustee Kaye reported we have had, as a Board, budget meetings the past couple of Saturdays and she thinks they are going very well. There is a lot of agreement on the Board and she is pleased to see that. It looks as though we will be able to hold the line again and reach our goal we are working toward.

Trustee Kaye reported on projecting signs. She was going to call for a public hearing to change our code about projecting signs. She will be doing that at the next Board meeting. She will be meeting with the Village Attorney to work out the exact wording of that proposed change.

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

Unanimously carried.

Trustee Kaye stated we have had some questions about our Village procedures in issuing plumbing licenses. This resolution will reaffirm the procedures that the Village always follows and the procedures that past people in the Building Department have followed also.

**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, March 14, 1994 at 7:30 P.M.**

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

**RESOLUTION RE. VILLAGE PROCEDURES IN ISSUING  
PLUMBING LICENSES**

WHEREAS, Section 107-4 of the Village Code requires that any work performed under Chapter 107 shall be done by a plumber licensed by the Village, and

WHEREAS, The Village Board has recently had occasion to review the procedures routinely observed in the issuance of a plumbers license and is satisfied that the uniform procedures followed by the Village in issuing such licenses are sufficient to safeguard the interests of the Village, namely:

- (1) presentation of proof of current licensure by the Town of Amherst, or proof of successful completion of a qualifying examination administered by the Town of Amherst.
- (2) presentation of proof of insurance, naming the Village as co-insured, with separate Worker's Compensation and Disability Insurance numbers.
- (3) payment by the applicant of the established fee then in effect.

NOW, THEREFORE, IT IS RESOLVED, that the existing procedures for award of plumbing licenses by the Village are hereby re-affirmed, and it is further

RESOLVED, that hereafter a plumbing license, in effect at the time of application for licensing in the Village, issued by any municipality or township whose requirements for licensure are equal to or exceed those of the Town of Amherst, shall be deemed the equivalent to a Town of Amherst license.

Mayor Daniels stated he would like to see this as part of our Village Code. It was years and years ago, in the forties, that a part of the code covered the license requirement. Somehow over the years it was deleted. He would like to see this resolution followed eventually by modification of that particular section of the code.

Trustee Kaye stated they will look at that at the next Compliance meeting.

**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, March 14, 1994 at 7:30 P.M.**

Unanimously carried.

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

Unanimously carried.

Trustee Kelly announced that Rita Marchinda, Clerk to the Village Justice is retiring effective immediately. We wish her the best in the future.

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

RESOLVED, that Christopher S. Petrie, Peter F. Strobel, Thomas Meldrum and D. Anthony Schueckler, Jr., Williamsville Firemen, are hereby authorized to attend the Fire Department Instructors Conference in Cincinnati, Ohio from March 23-March 31, 1994 and the cost not to exceed \$200.00 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:

WHEREAS the Village of Williamsville had advertised for sealed bids for one light duty Rescue vehicle, and

WHEREAS West Herr Chevrolet submitted the low bid meeting specification,

NOW, THEREFORE BE IT RESOLVED, that the contract for the purchase of one light duty rescue vehicle is hereby awarded to West Herr Chevrolet for their low bid of \$25,199 less the trade in of a 1979 Ford Van in the amount of \$4,300 for a net bid amount of \$20,899.

Unanimously carried.

Trustee Lowther reported that Traffic and Safety will be meeting this Thursday here in Village Hall at 7:30 p.m. The public is welcome to all the meetings. The Environmental Committee meeting be on the following Thursday, March 24th.

