

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, June 27, 1994 at 7:45 P.M.

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

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

Absent: Basil Piazza, Trustee

Also Present: Sherry Brink, Recording Secretary

The Clerk read the notice of public hearing being held by the Board of Trustees on Monday, June 27, 1994 at 7:30 p.m. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 103-16 of the Vehicle and traffic Code regarding Parking on the north side of Glen Avenue.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to open the public hearing at 7:45 P.M.

Unanimously carried.

Trustee Lowther stated this public hearing is being held this evening because the signs that are presently posted on Glen Avenue near Howard are in conflict. There is a cross walk at the back of Sts. Peter and Paul School that goes across to Howard and there are also some "No Parking" signs there that conflict. If you follow the "No Parking" signs, you are in violation of parking too close to a crosswalk. This became evident over the winter season when people would park when the street was snow covered in the morning and when the sun came out, the snow would melt and the crosswalk would become visible. The Parking Enforcement Officer was then issuing summons which could not be enforced because the crossmark markings were not visible during the early portion of the day. We would like to straighten out the signs and move them so they are appropriate with the crosswalk. That is the purpose of amending this code.

Clifford Horey, Highland Drive, stated it is on the south side. There is no parking on the north side of Glen Avenue.

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Trustee Lowther stated that is correct. There is no parking. The determination comes from the north side on Howard and that gives the number of feet which is correct. The measurement is taken from the north side even though the sign is posted on the south side. The measurement starts on the north side at Howard and it is a number of feet from that point and then it is across the street from that.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to close the public hearing at 7:47 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

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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, June 27, 1994 at 7:44 P.M.

*Present: Ronald Daniels Mayor
Yvonne Kaye Trustees
Mary Lowther
Larry Hillebrand*

*Patrick Kelly, Village Attorney
Theresa L. Cummins, Village Administrator, Clerk-Treasurer
David Laubisch, Superintendent of Public Works*

*Absent: Basil Piazza, Trustee
Also Present: Sherry Brink, Recording Secretary*

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:44 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the regular meeting of the Board of Trustees held June 13, 1994 were approved.

Unanimously carried.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to open a public hearing to discuss a proposed local law which would amend Section 103-16 of the Traffic Code regarding parking on the north side of Glen Avenue. (The public hearing closed at 7:47 P.M.)

Unanimously carried.

Mayor Daniels reported that along with County roads there's concern about the Glen Avenue bridge. There are two spans on Glen Avenue, a shorter one and then a wider span which goes across the main channel, and in 1988 the County posted that bridge for 15 tons. Normally when the bridges are built, they generally don't post a bridge unless it can carry less than the required limit for vehicular traffic such as 18 wheelers or in the Village's case, our garbage truck which can weigh up to 60,000 pounds, 30 tons, or one of the fire trucks. The large hook and ladder is in excess of the weight limit that is now posted on that bridge. Mayor Daniels wrote the County a letter because he is concerned with possible detouring of traffic during the rebuilding of Main Street within the next two years, not only the resurfacing of Main Street but also the rebuilding the following year that Glen Avenue may sustain even more traffic and possibly some truck traffic and that this bridge is not posted for the weight of the traffic that will be going over it. Mayor Daniels received a letter back from John Loffredo, the Commissioner of Highways, saying that posting has not changed since 1988. What he meant in the letter was that it had not changed since 1988 to 15 tons but is deficient. Mr. Loffredo admitted this by quoting the last report of the inspection of the bridge and said that it has been put on the New York State Department of Transportation request for funding for replacement and repair.

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Our concern now is that they do that quickly; however, Mayor Daniels would imagine given the state of repair of most of the bridges in Erie County that it may be quite far down on the priority list. There is going to be a meeting of the Superintendent of Highways Association. President Dick Smith, who is the Superintendent of Highways in Hamburg, has called for a meeting in Elma to discuss the recommendations of the EXCEL Committee. This is the committee-formed by Dennis Gorski which drove across the County inspecting all the roads, prioritizing their condition and will now offer a plan for rehabilitation of all 1,200 miles of County roads. This meeting of all Supervisors and Mayors in the County will discuss those recommendations. We are going to have to put some more pressure on Erie County to fix their roads, not only Garrison Road but Bailey Avenue, most of the 800 of the 1,200 miles that need to be replaced plus the bridges. We certainly don't want to have some tragedy happen because of County neglect. Administrator Theresa Cummins, Superintendent Dave Laubisch and Mayor Daniels will be attending that meeting Wednesday morning.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$107,047.39 covering 06/10/94 - 06/24/94 were approved:

Payroll fund w/e 06/11/94	\$22,777.73
General fund	68,732.87
Water fund	7,564.54
Glen Park fund	1,991.25
Trust & Agency fund	<u>5,981.00</u>
Grand Total	<u>\$107,047.39</u>
Large Vouchers:	
West-Herr Chevrolet	\$20,899.00
Glen Park Joint Activity Fund	\$22,000.00

Unanimously carried.