**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, March 14, 1994 at 7:30 P.M.**

Trustee Lowther brought to the attention to the public and the Board that there was an article in the Buffalo News in the Legal Notices this past week that the New York State Department of Transportation is calling for a public hearing on the reconstruction of Main Street from Mill to Youngs Road. They are going to be repaving and resurfacing Main Street from Mill Street to the Garrison/Evans intersection and from Garrison/Evans they are going to be widening it including a turn lane all the way to Youngs Road. According to the public notice, they are going to be acquiring property on both the north and south side of Main Street. They have a lot of work to do and there is going to be a lot of impact on the Village. We have traffic problems like everyone else and traffic problems on Main Street have been very serious. She thinks during this reconstruction period there are going to be a lot of questions as to what is going to be happening. One thing she is happy to see is that they will be putting in a bicycle lane which she is assuming will in some way be connected to Erie Community College and Williamsville South High School. Anyone who is interested in attending the public hearing, it will be in the auditorium at Williamsville South on Tuesday evening, April 12th at 7:30 p.m. and they will take public input from anyone who has any comment at that time. If anyone is interested in seeing a copy of the public notice, she will be happy to share that.

Trustee Kaye asked if Trustee Lowther will be attending that meeting.

Trustee Lowther stated yes. She will be attending as liaison to Traffic and Safety and she will be taking any comments from the Board and from residents to the meeting.

Trustee Kaye asked Trustee Lowther to find out if they will be replacing the trees that they take down in the right of way with like size trees.

Trustee Lowther stated she would do that.

Trustee Piazza stated the Parks Committee is still looking at equipment and comparing proposals. We are really waiting for the weather to break to literally walk the area on South Long Street that we are talking about with one of the sales people so we will have a better idea as to where the equipment will fit. We will then have a firm proposal so we can do some comparisons with other representatives. We are still in the planning phase.

Trustee Piazza reported that for Savor the Flavor is scheduled for July. We are meeting this Wednesday at 7:30 p.m. and we hope to finalize some of our plans at that time. The meeting is open to the public.

Trustee Piazza reported the Senior Citizens Committee has several trips that are planned for this summer. There is one trip out to Eastern Canada from August 22nd to August 26th by rail for five days and four nights. Arrangements can be made through Charlotte Jurek and by calling Village Hall. Another trip is to Frankenmuth in the State of Michigan. It's called Michigan's little Bavaria. That is from July 18th to the 21st, four days and three nights. This is a very nice motor coach tour.

**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, March 14, 1994 at 7:30 P.M.**

Another trip is to Rhode Island in New Hampshire from September 6th to the 10th by rail. He encourages residents to take advantage of some of these opportunities. The next Senior Citizens meeting is on the 23rd.

Trustee Piazza reported regarding the Government Advisory Board, the Cable Subcommittee is still waiting for the Board to approve that contract. He has to get back to the Board on this because there were a couple of questions and he hasn't talked to our representative yet. The Williamsville Cable Contract follows the Amherst Cable Contract because the Town of Amherst negotiating team negotiates for the Village as well. Hopefully we can approve that contract at the next meeting as well.

Trustee Piazza stated there is money from various sources left from prior years. One source is Community Block Grant Funds from 1991-1992 we saw a small amount of money left over from a water study in the amount of \$365.00. We have \$5,000 left over for an handicapped barrier that was never put in. There is also money left over from Village water line work plus we had allocated \$15,000 to do a survey and that was done for the Village by the Town so we didn't have to spend any of that money. The total is \$29,008.53 that we have from previous years. In addition, we have 1993-1994 water line money of \$23,890.00 so there is quite a bit of money that can be reallocated to other projects.

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

RESOLVED that the Village Administrator publish notice of public hearing to be held on Monday, April 11, 1994 at 7:30 p.m. in Village Hall for the purpose of hearing all persons interested in discussing the reallocation of prior year Community Development funds in the amount of \$29,000.

Unanimously carried.

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

Unanimously carried.

Carolyn Schlifke, 192 Evans Street, stated she knows the Village is doing the budget now and she thought it would be nice if the board added a few of the waste receptacles to Main Street. At the time they were purchased, we purchased as many as the budget would bear. Nothing has been added to them since. She thinks they serve a good purpose because everything that is in them could be laying in the street if they weren't there. The ends of the Village seem to be lacking.