Mayor Daniels stated we have lost one of our employees, a very valuable Secretary at the DPW, that position started about two years ago. We have had regular secretarial hours from 9:00 a.m. to 1:00 p.m. since it was very important for the functioning of the department and we'll miss Lisa very much but we are happy to say we have a new employee who has a very good work record and we are very happy to have her come aboard.

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

RESOLVED that Theresa Tarapacki is hereby appointed Clerk P.T. in the Department of Public Works effective June 28, 1994 at the rate of \$5.25.

Unanimously carried.

Trustee Hillebrand reported there was no Environmental meeting this past month and we are looking forward to addressing Environmental issues next month as they come forward in the Village.

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

RESOLVED that the Village Administrator publish notice of public hearing to be held by the Board of Trustees on Monday, July 25, 1994 at 7:30 P.M. in Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 89-4B of the Village Streets and Sidewalk Code regarding cost allocation of sidewalk construction.

Unanimously carried.

Trustee Hillebrand stated the Village Attorney has uncovered that our existing code is not in compliance with the laws of the State of New York. The change to this code is that the Village will pay not more than half of any sidewalks. Previously the code had been written in a way to imply that the Village would in certain circumstances pay for all of the cost of the sidewalk. We are amending the law to be in compliance with the State code.

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

RESOLVED that Mayor Daniels is hereby authorized to sign Project Amendment for Legislative Member Initiative Contract #C933213 with NY State Department of State which will extend that contract until March 31, 1995.

Unanimously carried.

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Trustee Hillebrand stated this is a situation where Mr. Sheffer was instrumental in obtaining a grant for the Village to use in the upgrading of its water system. We were not able to spend the grant money in the original period of time. This resolution requests the State to allow the Village to extend the period up to March, 1995 in which to use these monies for the improvement of the water system.

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

Unanimously carried.

Trustee Hillebrand stated the following resolution deals with the water project on Main Street. The State is proceeding with the Main Street widening from the thruway to Mill. This is actually a resurfacing so that the finished project will look much like it looks now. During the process of this work the Village will be upgrading some of the water system. The issue here is to make sure that the work that needs to be done to repair the water system is done in a timely manner prior to when the State comes through and resurfaces the street.

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

WHEREAS there is insufficient time to solicit bids for the Main Street Water Project through the normal bidding process, and

WHEREAS the Board states that certain water valve and hydrant work is of an emergency nature, and

WHEREAS the Village of Williamsville and the Town of Amherst currently have entered into an Intermunicipal agreement,

NOW, THEREFORE BE IT RESOLVED, that Mayor Daniels is hereby authorized to sign an agreement with the Town of Amherst for its employees and/or outside contractors for the replacement of valves and hydrants on Main Street from Union Road to the Bridge over Ellicott Creek.

Trustee Lowther asked do we have any idea how many are going to be or are the ones that our Water Department has recommended?

Administrator stated there are 16 total items.

Trustee Lowther asked if this will be all in the overall bond for the Water Department work that we are going to be doing within the next year?

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Administrator Cummins stated yes.

Unanimously carried.

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

RESOLVED that the Mayor is authorized to enter into a contract with Elbers Landscaping Service, Inc. for landscaping services as per their correspondence of June 23, 1994, at a cost not to exceed \$2248.00.

Unanimously carried.

Trustee Hillebrand stated this supplemental contract is to clean up a mess by a current contractor.

Mayor Daniels stated this work started last year when we replaced the water line and did some hydrant work on Garrison Road into Willowbrook. We contracted with a contractor who has yet to complete the landscaping portion. There is a list of about 30 items that need to be completed. Although the contractor has been given ample opportunity through many letters and meetings on site and walking the area to complete the work it is still unsatisfactory and incomplete. Many neighbors are disturbed and have patiently waited to get this work done. The Village has yet to pay the contractor, John R. Schueler, and is holding the balance of the funds in reserve and will subcontract out to a landscaper. Elber's Landscaper came in with a very good bid. They are an excellent company and did work in Island Park. They are also the company that maintain Pilot Field. They have the capability of doing all of the items that have not been completed and we hope that after passing this resolution they will be able to address all of the problems for the neighborhood within a week. That is why we have done this. We hope that this will finally solve the problem.

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

Unanimously carried.

Trustee Kaye reported that the Fire Department has accepted delivery of the new Rescue Truck. We will have it in service by Old Home Days so residents will get to see it in the parade.

Trustee Kaye reported the Youth and Recreation Committee programs begin on July 7th. The first one is a folk sing-a-long with Nan Hoffman that will in Garrison Park at 7:00 p.m. The next one will be at Savor the Flavor, which will be July 12th. There will be a variety of children's events from noon until through 7:00 p.m. On July 28th there will be outdoor movies at the Family Night Out in Island Park.

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There are two, "Rikki, Tikki, Tavi" and "Cricket in Times Square". They begins at 8:45 p.m. Flyers are available in the office. The Youth and Recreation Committee is looking at updating the play equipment that is in Island Park. During the past several years, they have been saving money from the planters that residents see on Main Street. This is a fund raising project every year. In 1986 when they purchased the play equipment that is now in Island Park, the wood modular structure, they bought it with the intention of eventually upgrading and adding to it. Now they have the additional monies and have had some discussion about how that is progressing. Hopefully at the next regular Board Meeting, Trustee Kaye will be able to give residents more of an update about that.

Trustee Kaye reported the Senior Citizens has canceled their Frankenmuth trip due to lack of response but all the other trips are on so far.

Trustee Kaye stated her first resolution is for an appointment of a part-time clerk for the Fire Department and for the Village Court. The part-time clerk has been budgeted for 10 hours for in the Fire Department and additional hours in the court. At one time there was a full-time and a part-time person in our court but now we will have two part-time individuals. This part-time individual will only be working on Friday mornings.

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

RESOLVED that Susan Looby, 401 Charlesgate Circle, E. Amherst, New York, is hereby appointed Clerk/P.T. for the Fire Department and Village Court effective June 16, 1994 at a rate of \$5.25 per hour.

Unanimously carried.

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

RESOLVED that Mayor Daniels is hereby authorized to sign the Pre-Hospital Emergency Medical Service Agreement with the LaSalle Ambulance Service and the Town of Amherst covering the period January 1, 1994 through December 31, 1996.

Unanimously carried.

Trustee Lowther reported the agenda states that there is a Traffic and Safety Committee meeting for July 21st. That is on a Thursday evening during Old Home Days so we will not be meeting on that evening. We won't be meeting again until September. Their normal month off is August and due to the conflict with Old Home Days, they won't be meeting for those two months unless an emergency arises.

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Trustee Lowther reported that Glen Park Joint Board will be meeting Tuesday at 7:30 p.m. in Town Hall. We're still working on the allocation of the grant money we received from the Department of the Interior. Our major programs, which are funded completely by grant money that we had pursued and received, kicked off yesterday from 1:00 p.m. to 3:00 p.m. in Glen Park at the Nature Center. Our first program was on "Birds of Prey". It was well attended. Between now and our next Village Board meeting, we have four different programs which will take place. We have a brochure which is available at the counter in Village Hall listing all the programs. The programs coming up are the "Preservation of the Adirondack Parks" which will discuss of what is happening in the Adirondacks and the preservation efforts being taken there. "Selecting Environmental Alternatives" should be very interesting now that everyone is into recycling and has such a heightened environmental awareness. We also have a program on an "Introduction to Insects" and "New York's Wild Turkey". There should be some interesting programs coming up between now and then.

Trustee Lowther reported she spoke this past week with Bob Anderson who is connected with the Town of Amherst Highway Department. He informed Trustee Lowther that there will be an item on the Town of Amherst Traffic and Safety agenda regarding the installation of a signal at Essjay and Evans. Although the Village no longer has any legal input as to what happens in that intersection, due to a court case that was fought and lost a few years back, many of the residents are very concerned about what's happening on Evans Street. Trustee Lowther spoke with Carolyn Schlifke this evening who had called the Town of Amherst but was not able to confirm that it was going to be on the agenda. Trustee Lowther will continue to try to find out. Mr. Anderson, who did tell Trustee Lowther it was on the agenda, is now on vacation and she wants to make sure that someone is at this meeting when it happens and that the residents who are interested in going are notified because she thinks it is going to have a big impact on that section of the Village.