**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, March 14, 1994 at 7:30 P.M.**

Ms. Schlifke questioned a new sign that has appeared on Evans Street on the piece of land that is connected to Centerpointe. When the two green signs went up, they just said Centerpointe on them. She did question how this individual could have two signs. She doesn't recall that anybody ever gave her a sufficient answer to that question. Then we had a white sign which was like a wooden real estate sign. It faces Evans Street and advertises what is available there, town houses, private homes, commercial. She assumes that it was a temporary real estate sign. That sign has been taken down. Now we have another green sign with gold lettering which is placed in the ground with very heavy posts that look very permanent. It doesn't even say that anything is for sale. It just says that the Centerpointe Development includes commercial, townhouses, and private homes and it faces her house. She is curious as to how this person gets away with three permanent signs on a piece of land.

Trustee Kaye stated she will have David Sutton look into it.

Ms. Schlifke stated she read in the paper that the Village is going to get a grant for some trees and it mentioned that trees would be planted on Evans Street on the east side in the apartment area. Many years ago when Evans Street was widened we lost all the trees that were between what would have been the area of the sidewalk to the street. The residents were advised at that time by the County, who she believes would have jurisdiction over that right of way in as much as it is a County highway, that no trees would be allowed in the right of way. Therefore, all the residents who planted trees, planted them on their own private property. There are a considerable number of mature trees except in the apartment area. What happened over the years is about four or five residents took it upon themselves to plant a tree in the right of way. Most of those trees are what she would call a "scrub" tree, they are not nicely shaped. She knows two of them that were planted in the right of way going up the hill that caused considerable problems. When she sat on the Board, she was asked by her neighbors that lived next to that house to see if something could be done about those trees because when they tried to back out of their driveway, they could not see oncoming traffic. Nothing every really happened so those trees remained. She knows the Village planted five or six in front of the Blocher Home. There also is one planted by the Village in the right of way next door to where she lives for her neighbor, who requested it. Other than that there are no trees on the west side in the right of way. She is concerned if the Board says they are going on the east side in front of the apartments, that's one thing. While trees are wonderful, on a street such as Evans Street, they can really be a hindrance to your sight when you are trying to get out of your driveway. She asks the Board to be very careful where they place them and suggests that the Board check or get Authority from the County because anytime trees were planted on Main Street, we had to get clearance from the State in order to do it. So that area does not belong to the individual property owner and of course the Village cannot plant trees on private property.

Ms. Schlifke asked when did the Village taxpayers begin to pay for health insurance for the Village Board.

Administrator Cummins stated it has always been available if they wanted it.

**Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, March 14, 1994 at 7:30 P.M.**

Ms. Schlifke asked if they wanted it, wasn't it just a case of the Board members requesting it and being allowed to pay for it?

Administrator Cummins stated it has been available ever since she has been at Village Hall.

Ms. Schlifke stated she must have misunderstood when she sat on the Board because she was asked whether she wanted it but she was under the impression that if she wanted it, she could go into the group but she would have to pay for it. Ms. Schlifke then asked how many Board members have their health insurance paid for by the Village of Williamsville.

Mayor Daniels stated two.

Ms Schlifke stated there was an article in the Amherst Bee under "Bee Heard" and someone was complaining about the Christmas trees not being picked up in the Village of Williamsville. Hers was out there for many weeks and it didn't bother her at all and she wasn't the one who called. The reason she is stating that is that is because the day after the note appeared, somebody came and picked up her Christmas tree. It seemed so coincidental that it appeared one day and the next day they disappeared. She is glad they are gone but she doesn't know who called but it wasn't her.

Mayor Daniels stated there are all kind of coincidences. Just yesterday he got a call from the Amherst Police. When the DPW is closed, if someone has a sewer back up, they are supposed to call the Amherst Police. Most people don't realize that although it is on the water bill. When they do that, the next call is to the Superintendent or the Mayor. Mr. Laubisch was unavailable yesterday and as it turned out, there was a sewer plug on Evans Street. He called the resident and they described the problem. He tried calling to get someone out there to fix it and couldn't reach anybody. An hour later the resident called him back thanking him profusely for taking such quick care of their problem because their sewer was running fine again. It must have been a plug in their line that cleared itself. We checked it today to make sure it wasn't going to happen again.

Maryanne Avery, 64 Garrison Road, asked if the Village owns any right of way along Garrison Road.

Mayor Daniels stated only the park is in our control.

Ms. Avery stated there are several areas along Garrison where the water is ponding up to the sidewalk and she was wondering if what the Town calls a "dry well" would take care of that problem.

Mayor Daniels stated there are already storm sewers there but they are not working. They need to be rebuilt. It's all part of the County's responsibility as the owner of the road. We can no more put a drywell in there without their approval and anything else we can do.

**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, March 14, 1994 at 7:30 P.M.**

It seems kind of silly to put in a dry well on an area where it already has a storm sewer. It's not that expensive of a project to redo and it is their responsibility to do it and every time he asks, they put it farther into the future.

Ms. Avery asked where our new representatives for the County got the idea that the Village wanted to take over the road.

Mayor Daniels stated he passed a resolution at the same time the Town and Village passed a resolution asking the County for reconstruction of the road. He was taking dated information incorrectly from discussion on this Board a year ago towards the possible repair of that road by the County and then eating over that road for future ownership and maintenance by the Village of Williamsville. That was a mixed opinion on the Board and also from the meetings that we had. Some people thought it was a great idea because you can control the width of the road, the speed limits, the signage on it. Other people said down the way when we have a brand new road surface, you are letting the County off the hook after paying taxes to have this done all these years. Second of all, tens years down the way when the Village would repave, we have to pay for it and there is no compensatory reduction of County taxes because there is no dedicated funding for transportation and highway in the County budget. We are going to pay the same amount of tax no matter how much they pave or we pave. That's an inequitable situation. He put it forward in that resolution form and later called Mayor Daniels apologizing because there was a miscommunication there between what the Town resolution called for which was for the County to fix the road and the Village resolution. What the County resolution asked for was exactly the same thing up to the point of who owned it after that. Mayor Daniels said for Mr. Rusk, the new Erie County Legislative representative from this area, to let it go. He said it will probably die in committee anyway because Mr. Gorski and the Democratic power controls it, and unfortunately Amherst is Republican. It is such a political machine there that no matter what we want, we are not going to get it. Mayor Daniels said if they do agree to fix the road and give the Village the \$180,000 or whatever it was Mr. Rusk asked for, at that point the Village says fine. If they say the Village should take it over at that point, they don't want to give it to the Village because they don't want Wehrle Drive to be County and Evans to be County and for the Village to control them.

Ms. Avery stated she asked Mr. Loffredo why they were going to give it up and he said well, he couldn't resist the temptation.

Mayor Daniels stated they want to get rid of County roads but it is all the dead end stubs and especially in the south town areas where there is no pavement at all. A lot of it is gravel. If it did go to that point, the Village could say yes, we will take it over but what are you going to do to relieve us from some of the County taxes. There is another negotiating point. Mayor Daniels did not see a problem with the error in his resolution and for all practical purposes, it's not going to go anywhere anyway. Every time the Village asks for something, they promise it in less positive terms and farther into the future. Our next step is documenting the pothole areas.

Ms. Avery stated she was thinking of doing it on her own, sending in her own list.

**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, March 14, 1994 at 7:30 P.M.**

Mayor Daniels stated you have to have a video or picture of the potholes. Then you need people with damaged cars with bills ready to testify in court and say yes, this is the pictured pothole that caused the damage. Because the Village will put the County on notice by sending them a record of the potholes, they are then very vulnerable in a court situation for compensating these residents. There were 18 repaired tires in one Dunlop store last week because of Garrison Road.

Mayor Daniels stated the road is now so bad that we are getting damage to our snowplows. He has put the County on notice that as of next year the Village will not plow it unless the County rebuilds the road. On each side of the plow blade there are shoes and which are getting caught on the road. The blades are being bent in the shoes and it is costing the Village a lot to repair the equipment. Our men don't want to plow Garrison anyway. The County reimburses each municipality, under a contract, to plow County roads and the amount that they reimburse per lane mile isn't paying the Village enough to repair the equipment. He told the County that there is no way can we plow it next year. They said that is no big deal, we will just continue our plow that is on Wehrle and go the half mile. The Village's next step is to work through the Highway Superintendent's Association and get other municipalities with similar problems not to plow so at some point in time they are going to run out of equipment, time and manpower to plow their own County roads and that is another reason that they have to look at dedicated funding for highway rebuilding.

Ms. Avery asked about additional storm drainage on Main Street.

Mayor Daniels stated that is a County road, he is not sure they can do that.

Main Street is higher than the Village streets on both sides so is the State responsible for the water that runs off of that?

Mayor Daniels stated the State has storm drains on either side of Main Street that intercept the water.

Ms. Avery stated apparently it is not getting all of it. It isn't everywhere, you don't have any on Park. She has a friend whose property has literally dropped because of the water running off of Main Street.

Mayor Daniels stated that may be because of the dip in the pavement and no receiver right there but there are storm drains all along Main Street but it may not be engineered correctly.

Ms. Avery asked if the Village could look into this situation. Maybe they could explain the problem, it's also on Hirschfield.

Trustee Lowther stated she will ask them how far off Main Street they will do work.

**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, March 14, 1994 at 7:30 P.M.**

Trustee Kaye asked Ms. Avery if she will be going to this public hearing as well. Maybe that is the place to really address these questions.

Trustee Lowther stated the public notice that was in the paper says that the Village has the plans to inspect but we don't have them.

Trustee Lowther commented in regard to Ms. Schlifke concern about the policy on medical insurance. It's been brought up couple of times during the last administration and since then Councilmember and former Board member Jim Hayes has made quite an issue out of it. She thought it might interest Ms. Schlifke to know that when Mr. Hayes sat on this Board he had the insurance policy paid by the Village taxpayers.

Ms. Schlifke stated that she read that in the paper and she has mixed emotion about it. The Trustees and Mayor receive a number of dollars plus a perk. She didn't pursue it when she was on the Board. It was probably as case of a group cost rather than an individual cost. She agrees with Mr. Hayes and doesn't feel the Board should be entitled to have this benefit.

Trustee Lowther stated she doesn't know whether it is necessarily a perk in that everyone on this Board is offered the coverage. Some of us take it and some of us don't.

Mayor Daniels stated what's interesting, in business now, is that if you don't take the insurance that is offered to you through your employer, in many situations they will give you "x" amount of dollars when you don't take it. In his regular job he doesn't take the health coverage or from the Village because his wife has a good policy that is a family plan and it is duplicate to take it. Because he opted not to take it, his employer gives him a portion of the cost that they would normally incur. The cost of health insurance can be up to \$4,000 or \$5,000 a year depending on the plan one opts for and they give \$1,500 back of that if you don't take the plan. That may be a little more equitable. Additionally, what we have done in the Village is that any new employees pays 25% of their health coverage whether it's a DPW worker or any of the people that opt for the plan and that very well may be a step towards limiting the amount of benefit than anyone is given. It's gotten to be so expensive that health care reform is needed and we don't where that is all going to end up but in our last contract we did cut the cost by 25% by charging new employees and grandfathered in the others.

Ms. Schlifke stated at her job she pays 50% of the medical because she is part time.

Mayor Daniels stated that is a subject for a long discussion because there are so many pros and cons on either side of it. We are certainly not going to solve it tonight.

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

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, March 14, 1994 at 7:30 P.M.**

**ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the meeting was adjourned at 8:30 P.M.**

**Unanimously carried.**

**Theresa L. Cummins  
Village Administrator/Clerk-Treasurer**