Trustee Kaye asked what that date will be.

Trustee Lowther stated it was going to be at the next Traffic and Safety Committee meeting for the Town of Amherst.

Ms. Schlifke stated it is this Wednesday.

Trustee Kaye stated she did understand that there was an accident at that intersection.

Trustee Lowther stated there have been a number of fender benders there and she can see it getting worse. Trustee Lowther agrees with the comment that Ms. Schlifke made that the Town and the County are probably pushing very hard to get the signal installed before the construction work starts in earnest on Sheridan Drive because a lot of that traffic is going to be diverted over to Evans and a lot of it is going to be coming over Essjay. It's bad now and she can see it being a lot worse.

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Trustee Lowther reported there recently was a water break at Blocher Home on Evans Street. If a resident drove along Evans a week ago, for three days the street was torn up and the traffic was diverted onto the sidestreets in the Village. We have directed the Village Attorney to look into amending the Water code so that we will have a little more flexibility and a little better handle on regulating what's happening with water breaks, especially when they are breaks in large lines. We were advised by the Village Administrator that the Village lost 2.8 million gallons of water at a cost to the Village of approximately \$4,344.00. Unfortunately, the way the code is presently written we are unable to recoup this money. When you work in a small Village with the type of budgets we have and the tax dollars we raise, she thinks everyone in this audience knows that we are very tight with the buck and we try to stretch it as far as we can. When there is a loss of this size in the system, she has a real concern about it. She will be looking forward to getting that information from the Village Attorney and seeing how we can tighten up these codes so should this particular type of problem arise in the future, we will be able to address it in a better manner than we were according to legalities that were given.

Superintendent of Public Works, David Laubisch, reported he will be attending the EXCEL meeting this Wednesday in the Town of Elma. He knows it is June, almost July but winter is not far away and he doesn't foresee Garrison Road being any different this year than it was last year. When we plowed that road last year under contract for the County, our plows were damaged as was mentioned in the Buffalo News article. It is with great anticipation that we are going to attend this meeting Wednesday to see if we can get something resolved because the road is in very poor condition.

Mr. Laubisch reported that even though the guards are on, vandalism is a problem again in the Village parks. This weekend the phone in Island Park, which is there for everyone's use and also for an emergency purpose if someone were to be injured back in the park, was vandalized. The wires were cut and burned. The garbage receptacles that are out in the park for everyone's use are gone. We don't know if they are at the bottom of the creek because the creek level is up or someone decided they needed them more at home than the park needs them. The most disturbing is that over the weekend, because of the heavy rains we had on Friday and Saturday, it was necessary to remove flood gates Saturday night to regulate the level of the creek. In doing so, the creek water dropped low enough so that the outside wall of Island Park pool was accessible by foot and sometime between Saturday night and Monday morning someone smashed all the plumbing on the rear wall of the pool. The pool was scheduled to open this morning but the weather wasn't conducive to swimming today. The damage is in the process of being repaired. Superintendent Laubisch asked that if anyone sees anyone destroying anything in the park that they report it to the Village Clerk's office or the DPW or the police. Especially the destruction on the plumbing on the pool. It is very expensive and time consuming to repair that.

Mr. Laubisch reported that the Big Toy in Garrison Park was inspected last week by representatives of the company that we purchased it from. It's been in for five years now and after inspection it was found that there was nothing wrong with the structure.

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The people that are maintaining our parks are doing a very good job and by that he means the DPW and one gentleman in particular, Ray Schwartz. He works part-time and does a lot of the work in the parks. A few minor recommendations were made concerning some of the exterior frame work around the structure but the actual structure was found to be in excellent condition.

Mr. Laubisch reported there have been some requests for wood chips lately. We do go around on trash day and grind up tree branches that are put out to the curb. These are available to Village residents at no charge. If you are a Village resident, we will bring them to your residence and drop them off when we chip up the branches. A lot of people have been utilizing these lately to put around their shrubbery or gardens at home.

Trustee Lowther stated a resident asked her if the only thing in the wood chips is actually chips from branches. He was concerned that there would be pieces of pressure treated wood. Trustee Lowther told him it was just branches and parts of actual trees. She thought anything with a nail in it might damage the equipment.

Mr. Laubisch stated that is correct. It is just tree branches and trimmings. We have been working on tree trimmings. Regularly scheduled trash pick up begins tomorrow so the chipper will be out all week long in the Village and the only material we put through our chipper are tree trimmings or bush trimmings. There is no pressure treated lumber which would have chemicals in the wood chips. It's all organic material to be put at curbside.

Trustee Kaye asked about the signage at the pools. Is the DPW in the process of making signs right now that will list the hours and the fact that the pools will be closed for that 15 and 45 minute break?

Mr. Laubisch stated that is correct.

Administrator Cummins reported we are collecting checks until the end of June. Taxes are due by July 2nd without penalty. After that we will be adding 5% on to it and sending notices out to the people that haven't paid.

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

Unanimously carried.

There was no comment from the audience.

Mayor Daniels stated it was decided at our last meeting to hold an open forum regarding the Jerry Gordon property on Rinewalt Street and Mr. Gordon's offer to donate that land to the Village provided that it become a park.

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The subsequent Participation in Government class at Williamsville South High School wants to undertake that project perennially and have the school become involved in the project. Mayor Daniels wrote a letter stating his personal opinions and feelings on this project which, more or less, make it a viable project if it does not tax the residents anymore than they are now. The public forum will be held tomorrow night here at Village Hall at 7:30 p.m. to discuss possibilities to make this a reality. The most pertinent feature in his mind is a guarantee that this would go on and on. He thinks Mr. Gordon's request was that this be a fairly long term duration as a park. Mr. Gordon is looking at it as a passive type of park. Nothing like swing sets or anything but more of a restive place for people to eat lunch perhaps or just sit and relax with some tended gardens. More than likely the house would have to be removed. The cost involved in creating the park is his concern and also the upkeep long term. Mayor Daniels suggested that it be anchored by some local service organization in addition to the High School students. We'd like to explore that. In the meantime Mayor Daniels did write letters to the Lions and Rotary in the area and the Business Association to see if they had any interest in joining with this High School in this project and if they were interested to join the meeting tomorrow night. Mayor Daniels will call the presidents of those organizations to follow up on those letters as something he feels should be done in this forum. It is not an official meeting of the Village Board. We cannot conduct any official Board business; however, hopefully this will provide us a step or two closer to some kind of resolution of this topic.

Trustee Kaye stated that Mr. Gordon advised her that the school has received a letter from the Amherst Museum saying that they do want the house and they are trying to figure out the funding.

Mayor Daniels stated in that case some of this may depend if they do mean to take the building off the site. Any of the work to be done in making that area a park would depend on when they could take the building because that would have to be removed first. Then the landscaping would have to be decided on and the funding would have to be determined.

Trustee Hillebrand asked if Mayor Daniels thinks we will have someone from the museum, a representative or a letter.

Trustee Kaye stated she would assume that someone from the school would bring the letter.

Trustee Lowther asked Trustee Hillebrand about the Building Department. She drove by 31 Garrison yesterday and the garage was still standing. Has there been any progress? It was her understanding that the garage was to be emptied and demolished according to the permit that was issued almost immediately after our last meeting.

Trustee Hillebrand stated yes. We have all been endlessly hopeful that it would have happened immediately. Mr. Miller is out of town and things are piling up.

Trustee Kaye stated she saw Mr. Miller in the Village yesterday.

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Trustee Hillebrand stated Mr. Miller is clearly not in compliance with the eviction notice and we will have to speak to the Village Attorney.

Trustee Lowther stated we still have an item that is enforceable when we issued the original demolition permit. Mr. Miller did come and get the permit to demolish the structure.

Trustee Hillebrand stated that Mr. Miller said he was going to demolish it right away. Then he said there were some things stored in the garage that he wanted to relocate and then promised to demolish it. It is still there.

Attorney Kelly stated he will be happy to give Dave Sutton a call in the morning.

Trustee Lowther stated this has been going on for much too long.

Trustee Kaye stated we issued the original order to have that garage demolished in January.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Hillebrand, it was moved adjourn the meeting at 8:25 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer