

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, August 22, 1994 at 7:50 P.M.

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

*Patrick Kelly, Village Attorney
David Laubisch, Superintendent of Public Works
Elaine Smith-Honan, Deputy Village Clerk*

Absent: 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 7:50 P.M.

Mayor Daniels stated the Board is very proud because our Village Clerk, Theresa Cummins, won the New York State Clerk of the Year Award this year. We celebrated that event last week. Hopefully it was, truly, a surprise for her in the park and she is still receiving accolades state wide and the Board congratulates her. There's no end to the amount of awards that we seem to be able to bestow upon people in the Village, working for the Village, and all the citizens of it. On an annual basis the New York Conference of Mayors, which is headquartered in Albany, makes available certificates of merit for service to the Village and all the 550 appropriated villages in the State for years of service. A couple of years ago we had one person in our DPW that had received a 25 year certificate for having worked laboriously and well in the Village of Williamsville, who was John Anstett. We are proud to say that we have three recipients this year of those 25 year certificates. He thinks it is a great tribute to the Village for its work atmosphere. One of the recipients is in no small part responsible for the great atmosphere of our DPW and he has worked long and hard for 25 years. Mayor Daniels presented Superintendent of Public Works, David Laubisch, a certificate from the New York Conference of Mayors and it gives Mayor Daniels great honor to do so. Mayor Daniels read the certificate. Mayor Daniels said there are two others who have also worked 25 years. Anyone who has worked for 25 years in one square mile of land certainly knows it like the back of their hand. He can't imagine them not having dreams about every square inch of territory. He knows that these recipients both worked on a lot of the sewer and water projects that we have had. Don Dehn, one recipient, is the head of our Water Department who spots leaks and keeps the water system in good shape and a tribute to him this last winter which was extremely cold and many pipes broke throughout the Erie County area. We only had one or two breaks after that thaw and that is a real tribute to the aggressiveness which we are attacking, the Village water system and his constant monitoring so that we detect all those leaks early and keep it under control and the rates as low as we can.

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Mayor Daniels presented the certificate to Mr. Dehn. Mr. Dehn works at night when things are quiet listening to the water lines and, in fact, he will be out there tonight with our Main Street project which is coming along very well. Another recipient is more of a jack of all trades. He does just about everything and in order to do that type of job for so many years, you end up learning an awful lot and knowing an awful lot and we value all these people because no matter what the task is, we can delegate the responsibility to them and they will go out and do it. Mayor Daniels presented the third certificate to Doug Washburn.

Mayor Daniels reported we had a very successful Old Home Days with no rain. Everyone had a good time. There is a representative from the Old Home Days Committee here, Frank Mischler, to make a presentation later.

Mayor Daniels stated he has a proclamation to read. In our community is the Blocher Home which has been in existence for 90 years and they are celebrating that fact for the entire year. Mayor Daniels is on the committee along with Lynn Millane and Supervisor Tom Ahern from the Town in trying to do things along with that organization. The Blocher Home which has contributed so positively to the quality of life for the older citizens in this area, many Village residents choose to live there in their retirement years. This is a proclamation for Blocher Homes Days. Mayor Daniels read the proclamation. (Copy attached) Mayor Daniels regrets that they did tear down the original Blocher Home and he thinks there are many residents that remember that structure which was quite unique. They have a request out for old pictures if anybody knows of any, especially interior shots, which there doesn't seem to be a lot of.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, the minutes of the regular meeting of the Board of Trustees held July 25, 1994 were approved.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the public hearing of the Board of Trustees on the proposed local law to amend Section 89-4B of the Streets and Sidewalk Code held July 25, 1994 were approved.

Unanimously carried.

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, it was moved to open a public hearing regarding a proposed local law which would amend Section 89-2 and 89-4A of the Village Street and Sidewalk Code regarding cul-de-sacs. (The hearing is being left open for 30 day for comment by the Traffic and Safety Committee)

Unanimously carried.

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Mayor Daniels reported Garrison Road will be paved within the next couple of weeks. It's a mixed bag because it is good that it is being paved, it's bad that it is not being done correctly. It's good that they are taking \$500,000 of County NFTA property transfer tax and putting it where it belongs in the highway fund. It's bad that they are not using the total 1.9 million dollar surplus that actually exists in doing so much more with the 800 miles of deficient road. What it means to the Village is that in short term the transfer of Garrison Road to the Village ownership with the rebuilding is not going to happen, at least in the short term. In talking with David Cumberland who is the new Deputy Highway Superintendent for the County, he tells Mayor Daniels that it is still on the ISTEA, which is a grant funding federally for infrastructure and they hope that this will qualify for rebuilding in probably 1998. Why they are putting the money forward now is probably somewhat political and also he thinks they are just trying to put an end to Brian Rusk's requests for repaving. He's been a real pit bull for the Village on Garrison Road. We owe him a debt of gratitude for the repaving. With the repaving it becomes a more attractive thoroughfare. You can expect more traffic and faster traffic. We'll need more police enforcement. Everything always has an up and a down side. That is going to happen and very quickly. What is not going to happen is the repaving of Main Street from the thruway to Mill Street and they are postponing that for a while which was a disappointment to us because we had quickly rebuilt all the valves in the waterlines anticipating that within about a three-week period or so that when it was repaved we would have all that work done prior to and not need to excavate in the future. After a construction meeting that had everything set to go, they now say that they are not going to pave; however, they are going to start working on the bridge across Main Street. He would assume that next year they will do the repaving plus the rebuilding from Mill to Youngs Road as kind of a joint project. It might be postponed again.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$251,904.82 covering 07/22/94 - 08/08/94 were approved:

Payroll fund w/e 07/23/94	\$27,723.07
General fund	159,532.02
Water fund	34,518.03
Sewer fund	336.72
Glen Park	1,064.11
Trust & Agency fund	17,215.87
Capital	<u>11,515.00</u>
Grand Total	<u>\$251,904.82</u>
Large Vouchers:	
Chemical Bank	\$123,247.50
Erie County Water	\$33,783.90

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Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$52,233.04 covering 08/09/94 - 08/18/94 were approved:

Payroll fund w/e 08/06/94	\$22,984.19
General fund	21,440.63
Glen Park	516.04
Trust & Agency fund	6,493.38
Capital	<u>798.80</u>
Grand Total	<u>\$52,233.04</u>

Large Vouchers:

Niagara Mohawk Power Corp	\$6,684.93
American Ref-fuel of Niagara	\$5,781.63

Unanimously carried.

Mayor Daniels stated that one of the requirements of Niagara Mohawk is that all of the lighting within their pervue is converted to the new high pressure sodium lights. This is an energy savings on their part. It cost less to burn those than the incandescents or the mercury vapors or whatever else it is replacing and it also casts more light as well for less wattage. They required the Village for within a couple of years to convert our remaining 89 incandescent poles that residents may see on the side streets, specifically Highland, Scott, Monroe, Oakgrove which were the old, green, acorn style luminared fixtures and in order to do that because they are in such sad shape, because they have been in forever, the option means that we have to rewire them and put in new foundations and install new poles as well. In order to start the process of looking at this for the most cost effective way for the Village, we looked at what is optional in their requirement. It's always a lease agreement with Niagara Mohawk but it can be more expensive or less depending on if they allow you to own certain parts of the system. In this case we believe it may be cost effective to own the pole itself so we are going out to sealed bids for replicas of the existing green poles which are cast iron, the new ones will be cast aluminum and factor that into their lease agreement to see what kind of figures we get. They tell Mayor Daniels they could begin work as early as this Fall if everything falls into place.

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

RESOLVED that the Village Administrator advertise for sealed bids for 100 Street lighting Poles for various locations throughout the Village. Bids to be opened on September 20, 1994 at 2:00 P.M. in the Village Administrators office under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Lowther reported that there is no listing on the agenda for meetings for the Glen Park Joint Board. We will be meeting next month; however, we won't be meeting on the normal first Tuesday of the month because that is Rosh Hashana and that would be a conflict for us so we will be meeting on Tuesday, September 13th at 7:30 P.M. in Town Hall.

Trustee Lowther reported that Traffic and Safety did have a special meeting in August. We were not scheduled to meet; however, the Planning and Architectural Board was going to be meeting the first week in September and they requested a recommendation from us on a couple of commercial projects. We also had the discussion about the sidewalk hearing that was held tonight in order to make a recommendation to this Board. Since the last meeting of the Village Board, she was in attendance at a Town Traffic and Safety meeting and she was there for the purpose of the signal recommendation at Evans and Essjay. She had told the liaison to Traffic and Safety from the Town of Amherst, Jane Woodward, that she would reduce her comments to writing and send them to her. What Trustee Lowther said about doing that, approximately a week ago, she had a number of items that concerned her, one was that the signal be properly phased so that residents had time to exit their driveways, another was that it not be operational on the Evans side during weekends unless they could show that it was necessary by traffic counts. One of the items was that she wanted the residential side lenses of the signal itself put in so that people would not have signals flashing in their living rooms and bedrooms all night long. She also requested some signage that had "Stop Here" signs with lines on the pavement so that the residents immediately under and just north of the signal would have an opportunity to exit their driveways without having the traffic right up on top of the light. One other the other questions Trustee Lowther asked Ms. Woodward was for the Town Traffic and Safety to consider a couple items that really impact the residents of this community. One thing she thinks that everyone agrees is that we need more good north/south routes and the one she suggested was widening Youngs Road. It has minimal residential people on it. The building that is happening in Southeast Amherst is tremendous. It is just exploding and we need more north/south movement of traffic to take some of the burden off Evans Street which is completely residential until you get down to the plaza at Sheridan Drive. She also suggested that the Town look into removing a truck restriction on Youngs Road which would help move some of the truck traffic off of Evans and over to Youngs and she also asked the Town to look at signing their section of Evans that they control near Sheridan Drive so that there would be no trucks allowed on Evans because it is a residential street.

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She doesn't expect them to act on any of these items; however, she did want them on the record that we are concerned as a community and while the Village has no control over what they do as far as their building and their construction in the area, they should know that we feel the pressure of what they do even though we don't have control over it. So she is hoping that they will take some of this under recommendation.

Trustee Piazza asked Trustee Lowther if the Town is going to respond to her in writing.

Trustee Lowther stated they already have. They said thank you very much for your letter.

Trustee Piazza stated if she gets a more detailed response, he would appreciate a copy.

Trustee Lowther stated she will give Trustee Piazza a copy of Ms. Woodward's response.

Trustee Lowther stated her first resolution is a request from the Management Committee from the Meeting House, to which she is liaison. We've had a continuing problem with parking in the rear parking lot along the side of the Meeting House, especially during the weekdays by people who leave their cars there and hop on a bus and head downtown to work all day. When we rent out the building we also rent out the parking facilities. It's very important to have the appropriate parking that goes along with this particular municipal building.

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

RESOLVED that the Village Administrator publish notice of public hearing to be held by the Board of Trustees at 7:30 P.M.> Monday, September 12, 1994 for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 103-17 of the Vehicle and Traffic Code regarding timed parking in the Meeting House parking lot.

Unanimously carried.

Trustee Lowther stated her second resolution has been made at the request of the Glen Park Joint Board. The Glen Park is managed by a joint board. The majority of the appointments come from the Village and the minority of them come from the Town of Amherst. The park is jointly owned and 50/50 funded by both municipalities. It's a very unique arrangement and so far it has worked very well for the last 15 years. We have had nine members of that Board and we've gotten to the point where the park is now 15 or 16 years old. There is a lot of work and responsibility involved and they have made the request that we increase the size of the Board by two members, one to be appointed by the Town and one to be appointed by the Village with the Village still having the majority number of members appointed.

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

RESOLVED that Mayor Daniels is authorized to sign amendment to the Glen Park contract between the Village of Williamsville and the Town of Amherst which will increase the number of members in the Glen Park Joint Board from 9 to 11; six members to be appointed by the Village of Williamsville and five members to be appointed by the Town of Amherst.

Unanimously carried.

Trustee Lowther stated her third resolution is an appointment to one of the two existing Village appointments that do exist right now for the Village of Williamsville. This gentleman came forward last year right around the beginning of the year in January and he is an engineer. He expressed great interest in becoming a member of the Glen Park Joint Board. He has since spent innumerable hours of time coming up with engineering specs, bids, information, drawings. We've used the facilities of his office to get many of these things. He's literally provided thousands of dollars worth of information and services at no charge at all to us, as taxpayers. He is a PE which is the same engineering title that is had and held by the Chief Engineer for the Town of Amherst. He's an extremely well qualified person, the only engineer that we would like to have on this Board. The only problem is that he is not a resident of the Village of Williamsville. He is a resident of the Town of Amherst. While she always appreciate and approve of appointing Village residents to committees, she is very comfortable in bringing this gentleman's name forward because the Town of Amherst has made two appointments of Village residents from their side of the appointment list. Two people who live in this community are Town appointments. While the Village in previous years, including this past April, has made a resident appointment for a Town of Amherst resident and had no problem with that.

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

RESOLVED that Daniel J. Rider, 22 Surrey Run, Williamsville, New York is hereby appointed to the Glen Park Joint Board until the end of the 1995-1996 official Village year.

Mayor Daniels stated he would like to table this resolution for more information on other candidates for this position on the Glen Park Joint Board.

Trustee Lowther asked if Mayor Daniels understood that there are two additional appointments besides this one that are still open.

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Mayor Daniels stated he understands that this is a brand new increase in the size that is only minutes old.

Trustee Lowther stated we have three openings right now and with Mr. Rider's appointment we would still have two, one being a Village appointment and one being a Town.

Mayor Daniels asked if that would be without the increase in size.

Trustee Lowther stated we already passed that increase in size.

Mayor Daniels stated he would like to table this resolution for more information. There are other candidates including Village residents which is most of the time what we appoint on the Village side to any committee. He would like to look at them. There was also a question of where the residence was for one of the post Town appointments and Mayor Daniels would like to check on that. There are a number of unanswered questions. We certainly don't want to turn anybody away who has given so much obvious time and effort, experience and expertise to a committee that they hope to become a member of.

ON MOTION by Mayor Daniels, seconded by Trustee Hillebrand, it was moved to table the resolution.

Trustee Kaye stated she thinks it is very unfortunate that we are moving in this direction.

Mayor Daniels stated that tabling is not moving in any direction. It's merely holding until the next meeting.

Trustee Kaye stated she would retract that and say she is sorry we are not moving forward and approving this individual who has given so much time and that Trustee Lowther has very eloquently expressed the reason why he would be an excellent addition to the Glen Park Joint Board.

Roll Call:

Trustee Piazza	yes
Trustee Kaye	no
Trustee Hillebrand	yes
Trustee Lowther	no
Mayor Daniels	yes

Motion carried.

Trustee Lowther stated her program was completed with the tabled motion to not appoint Mr. Rider.

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Mayor Daniels stated he would like to clarify that as merely a tabled resolution, not to appoint or turn down or approve.

Trustee Lowther stated when you table it and she had an appointment on the agenda and we don't do it even though we table it, he was not appointed so she considers that a nonappointment this evening.

Trustee Piazza asked Trustee Lowther who is the chairperson for the Glen Park Joint Board.

Trustee Lowther stated it is Joyce Troy.

Trustee Piazza reported he has been busy with the parks. The pools will be open until Labor Day. We had ordered some playground equipment about six or seven weeks ago and it just came in this past week. We may not have finished checking the state of the equipment or the packing slip but that is in the process. Also about two weeks ago the water fountain that we had ordered came in. Both of those items will be going in the Long Street playground area. The follow-up now will be the committee will resurvey the site with the Superintendent to make sure that it goes in correctly and make sure that we stay out of the line of the baseball diamond on that side of the park. The bathroom for the handicapped is still moving along. We are waiting for one more bid. We have three bids at the moment but we felt we needed one more plumber to get his information before making a decision on that one but although the process is going rather slowly, the method of having a local plumber doing some of the work and our DPW has said that it could do some of the work, he would like to mention Superintendent Laubisch, by doing this we will probably be saving the Village a substantial amount of money. So he does expect it to come in under the original estimate. He can't give a number right now.

Trustee Piazza reported there was a volunteer party on the 11th. That was the day we also surprised Theresa Cummins with the Village Clerk of the Year award. We had several people here to honor her and accolade the Mayor for putting together a doggone good party.

Trustee Piazza reported there was a play at Lehigh Terminal called "Waiting for Molly". He attended it Friday night and it lasted about 50 minutes. The writer did use local street names and the local history weaved into his play. The group did use a part of the stage that we had purchased concurrently with the Jolly Boys and Old Home Days Committee and they were very willing to pay the cost of having it set up or taken down.

Trustee Piazza reminded everyone that the parks officially close on Labor Day but in between now and Labor Day we have something big coming up which is next Sunday the 28th, the Arts and Crafts Show. We have planned it to be on the Island because of potential construction on Main Street.

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Now he is hearing that there won't be construction on Main Street but they might start working on the bridge so we are still going to avoid Main Street because he doesn't totally trust what is going to happen in the next week with the State and we have already staked and planned out the area and mailed information for crafters. We have 113 crafters now. We also have some Village businesses so we will have a merchants row, kind a reduced version this year.

Trustee Piazza reported on water. The Main Street project continues. Most of the valves have been replaced. We still have a few to go. It is a major challenge to do a dig eight or nine feet when the records aren't totally accurate on what's down there. Gas lines have been found, the rock is very stubborn and obviously it is well in place even if it is not solid and so they had to work very slowly so as they loosened that rock and pull it out they didn't they didn't break the water line in the process. He happened to watch three different nights and they were joking him asking him if he was ready for a good bath. The man was very skillful in doing his work and hasn't developed any problems. The work has been progressing very successfully.

Trustee Piazza reported the Cadman area project will be going out to bid soon and that will be done this Fall, probably starting about the middle of September so that we will have done some major improvements to our water lines this year. In addition another item going out to bid is the water meter project. That will also be going out to bid. By doing that, we will have upgraded that part of the water system. We will, in the long run, reduced personnel costs, saved a ton of time within Village Hall. He knows just by not having to receive phone calls from people who do their own meter reading will save Elaine and company a ton of time here at Village Hall. We are looking forward to all of these improvements and then anticipating future improvements in future years to follow up on these as we gain data from those improvements.

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

RESOLVED that Barbara Marino, 92 Sweetwood Drive N., Amherst, New York is hereby appointed Clerk, P/T in the department of Public Works effective August 10, 1994 at the rate of \$5.25 per hour.

Unanimously carried.

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

RESOLVED that the Village Administrator advertise for sealed bids for the purchase and installation of 2100 water meters throughout the Village of Williamsville. Bids to be opened on September 20, 1994 at 2:30 P.M. in the Village Administrator's office, 5565 Main Street, Williamsville, New York under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Hillebrand reported the Environmental Committee meeting is this Thursday and the committee has taken on the task of advising the Board of creating some policy on the matter of mosquitoes and we are taking a look at the pollution in Ellicott Creek. Trustee Hillebrand commended several members of the Town Board, Ms. Peggy Santillo and Ms. Penny Zepowitz who have been very kind to send quite a bit of information which they have collected and have been evaluating over the summer for the past year. Our panel has quite a bit of work to sort through this material and try to make a recommendation be it consistent with the Town or whether the Village to have it's own policy in these matters.

Trustee Hillebrand also reported there will be a Zoning Board of Appeals meeting on the 30th to which all citizens are invited. It doesn't meet very often but it is meeting on several matters of citizens who wish to seek exceptions to the zoning ordinances. It is quite difficult to get an exception but we will see what cases they can make and then we will have the regularly scheduled Planning Board meeting on September 6th which we will discuss several matters of interest to the commercial people involved.

Trustee Hillebrand stated he has a resolution concerning a sidewalk matter we have discussed and had a public meeting on before. This has to do with changing our ordinances 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 Local Law #4 1994, amending Section 89-4B of the Streets and Sidewalk Code, regarding cost allocation of sidewalk construction, which was the subject of a public hearing on July 25, 1994 is hereby adopted.

Unanimously carried.

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Trustee Hillebrand stated a new set of issues have come up of interest to the citizens which has to do with fences. We have been asked by citizens to amend the code regarding fences in backyards that face streets. He is going to propose that the Board discuss this matter and we will propose some legislation and then listen to the citizens on their matter in changing the fence code. Also, we have citizens who are interested in putting fences in their front yard and we have a citizen here who would like to address the Board later on her view of putting fences in the front yard. These fence matters are quite controversial and he thinks we will have to have a public hearing to hear everyone. The Board will attempt to draft up something that we can use for purposes of public discussion and then we will hear the matter out. There are very strong views in the Village on the matter of fences in both the front and back yard.

Trustee Kaye reported the Senior Committee has been very active as always. Today they left for a trip to Montreal. It will be a four day excursion that many of our seniors in the Village have taken. They also have an upcoming trip on October 11th and their Christmas luncheon will be December 5th and all seniors in the Village are certainly welcome to attend. Also, M&T Bank has agreed to sponsor a special luncheon for our seniors on Valentine's Day. They will be discussing the financial needs of seniors and M&T Bank will also be picking up the cost of that lunch as well.

Trustee Kaye reported the Youth Committee has had several items that they have been working on. Last Thursday they did have a movie in the park and they have had Glen Colton and his band perform for the youths in our community. We do have an additional upcoming event which will be August 25th, this Thursday in Island Park at 2:00 p.m. Bring your stuffed animals for story hour. It's geared to the very young so if anyone has children or grandchildren or have neighbors who would like to attend, please let them know it will be this Thursday. At the past Youth Committee meeting there was quite a bit of discussion about playground equipment as well. Trustee Piazza was talking about the new piece of play equipment that will be going in at North Long and the Youth Committee has been talking about upgrading the piece in Island Park which they had helped raise money along with the Jolly Boys many years ago. Of course the park gets much more use now than when they initially purchased that piece of play equipment. It was based with the intention that sometime in the future they would be able to add on to it since it is a modular unit. They had quite a bit of discussion at their last meeting about the kinds of pieces that they would like to add on towards it and they voted as a group to move forward with that and to make a contribution from their planter fund of the \$3,000 they have to put towards that piece to put up in Island Park. They would be adding a circular slide, some hand over hand rings, additional items that would all be the same wood that is in there now with the exception of the slide which is plastic but it would be green plastic so it would blend better with the trees that are there.

Trustee Kaye reported the Fire Department has been quite busy also. Chief Zymanek told Trustee Kaye that they have had a higher number of calls this year from past years for no specific reason but just higher numbers. About three weeks ago they held their first drill at the Williamsville Towers in twelve years.

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It was a fire drill to better acquaint not only the residents of that building about evacuating in case of a fire since it is the tallest building in the Village, but also to organize the Fire Department who would need to service that if there was a large fire. There are more than 75 fire fighters who came from four different fire companies on the scene that evening for the direction of Chief Zymanek. It went very well and Trustee Kaye gives her appreciation to all fire fighters who were there, especially Chief Zymanek, who organized the drill. It was a very warm night so all those people who got sprayed by the hose were happy about it.

Trustee Kaye reported that recycling has been moving along quite well also. We just received from BFI, who is our collector, a check for over \$1,100 for this past quarter which represents 25% of revenue from the recyclables that are collected. Within the past year we have increased the items that residents can put out that includes hard cover books, phone books, magazines and three additional types of plastics. That has increased the amount of tonnage that has come in, particularly in the newspaper because many people have put in additional bound books, phone books that they have, catalogs and we received in the past quarter over 120 tons of newspaper and those assorted items. The next greatest generator in tonnage was glass at 17 tons and then cans at 8 tons and corrugated at approximately 8 tons as well. Trustee Kaye thanked everyone for all their cooperation in putting out the recyclables. There was a very interesting article in the August issue of "Governing" that talked about nationwide recyclables and collection costs and it talked about a 1993 study of co-mingled collection costs that was put out by the National Solid Waste Management Association and talked about the cost per ton of collection. The national average was \$60.00 per ton. Here, in the Village of Williamsville, we pay \$15.00 per ton. We pay much less in terms of that collection and processing fee that many other communities do across the United States.

Trustee Kaye stated her resolution is to appoint two additional fire fighters to the Williamsville Fire Department.

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

RESOLVED that the following residents are hereby appointed as firefighters in the Williamsville Fire Department:

Steven Azzarella	130 N. Ellicott Street
Jason Johnson	234 Hirschfield Drive

Unanimously carried.

Trustee Lowther stated it was her understanding that they were filled and there was a waiting list. Was there a couple of resignations?

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Trustee Kaye stated yes and these two individuals fill those and we are full again.

Superintendent of Public Works, David Laubisch, reported that the water valve and hydrant replacement program that we have undertaken on Main Street has been going smoothly. He is really pleased with the results so far. Initially there were some complaints of noise at night. We made some changes in our operational procedure and it really held down the noise complaints concerning the operations on Main Street. There unfortunately will be some inconvenience but the inconvenience is minimal and it far outweighs shutting down the system during the working hours that would totally eliminate water to the businesses on Main Street. For the second year in a row now, special people from the Amherst Youth Board under the direction of Dan Miller have shared the facilities at the DPW. Last year Mr. Miller's schedule was prearranged and he also did help with some activities in the Village Parks. Dan Miller requested at the end of the program last year if there was anything he could do for the Village of Williamsville in our parks system with his people. Mr. Laubisch would be remiss and there will be a thank you letter going out from the DPW and also on behalf of the Trustees and Mayor and Village for all the hard work that Dan Miller and his people did in our parks this year. They picked papers up, picked up broken glass, swept and cleaned the pavilions and also did some clean up work around the DPW itself. Mr. Laubisch gives his thanks to Dan Miller and all his people from the Amherst Youth Bureau who worked at the DPW this summer. Two new pieces of equipment were received last week at the DPW which were both budgeted items, a new high lift front end loader was delivered last week and also a four wheel drive pickup truck that we use during snow plowing operations in the winter. There are still two pieces of equipment that are on order that will be delivered within the next month. One of those being a piece of equipment, a vehicle we use in our Water Department and the other being a small dump truck that we also use during snow plowing operations and for other various activities, paving, patching, hauling stone during summer months.

Superintendent Laubisch reported there has been some delay in trash pickup service. It is continuing but it is a little behind schedule because of breakdowns. The major truck that we use during garbage pickup had a transmission failure and we had to take our 20 yard packer that normally does trash pickup and use that to maintain garbage pickup on a regularly scheduled basis. He talked with the truck company today and that piece of equipment will be back in service tomorrow so he does appreciate the resident's patience. There should be no more further delays.

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

Unanimously carried.

Frank Mischler, 186 Evans, cochairman of the Jolly Boys, stated on behalf of the Jolly Boys and the Old Home Days Committee he has two checks totaling \$4,600 to help pay for the stage. The purchases here were used for Savor the Flavor and Old Home Days and should be used this Sunday at the Arts and Crafts Fair.

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Trustee Piazza stated on behalf of the Parks Committee and the Village of Williamsville, we thank the Jolly Boys and again this is an example of the tremendous cooperation and the spirit of working together that the Village has enjoyed with the Jolly Boys and the Old Home Days Committee for many years. This is a tremendous contribution and the Village really appreciates it.

Dawn Jones, 82 Milton Street stated about a year ago against the advice of almost every single person she knew she bought a house that had everything rotten in it. The Inspector that went through it said that there were gas leaks in at least three places. The electrical was so bad that she had to have it fixed before she could sleep there and she did have the gas fixed. She restored it to what she thinks it should have looked like when it was built with a little improvement inside and outside. She also did a lot of research on Niagara on the Lake because there are a lot of houses like hers and took pictures and friends and had a lot of advice. Part of this whole packet is a picket fence in the front yard where she could plant a type of English garden. The code does not allow this. The fence that she wants is the right height, it has no sharp pickets, they are all rounded because she has the rounded fish scale look on the siding. The fences have to have 80% see through which she doesn't know if it would go with the Village. Her fence does not totally enclose the front yard, she doesn't know if that means with or without a gate. She has a gate in the plan. She doesn't know what we can do about it but she would like to see something done. It really was her dream to have this whole package and it is just about to fruition.

Trustee Kaye asked if Ms. Jones already has the fence installed.

Ms. Jones stated it is partially installed. It was the general contractor who did the installation.

Trustee Kaye asked if the contractor was familiar with the code requiring a permit for the fence.

Ms. Jones stated we had permits for every single thing, she has a deck, a porch, the plumbing, the heating, you name it, it's been done. She doesn't know how that happened. She doesn't know if it is her fault or his fault. It will have to be removed if something isn't done.

Trustee Lowther asked if Ms. Jones is asking the Board to change or amend the fence code.

Ms. Jones stated just slight things. It would be in compliance if it had 80% and the total enclosure of the yard if that includes the gate or not. Is the 80% part of the three feet that are allowed, her fence is 32 inches. She has daylight above it. She read it over and over. We could make it into five feet if you have a lot of pickets, it would look terrible. She could leave a section open for the driveway. She wants it so much. She heard someone say that it would be fence after fence after fence. There are so many things that need to be done at her neighbors house that she doubts any of them are going to be putting fences up and a lot of them love it.

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Trustee Lowther stated the reason we don't have them now and she thinks they are very attractive, is because they are prohibited. She thinks that if the Board did move to change the law, we would see a lot more front yards fenced in. We did have some discussion this evening led by Trustee Hillebrand and we are going to spend the next couple of work sessions working on the fence codes, front and rear yards to come up with some determinations whether we intend to move forward to change the law.

Ms. Jones stated there is a beautiful fence very similar to hers on Oakgrove. When was that installed?

Trustee Lowther stated several years ago but it was done illegally.

Ms. Jones thinks that the integrity of the Village wouldn't be harmed, it would be helped. She didn't remodel, she restored.

Maryanne Avery, 64 Garrison Road, stated she wondered if the Board knew what the County is going to do with the \$46,000. If they are going to close the street for three days, obviously they are going to do more than just repave.

Mayor Daniels stated they are milling three inches down, patching in the large potholes and resurfacing with three inches of new.

Ms. Avery asked if they were going to do anything with the drains.

Mayor Daniels stated no, that is more like \$200,000. It will certainly help and they are not going to widen the road at this time.

Ms. Avery asked what about the ISTEPA fund?

Mayor Daniels stated they already applied for it. They are waiting and hoping that it will be funded under that money.

Ms. Avery asked if that is a widening situation.

Mayor Daniels stated yes. That would be the big Cadillac plan with curbs and the whole bit. He thinks they see long term Wehrle, Garrison, Evans as a major north/south route.

Ms. Avery stated unless we can make it Youngs, which is what the Town has on its own plan.

Mayor Daniels stated we are all in agreement that it should be Wehrle, Aero, Youngs. The whole thing has been out there for a long time and we are in agreement but it is very difficult and it takes a long time. Look how long it took just to get Garrison Road repaved.

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He was talking to David Cumberford and Mr. Cumberford mentioned the blinker at Garrison and Wehrle and he is looking into a full signal there instead of a flasher. Mayor Daniels also mentioned the right lane turn lane only going towards Wehrle. It's only right turn traffic into Lehn Springs which is silly. It should be right lane for straight through, left lane for left turn. Mr. Cumberford is going to look into that as well.

Ms. Avery asked who would pay for that, the County?

Mayor Daniels stated yes, it's already there.

Jim Tricoli, 4 Columbia Drive, stated on May 4th he put up a sign when he was running for the school Board. He put up one sign in the Village on his own property and he was told to remove it and he refused because he felt his first amendment rights were stronger than the Town ordinance and he went to court three different times and finally he did win. He is very glad that Judge D'Angelo did decide in his favor. It was a hard struggle but he is saying this because if you stick your neck out and you fight hard for something you believe in, you can win.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, 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 10:23 P.M.

Unanimously carried.

Elaine Smith-Honan
Deputy Village Clerk

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, August 22, 1994 at 7:59 P.M.

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

*Patrick Kelly, Village Attorney
David Laubisch, Superintendent of Public Works
Elaine Smith-Honan, Deputy Village Clerk*

Absent: Theresa, L. Cummins, Village Administrator, Clerk-Treasurer

Also Present: Sherry Brink, Recording Secretary

The Clerk read the notice of the reconvened public hearing being held by the Board of Trustees on Monday, August 22, 1994 at 7:30 p.m. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 89-2 and 89-4A of the Village Street and Sidewalk Code regarding cul-de-sacs.

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, it was moved to open the public hearing at 7:59 p.m.

Unanimously carried.

Trustee Hillebrand stated this hearing is to modify the legislation in the Village so that sidewalks will not be require in cul-de-sacs. The proposed legislation is based upon grounds of improving the quality and aesthetics of cul-de-sacs. Trustee Hillebrand read the proposal as follows:

Village of Williamsville

Local Law No. 89-2-89-4A of the year 1994

A local law amending Sections 89-2 and 89-4A

Be it enacted by the Board of the

Village of Williamsville as follows:

Under 89-2 add the following definition:

Cul-de-Sac: a street which is open at one end only.

Section 89-4A Construction; permits.

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The owner of real property fronting or abutting on any public street, other than a cul-de-sac, shall install, at the owner's expense and pursuant to specification as established by resolution of the Board of Trustees, concrete public sidewalks adjacent to the property owned. Owners of real property fronting on a cul-de-sac shall not be required to install concrete public sidewalks unless a petition, in favor of installation of sidewalks on said cul-de-sac, is presented to the Village Board. Said petition shall be signed by a minimum of fifty (50%) of the owners of real property fronting or abutting said cul-de-sac.

Carolyn Schlifke, 192 Evans Street, stated it was always her belief that when a municipality added a law to its books at some time in the past, it was usually done because they felt it was something necessary for the safety of its residents, something that would benefit the majority of its residents. She doesn't believe that when every case arises that the Village Board or the governing powers should change the rules to benefit one street, one individual. If you do that, a couple years down the road, you may be addressed with another situation and the Board will be changing its laws again. She does believe that sidewalks are a safety feature. These people seem to consider them as something that would be detrimental to the aesthetics of their property. She doesn't think aesthetics should enter into a safety factor at all and therefore she would suggest to the Board that it leave the law the way it is.

Trustee Hillebrand stated without changing the value of Ms. Schlifke's comment, he mentioned that currently there are no sidewalks on any cul-de-sac in the Village such as Danbern Lane, Pine Acres Court, Bobbie Lane, Willowbrook and Pfohl Terrace.

Ms. Schlifke stated they were developed before the sidewalk code went into effect.

Trustee Hillebrand stated this is not a unique cul-de-sac situation. It would make this next development cul-de-sac consistent with all the others. All cul-de-sacs would be treated the same. Ms. Schlifke's point is excellent, why should we or should we not but this is consistent with all the other cul-de-sacs.

Jim Tricoli, 4 Columbia Drive stated that Trustee Hillebrand mentioned that the other cul-de-sacs were in violation of the law.

Trustee Hillebrand stated they are not in violation of the law. There is no sidewalk there. They were grandfathered before the law existed.

Trustee Kaye stated that is not correct.

Attorney Kelly stated the Board can order a sidewalk anywhere in the Village.

Trustee Hillebrand asked if that means they are in violation of the law.

Attorney Kelly stated not unless the Village Board orders them in.

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Mr. Tricoli stated the way it is written it needs clarification.

Trustee Kaye stated her understanding is that in the present law it says the "owners of real property fronting or abutting on any public street shall install, at the owner's expense and pursuant to specification as established by resolution of the Board of Trustees, concrete public sidewalks adjacent to the property owned".

Attorney Kelly stated the Board hasn't drawn up specs to enforce them in. He agrees with Trustee Kaye if specifications are established, and told everyone in the Village to put in sidewalks, then they have to under the current law.

Trustee Kaye stated technically, according to the proposal, it says under 89-4A, all the property owners that front or abut a public street shall have them in.

Attorney Kelly stated if you draw up specifications for them, yes.

Mr. Tricoli stated the drawn up specifications would have been done by the Village architect, correct?

Attorney Kelly stated from time to time specs have been drawn up for different streets.

Mr. Tricoli stated as he read this he noticed that there is no time specifications on when the owner of the property shall place sidewalks. This is going to be amended so there is some time period where people know when they have to have sidewalks in or are they going to leave it open ended again so there is more confusion in this?

Trustee Lowther stated this proposal would not make anyone put a sidewalk in a cul-de-sac.

Trustee Hillebrand stated this proposal does not require anyone to put a sidewalk in anywhere, even in regular areas. This is not intended to make anyone put a sidewalk in anywhere.

Trustee Lowther stated she thought this was only cul-de-sac.

Trustee Hillebrand stated yes.

Mr. Tricoli stated he is confused because people with a regular house on the street in the Village have to, by law, put in a sidewalk. Is there a time period that sidewalk has to go in there. Is there specifications for that sidewalk? Is there any of this stuff anywhere for this to be worked on dramatically before we talk about it tonight.

Trustee Lowther stated prior to a C.O. being issued a sidewalk is part of the requirement for the Village of Williamsville. What this proposal is going to do is say a cul-de-sac is not required to install sidewalks.

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Trustee Hillebrand stated when one applies for a permit to put in property, they are supposed to put in a sidewalk as a part of that permit and there is a time-line in the permit.

Mr. Tricoli asked how many lots are there in the new development.

Trustee Hillebrand stated eight.

Mr. Tricoli stated when the first house goes up, you would have to wait for two houses to go up before you can get 50% to vote against it, correct?

Trustee Kaye stated no. Somebody owns all eight lots.

Mr. Tricoli stated when you sell those lots to individuals by this law, so he can clarify it in his own mind, individuals own these properties and they are going to put something on these properties eventually. When the first one goes up you have to wait for the second one to go up.

Trustee Hillebrand stated they are already sold now.

Mr. Tricoli stated these already agreed in some kind of secret memorandum, they all do not want sidewalks? Does the Board have something written about that?

Trustee Kaye stated what we have is from the developer, Mr. Whitehead, who is in the audience, and he has made a letter of request to the Mayor of the Village Board on May 6th. Trustee Kaye read that letter. (Copy attached) The developer is the property owner. Trustee Kaye asked Mr. Whitehead if he still owns all of it in its entirety?

Mr. Whitehead said yes, he does.

Trustee Kaye stated Mr. Whitehead has requested that the Village Board waive the installation of sidewalks on his subdivision and he is the entire property owner at this time.

Mr. Whitehead stated when a home is constructed, the last segment is the sidewalk and driveway and eventually it would all go together as one big sidewalk.

Mr. Tricoli asked if these homes already sold to particular people.

Mayor Daniels stated lets assume Mr. Whitehead owns eight lots right now. Until he sells five of those lots, he would have eight votes right now, he sells one and he has seven votes. If he sells two he has six votes until there is more than 50% that would happen to one sidewalk. Then we would have to assume that the first five lots that were sold, those people would like sidewalks at that point then they could require those sidewalks for the whole cul-de-sac.

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Attorney Kelly stated it is a minimum of 50% so four lots could do it. The interesting thing is in changing this law alone has absolutely no effect on Castle Creek as an Exceptional Development. Mr. Whitehead is going to have to come before the Board again and request a change in his Exceptional Development permit. In reality, we've done this permit solely for him without changing the law under Exceptional Development. The request would apply to all cul-de-sacs in the Village. The reason for the 50% figure is what happens if down the road 5,6 or 7 owners later, they decide they want sidewalks. They could petition the Board to force the development to put in sidewalks. That's how it was drawn up. It could be 25% or 50%.

Trustee Kaye stated 50% is consistent with the Town as well.

Attorney Kelly stated that Trustee Kaye asked him to research an offer of a gift to the Village made by a contractor seeking a change in the sidewalk code. He researched it and New York State Law does allow the Village to accept gifts. The Board makes the determination if the law changed is in the best interest of the Village and if they think that is so then they pass it and if not then defeat it. If it passes, there is no requirement that this contractor make the gift and likewise if he does make the gift, there is no requirement that the Village has to spend it on sidewalks. There was some suggestion as to whether this was a bribe but it was done in the open offered by the contractor and a number of people pointed out to Attorney Kelly that bribes or something, made in the back room in secret and they go to benefit private individuals. If the law is passed, if it is legal, the Board has to make the determination if it is in the best interest of the Village. If you do that, you have to take another step, the contractor will have to request to open up his permit application for Exceptional Development.

Mr. Tricoli stated since the word "bribe" was brought up, if the Village built those particular sidewalks, are there any figures in anybody's mind as to how much it would cost to build sidewalks in front of eight houses?

Mr. Whitehead stated it's rather close to the figure he presented to the Board. This makes the place look a lot more attractive. That would be one feature.

Mr. Tricoli stated he was wondering how that amount of money, \$8645-- which is going to be thrown into a general fund for the Village to use wherever it sees necessary. If building sidewalks costs roughly the same amount of money, he doesn't see why there would be a problem with building sidewalks with that money instead of giving it to the Town which might, down the line, be a problem. People in the Village perceive it incorrectly sometimes. That may be something more than it is. You have seven or eight cul-de-sacs already done who do not have any kind of sidewalks. He took several rides tonight before he came to the meeting tonight and he looked at areas that did not have sidewalks and since we had the rain this week, he noticed little valleys in front of these places with a lot of water and as it warms up, they are going to have mosquitoes and other problems. Putting sidewalks on places cuts down that problem which is a problem. He thinks we are looking at changing the law which if the Board is going to change this law, let's make sure this amendment has changes in it that are very specific. Time changes, certain changes that have to be in there. This amendment should be rewritten before we discuss it.

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Trustee Lowther asked what would his suggestions be.

Mr. Tricoli stated it should say on the side of the contractor that they put in to all their perspective buyers in there that they will put in sidewalks at the person's request at no charge.

Trustee Lowther asked Mr. Tricoli who would pay for it.

Mr. Tricoli stated the contractor.

Trustee Lowther stated but after they are sold that wouldn't be the contractor's responsibility.

Mr. Tricoli stated he would write it this way, if you want sidewalks, the owner would gladly put them in which would cost a few extra dollars. If you don't want them, fine you will not put them in. There should be an option in this proposal for the owner to do this for the customer and there is no cost. Also, the time period for when these sidewalks go in, not just the cul-de-sacs but the entire Village. We have areas that do not have sidewalks and we are going to have problems then we should correct the problem by saying if you are going to buy a house, if it is a second or third house and it doesn't have sidewalks then it is your responsibility to put sidewalks in and you have six months to do it. The Board should do something like that. They have laws, lets enforce them. This kind of law is a serious law. It affects our environment. It affects a lot of things. Let's make this amendment make sense. We can't let this one fly the way it is. It is too weak.

Trustee Kaye asked if she understands that Mr. Tricoli is in favor of sidewalks everywhere.

Mr. Tricoli stated absolutely yes. He is not trying to hide that fact.

Cliff Horey, 106 Highland Drive, stated he is a member of the Village Traffic and Safety Board. He is also a very good friend of Mr. Whitehead, he has known him all his life. The Traffic and Safety Board has been working on this sidewalk problem for about two years now. We divided up the Village in sections and mapped out where there weren't sidewalks. We would like to have sidewalks put in at least on one side of the street. Buses don't go down cul-de-sacs. School kids have to walk out to Garrison Road. What happens if you pass this law and some kid who walks doesn't have a sidewalk. The people don't plow them anyhow. The kid walks down the street and gets hit by a car. The parents say hey, there should have been sidewalks there. Who are they going to sue? He doesn't care how the amendment is interpreted, he was a policeman for 32 years and maybe Attorney Kelly says it isn't a bribe, he could ask the Village judge and she would say it is a bribe.

Maryanne Avery, 64 Garrison Road, stated she understands that this is more complicated than we thought at first. This law will not apply to Castle Creek. If you have a cul-de-sac in some places that may not be another Exceptional Development. Have the other ones been Exceptional Developments?

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Attorney Kelly stated Exceptional Developments are only 8 or 9 years old. This is one of the few developments that rises to the level of Exceptional Development. You still need room to put a road in there first. To answer Ms. Avery's question should another exceptional development come up, even with this law on the books, the Board in their position as able to regulate exceptional development, the Board could order sidewalks in that development.

Ms. Avery stated one problem is the location. Another is Garrison Road. She was speaking with Ms. Schlifke and they were discussing that most of Evans has sidewalks because the Village ordered them in. Evans is a very heavily used road and you certainly wouldn't want people walking in the street there. It's not very easy for a pedestrian to get across from one side to the other. She has tried it and it is not fun. You wait a long time or you take your chances. Drexel Hill ought to have a sidewalk out there and then would have it completed except that you can't get up and down if you are a senior citizen, you need curb cuts. It is very awkward the way it is. The Village is getting money from the federal government for curb cuts so that it is accessible for disabled people.

Trustee Lowther stated that when we had the discussion that Ms. Avery is talking about, she thought they were going to use community development funds to do some of the curb cutting. It has not been decided on by this Board but it is one of the things we are concerned about. It is required by the ADA.

Ms. Avery stated the Village is full of senior citizens and is also the densest part of the Town of Amherst. We have an older population and the way it is, people are living to be 100 years old. We have an area where you have many senior citizens and many disabled people. It seems inconsistent to be deleting the sidewalk requirement when you know that you have this change in attitude coming from the Federal government down that you should have handicapped accessibility. That's one thing that would speak in favor of cul-de-sacs and we're not even talking about Castle Creek or some place else. It's fair enough to say every new street ought to have sidewalks just as the Town does and it is for the same reasons. If you can look down the road and say probably that is what's coming anyway, maybe we'll get to the point where they will say areas with a certain amount of density should have handicapped accessibility throughout that area and would certainly think it would fall on the Village if no place else. It is an urban area here. It's almost unthinkable not to have sidewalks in the Village. Garrison really ought to have sidewalks on both sides because through the great generosity of Mr. Gorski, we are going to have some sort of surface improvement and you can be sure that those people who have been avoiding using the street because of the Mayor's demonstrations and articles in the newspaper and so on, when they see that the road surface has improved, there will be more traffic just because it is a nice road, so they will use it. Ingram Micro is 500-600 extra people and we are already getting more traffic on the street from Tops. There is generally very little traffic in the afternoon at this particular time of the year and she counted 40 cars trying to get on to Main Street at the same time. She thinks the Board should expect that Garrison should continue to have traffic and will probably have more traffic for that reason, because you cannot get from one side of the street to the other. It's very bad. Many times of the day you just simply can't get across the street and it's a half of a mile long.

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So it's not a question of saying well, you have the sidewalk on one side so you don't need it on the other. She thinks it is needed on both sides. She knows that is going to discomfort some people. She supposes the only way to keep the trees is to serpentine. She doesn't know if that is a law or if the Village allows that. She knows there are cases right on Garrison that go around a very large tree and another one on Oakgrove where it is adjacent to the creek. If that is a possibility then people would not have to lose the trees. She wouldn't want to see anyone on Garrison to lose their trees because of this. She's afraid that Garrison is going to have to have sidewalks on both sides.

Molly Knibloe, 101 Garrison Road, stated she is on the Environmental Committee with Trustee Hillebrand. She thinks the most important thing that she has heard tonight and that she wants the Board to know is that she thinks this is a terrific opportunity that we've got somebody that is a partner in our community in the name of Bill Whitehead who's saying, hey, I've got an idea that I think would work for me. Here, I can trade you money. I'll give it to you, the Village Board, to put sidewalks in other locations where you see they could be best used. This is not a bribe, this is progress. She thinks that we are getting to the point where Garrison Road is tremendously busy. Tops, Ingram Micro and whoever else is going in, they all drive to get there. Many of them are driving right down Garrison Road. She lives on Garrison and walks a little baby up and down Garrison, she crosses and goes back and forth. It's frustrating. It's scary. You have to raise kids. Everyone knows Anita Salen. Anita Salen doesn't live in the Village anymore. She called Anita up and said I need help with sidewalks on Garrison Road and Ms. Salen said her husband wouldn't let her. Ms. Salen has given up sidewalks on Willowbrook. Anita lived on a cul-de-sac. She never asked for sidewalks on Willowbrook of the Board. She wanted sidewalks on Garrison Road. She didn't want them on a cul-de-sac. Has anyone living on a cul-de-sac called the Board and said they want sidewalks on their cul-de-sac.

Trustee Kaye stated no.

Ms. Knibloe stated Traffic and Safety has been doing a study now for two years. She hears it is done. Let's prioritize. Get the Traffic and Safety Committee, get them prioritizing where the sidewalks are needed. Let's use Bill Whitehead's money and anybody else's money that wants to put in or do what they want to do and work with Traffic and Safety and get the sidewalks where they can benefit the majority of the people. There is a safety issue and the safety issue is not on the cul-de-sacs, it is on Garrison Road and it will benefit the majority. She understands there aren't any more streets to be added. She doesn't think it is an issue for the Board to continually spend their valuable time or anybody else's valuable time readdressing this over and over. She thinks it is time to move forward. We've got a sidewalk problem. We've got one of the best municipalities in Western New York and it can be even better. Garrison Road is a tremendously high traffic road. It's not a welcome to the Village sign anymore. It's a dump. The road is not our problem but we can help it with the sidewalks, the trees that are up from Wehrle Drive look great. It needs to be a welcoming sign, not a detriment. It's time to move forward. She thanks Bill Whitehead.

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Trustee Lowther stated Traffic and Safety did prioritize after we identified where these sidewalks were missing and Garrison Road, South Union, Evans and Belmont were the streets that we prioritized throughout the Village.

Ms. Knibloe asked what about Wehrle Drive.

Trustee Lowther stated that wasn't one that we felt was as critical as the other four that were identified.

Trustee Kaye stated in terms of Garrison, the Board could just order in sidewalks right now and that would fix the problem.

Ms. Knibloe stated she thinks it is kind of like a price increase. Nobody wants to have one and then when you do, you realize it wasn't a problem. The Board might have more of a problem with ordering them in throughout the Town than the voters are going to have. She thinks more people want them and would feel it reasonable to put them in. If there are those that need help, maybe use those funds to help the people that are financially disadvantaged. She thinks more people want them than would fight them.

Trustee Kaye stated since, in this situation as heard from Attorney Kelly, that the developer, Mr. Whitehead, would have to come in for another public hearing and Mr. Whitehead doesn't have to actually give the Board the money if the Board changes the law or change it. Is the question of money the ability for the developer to contribute to the Village?

Ms. Knibloe stated no, it is a part of it and she think that is a team spirit that is a contribution effort and being part of a win/win situation. His cul-de-sac lots are small and it will work to his benefit to not have them. Those residents will benefit by having a sidewalk on Garrison. If you have a sidewalk on the cul-de-sac on Garrison, it is a sidewalk to nowhere. You are just going right into the street.

Trustee Kaye asked if it is her understanding that Ms. Knibloe thinks we need them on Garrison but we don't need them on any cul-de-sacs.

Ms. Knibloe stated yes, that would be her opinion. There are none on any of them now.

Bill Whitehead, developer of Castle Creek Trail, stated he made the offer last year with regards to deleting the sidewalks from his subdivision and he made a cash offer to the Board whereby they could take that sum and apply that to any sidewalk, repair or replacement in the Village. He was thinking at the time of Garrison Road. Perhaps the law would not allow the Board to specify Garrison Road, may be Union Road, may be Main Street.

Attorney Kelly stated the Board can specify whatever they want. Mr. Whitehead will not be able to restrict the gift in that way.

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Mr. Whitehead stated the traffic flow in the cul-de-sac would be about 10 cars per day. There are eight lots and estimate that this traffic flow will be 10 or under where Garrison offers about 6,000 passenger vehicles each day. Some sidewalks are in the homes and some have grass right off the road parkway strip. Some of the roads have potholes which make it dangerous for people to walk from one property to another. His offer is not a bribe. The Board should decide what would be best for the Village and he hopes that the Board will look upon his offer in favor and the offer still stands.

Mr. Tricoli stated the amendment says "The owner of real property fronting or abutting on any public street, other than a cul-de-sac, shall install, at the owner's expense and pursuant to specification as established by resolution of the Board of Trustees, concrete public sidewalks adjacent to the property owned." Discrimination comes in. If you have a cul-de-sac, that doesn't apply to you.

Trustee Hillebrand stated correct.

Mr. Tricoli asked if there is discrimination in this law.

Trustee Hillebrand stated yes. Exempt cul-de-sac. Exemption and discrimination are similar terms.

Mr. Tricoli stated if you have a house that is on regular property, you have to have a sidewalk and you have to pay for it yourself. If you live on a cul-de-sac, you do not have to pay to have a sidewalk. Does Trustee Hillebrand think that is a total inequity?

Trustee Hillebrand stated he doesn't know. Life is filled with inequities.

Richard Sweeney, 325 Mill Street, stated he wants to comment on three points. The first being the definition of cul-de-sac. He only had a quick reading of it earlier tonight but he would like to have Trustee Hillebrand re-examine to see that it discriminates between dead-end streets and cul-de-sacs. He thinks there are a number of dead-end roads or extensions of roads that would fall under that cul-de-sac definition.

Attorney Kelly stated this was meant to encompass dead-end streets. Many people would think that Cadman is a cul-de-sac. It is not a dead-end street and it was not put in this definition. It does not have pass through traffic.

Mr. Sweeney asked if Howard fall under cul-de-sac.

Trustee Lowther stated no because it comes out on Glen Avenue.

Attorney Kelly stated there are several streets which this applies to.

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Mr. Sweeney stated, as a resident, pointed out that he thinks that public sidewalks are primarily a public safety issue and would like to make his own personal preference for the Board to implement a policy to see that sidewalks are installed everywhere in the Village. He thinks that the existing law has not been enforced. It is a difficult thing to do but he thinks that the Board should make up its mind and firm its resolve and enforce the existing ordinance. In particular, in the case of Castle Creek, that Exceptional Development, he was one of the Board members who was rather insistent that sidewalks be a part of the approval. He thinks that is important as important sidewalks in a cul-de-sac because of the bussing issue as other streets. The third point is if Mr. Whitehead, the developer for Castle Creek, follows through and makes some kind of a donation to the Village Treasury for use for sidewalk repair, installation, Mr. Sweeney, as a resident, who does not have sidewalks in the front of his house, would like to see part of that money spent on Chalmers Street.

Attorney Kelly stated the way the law reads is that the Village can contribute only up to 1/2 for everybody per sidewalk in the Village. If they make that offer to anyone, they have to offer it to everyone for one year. New York State Law requires it.

Mr. Sweeney stated he is forewarning the Board that other residents besides those on Garrison would also like sidewalks.

Polly Klapper, stated she is on the Traffic and Safety Committee and after she thought about it for a little while, not the cul-de-sacs were of the priorities. In the law it says something about property abutting or adjacent to a public highway.

Attorney Kelly stated technically the sidewalk is not on the homeowner's property even though if you think it's in the grass it's on your property, it's still in the public right of way.

Ms. Klapper asked what about on a cul-de-sac where the person's side yard but their house would face the street, say on the cul-de-sac street but the side of their property could face a busier street.

Attorney Kelly stated if it faces a busier street. It could technically be on a side lot. If the side lot was on Garrison, the Board could order a sidewalk.

Ms. Klapper stated there could easily be properties that have been filled during the time that the law was in existence that the Village has not ordered sidewalks in.

Trustee Lowther stated to the best of her knowledge that is not true.

Ms. Klapper asked if that cross-reference has been done.

Attorney Kelly stated since 1850-1870 there were sidewalk laws. They have changed a lot over time. They were one of the purposes for forming the Village, to build sidewalks and streets.

Ms. Klapper stated that could be a good argument for ordering them in. Prioritize and order them in.

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Trustee Piazza stated philosophically, he likes the aesthetics of a concrete free cul-de-sac. Money or no money from anybody. From driving around, not just the Village but in other parts of Amherst, some do and some don't have sidewalks. He doesn't see the need for them. He knows some people have voiced a concern about safety and yet if we are looking for a realistic traffic flow of 10-12 cars a day in a cul-de-sac, it's like worrying about the chance of being hit by lightning in his estimation and he doesn't think that has to be a concern of the Board. He doesn't see safety as a true problem. He sees it as item to talk about but not as a realistic statistical problem of any sort and philosophically, he likes the look of a cul-de-sac without concrete.

Mr. Tricoli stated he lived in East Amherst for a while on a cul-de-sac and somebody mentioned that the buses in the Village do not go down cul-de-sacs. Is that a law?

Trustee Kaye stated because of the width and the length of the cul-de-sac. Under a certain length of cul-de-sac, the school buses do not come down.

Mr. Tricoli stated for instance you have eight houses, so roughly 16 cars, about two cars per house. The 16 cars will be parking in that cul-de-sac, correct? With 16 cars in the area, you can't see the sidewalk anyway because the cars are blocking the sidewalk, if there was one or wasn't one. If you live on a cul-de-sac, you enjoy that beauty.. He thinks why do we have them?

Trustee Piazza stated if people are putting new houses into a cul-de-sac, his assumption is that they will in the 1990's, people are building houses with two and three car garages nowadays. If you look at new houses being built, the cars will probably be in a concrete driveway right next to the entrance of the garage or if the owners have foresight to build a really big garage to make room for the junk and the cars, that the cars might actually get into the garage. There will be some cars on the street but by and large the owners will have their cars in the driveways or right in the garage.

Trustee Lowther commented as liaison to Traffic and Safety, several months ago when this issue came up, they made the determination that they definitely were in favor of seeing sidewalks installed in this particular development. As we have all learned this evening, this law is not going to apply to the development. Mr. Whitehead will be back before this Board to amend the special permit in order to do the development and we will make a decision as to the sidewalk installation and his development at that time. Traffic and Safety feels very strongly that the safety of the residents of the Village comes before just about anything else and they make a recommendation to this Board that they want to see sidewalks on all new developments. Aesthetics notwithstanding, everyone likes to see an attractive locale, an attractive development, perhaps it pushes the price of the properties higher but the bottom line is safety is the first consideration. On a personal level she has a problem with having certain areas of the Village that are residential, being told that they have to install sidewalks and having other areas saying they don't have to just by the reason of the design of the particular street. She thinks that this is a community where people walk, people bicycle, everyone lets their kids play out on the sidewalk. She doesn't know too many moms who let their kids play out on the street, whether it is a heavily trafficked street or not heavily trafficked street. She lives on a street that has sidewalks and she is happy to have them.

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She wouldn't want to live in an area that didn't. She thinks the entire persona that is put forth by the Village is that we are a connected community, we are an outdoor friendly community and she thinks that lack of sidewalks actually detracts from that. It puts your residents in the street, it puts your kids bicycling in the street and it is a real concern. There was an article in yesterday's Buffalo News that was very interesting and it addressed sidewalks in suburbia and there were several quotes in there from Philip Langdon, who is the author of "A Better Place to Live, Reshaping America's Suburbs". Trustee Lowther thought his comment to her way of thinking was right on the money. He originally started his career writing about architecture and urban landscape for the Buffalo News more than 10 years ago. His quote was that "there should be a generously connected network of streets and sidewalks, a network that allows pedestrians, bicyclists, and motorists to move over many different routes enjoying and learning from, not just tolerating their surroundings. Streets should be conceived as outdoor public rooms that people will relish occupying". She thinks that is a very interesting comment and very appropriate to this discussion this evening. The only reason that she has heard to not have sidewalks is aesthetics. To her, the safety of the residents of the Village of Williamsville comes first. She would support, at this point, not approving this particular law. Traffic and Safety said that they will look at the minutes of this public hearing at their next meeting which is September 15th and if they will reconsider their decision and if there is a change in it, they will so advise this Board.

Trustee Hillebrand stated the Village's counterparts in the Town are going through a lot of pain and agony because people don't want to have sidewalks at the expense of trees, so when we get to putting the sidewalks in we will have to worry about that problem.

Trustee Lowther stated it should also be noted that the Town of Amherst makes no exceptions to sidewalk installation in any residential property. Absolutely none.

Trustee Hillebrand stated they have many subdivisions without sidewalks.

Trustee Lowther stated they do now but they do not make that exception any longer. They used to exempt cul-de-sacs. They now enforce it because they have been deluged by requests from residents who are on cul-de-sacs that they have a sidewalk.

Trustee Piazza stated he doesn't know how recently they have been enforcing it but he was driving down a cul-de-sac a few months ago and as of now there are no sidewalks. He is not sure whether the Town is selectively enforcing it or what the situation is.

Trustee Kaye stated she met with the senior planner of the Town of Amherst last week and asked specific questions about what the policy of the Town now is in regards to sidewalks and she was told that the Town now requires sidewalks in all streets and cul-de-sacs. To install them there are no waivers permitted and that the Town Traffic and Safety Committee doesn't even entertain the waiving of sidewalks anymore because they have been deluged with complaints of not having sidewalks throughout the Town. She doesn't know how long that has been in existence but the senior planner she met with was adamant with her in terms of that there will be no waivers in any portion of the Town.

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The only time they will delay installation of a sidewalk is when they are waiting completion on another portion or end of a street but that they are not waiving installation of sidewalks anywhere.

Ms. Klapper asked are they ordering them in and who is paying for them?

Trustee Kaye stated no, her understanding was that at this point, they are in a planning phase, ordering them and not waiving them anywhere and then they are going back from Citizens for Sidewalks on particular areas demanding them on high traffic streets. The property owners are paying for them.

Ms. Klapper asked how old is that law?

Attorney Kelly stated it is within a year or two.

Ms. Avery stated it was about four years ago the Williamsville School Board wrote a letter to the Amherst Planning Board requesting that from then on that all streets have sidewalks. She remembers when they approved Hampton Hill about 1989 the chairman said they would have to have sidewalks because of this new regulation. The Planning Board has always had the ability to order them in or not. Now they automatically order them in for all residential streets. The commercial streets they are waiving them until the stretch of road is completed at which time they will order in the whole thing. She talked to Mr. Ketchum, the Building Commissioner, last year and he said if it were up to him he would say on every block when the majority of it is completed then he would order the entire thing. Then they were talking about Main Street. With some of these larger parcels she thinks the Town is obviously hesitant because of the expense because people own such wide lots and she thinks they are reluctant to say anything until a time where it becomes so built up that they will crank up somebody. The pressure is on the Town Board almost every meeting and it is coming from the School Board and people like Ms. Klapper and Ms. Knibloe who have children. It is also coming from the senior citizens who want to be able to walk from one area to another safely and people who are disabled.

Mayor Daniels stated that every community has laws and every community exercises them, hopefully, with some discretion. What we have here is practical consideration of a community that has been in existence since it was surveyed in 1798 and was built up in various times and architectures and building department eras where the codes were sometimes enforced while sometimes not at all and sometimes probably in the back room. You can notice those types of things that appear very strange when you go through the Village and notice a house built behind a house with only one driveway, extremely unusual occurrences that were during weak or lapse periods in the Village as far as the codes go. We all have laws that we live by. It's probably good to have a sidewalk code but as there is with all laws there are exceptions to every rule. We have the practical consideration here of how to take an old Village and upgrade it to conform it with the safety features that everybody wants because of the development around us, the traffic flow which is at an all time high and gridlock on Main Street and Garrison Road with 7,000-9,000 cars per day and increasing. We have the infrastructure that we are always trying to upgrade along with that.

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In order to do all the things that we have and realize that we have a very limited population base, a very limited taxable structure here from which to work, realize that the citizens of New York State, the Town of Amherst, the Village of Williamsville, and the County of Erie are taxed higher than most places in the whole country. We have an obligation and responsibility to keep those within sensible, workable, dueable and affordable means. As long as he has been a member of this Board, he has always looked at creating alternate ways to get what we want with a minimal amount of expense and we have done many things that way and successfully. Volunteerism has worked very well, working with the court system for alternate labor works well, we've had fund raisers galore, from Savor the Flavor to the Arts and Crafts Fair to offset costs for the residents of this community. We are now faced with the dire need for sidewalks throughout the community in a tax base that can't afford another expense individually. In his estimation, sitting here as the Mayor of this Village, to require sidewalks absolutely everywhere in the Village is an undue hardship on many people whose property, in his estimation and probably theirs, is not a hazard to the health and safety of vehicular traffic in any way. They may not even like the look of sidewalks. People won't use the sidewalks. He has heard people say they don't want people walking on sidewalks in front of their home. You name the reason, it is there. We went through about a couple years ago in a sidewalk rehabilitation plan of the Village in which we inspected every square foot of sidewalk and condemned the ones that were not up to par that had over an inch of elevation one slab to the other, had cracks in it, had spawling in it and went throughout the Village and repaired all the sidewalks at the owner's expense. There was some offset money in there but it was mostly at the owner's expense and the costs were lowered through going out to bid and getting a very good price per square cubic foot of concrete. You wouldn't believe the cry and uproar who were out on the sidewalk yelling and screaming because this one slab that was going to cost them \$80.00 didn't need repairing or replacing. It was an incredible screaming and gnashing of teeth just to get the existing sidewalk up to grade. Now residents expect us to go out through the Village and uniformly enforce the sidewalk code and insist that every person on every street install sidewalk in their front yard. He doesn't want to have bullet-proof glass on his car. It's a very volatile issue. It's something that on paper and aesthetically or altruistically looks right and certainly if you sidewalk every square inch, no one can sit here and tell Mayor Daniels that there is never going to be a pedestrian fatality again. He can't imagine how that could happen. What we've tried to do now is come up with a realistic plan to put sidewalks where they really belong on all the streets that are hazardous to pedestrian traffic in this community, Union Road, Wehrle Drive, Garrison Road, some parts of Evans that could still be connected. In order to do that and just do it on those streets, we have a real problem of prejudicial enforcement. In other words, because you may happen to live on a high traffic street, you are going to pay some money to have your sidewalk replaced. This person who lives on a quieter street does not. To him, that is selective enforcement, which is very difficult. In order to candy coat that a little politically and practically and realistically, we are looking at a way to gain income in order to realize our goal of sidewalking all the hazardous areas by a 50/50 proposal which would take, perhaps, a Whitehead offer of \$8,200, a Brian Rusk offer of \$2,500 and, in effect, double that amount to make it a \$20,000 pot from which we can use to address all the critical areas that really need sidewalking because they are definitely a risk to health and safety of the residents. An eight home subdivision is just not in the ball game in any practical way.

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We're looking to save money, we're looking to get it done, we're not looking for threats on our lives and this looked to Mayor Daniels like a great way to do it with the help of some creative thinking from Mr. Whitehead and others. There are other ways to accomplish this same thing and Mayor Daniels is certainly open to those as well. The money from Mr. Whitehead, if it did not pass through the Village at all, could be used for sidewalking and not open the Village up to the requests of everybody at 50/50. The same with the County money. It could be done by the County on Garrison Road through their highway department and not open up the Village to the same 50/50 offer and we will explore those things as well. Mayor Daniels' bottom line is to get sidewalks where they are needed and whatever it takes, he would like to do that while he is still in office because he thinks that is one of the remaining things that this Village absolutely needs given the amount of traffic and congestion and the compression that we feel from the growing forces around us of development. Anything that we can do to protect the citizens is prioritized in his mind. Sidewalking on an eight home subdivision is way down on his priority list.

Mr. Tricoli stated when those sidewalks were fixed, there was no choice, you had to have them fixed.

Mayor Daniels stated there was an appeal process.

Mr. Tricoli stated when they came around they told him it had to get done. Mr. Tricoli asked Mayor Daniels if he had done something for the safety of the Village. Mayor Daniels stated yes. Mr. Tricoli said that Mayor Daniels had said that safety is the top priority of his administration and asked him if that is correct. Now Mayor Daniels is saying bullet proof windows because some of the residents in the Village get pretty hot. Mr. Tricoli stated he thinks that comes with the territory from being a politician. You have to expect a lot of grief. The Kennedy boys, Martin Luther King-they stuck their neck out. If Mr. Tricoli was Mayor, he would stick his neck out. Safety is important, sidewalks are important. It is an issue that Mayor Daniels said was very important and Mayor Daniels said that he would have a bullet-proof car. That is how important it is to Mayor Daniels.

Ms. Knibloe commented on picking up on the Mayor's comment that sidewalks in an eight-home cul-de-sac is not a priority, she is not a member of the Traffic and Safety Committee but she thinks Trustee Lowther, liaison to the Traffic and Safety Committee, has been disserved by the Traffic and Safety Committee that is giving Trustee Lowther the influence to say, I think it's really more important for the safety of all the citizens to have sidewalks on cul-de-sacs. Possibly, what was more important was that well, I have a sidewalk so you have to have a sidewalk. Ms. Knibloe has to disagree and she asked Ms. Klapper if she agreed with that at the Traffic and Safety Committee meeting and Ms. Klapper said she wasn't there. Ms. Knibloe is sorry Ms. Klapper wasn't there because Ms. Knibloe can't imagine a Traffic and Safety Advisory Committee saying it is a safety issue that we looked at Bill Whitehead's offer of coming up with funds that Trustee Kaye has been looking for money, this Board has been looking for money for years now, looking for grant money, the Board is paying people to look for money. Bill Whitehead has come up with money to put into the pot to handle these priorities that Traffic and Safety has come up with. Traffic and Safety has come up with these priorities and it is conflicting. It's a dichotomy.

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There is no such thing as saying Garrison Road is my priority, Union Road is priority, Evans is priority and it is of utmost safety to have sidewalks on this eight lot cul-de-sac. That is a conflict with our philosophy of the Traffic and Safety Board. Ms. Knibloe takes issue with it. She doesn't think that is right and that Trustee Lowther is being disserved. Ms. Knibloe thinks if the Board is saying no, we don't want to take this ordinance or we don't want to make this change, what does that make of Bill Whitehead's offer. Where are we then, we are back to square one, aren't we?

Trustee Lowther stated that Traffic and Safety is only an advisory group. They make advisory statements to this Board which we can accept or reject or ask them to relook at or rethink. Obviously Castle Creek is not the same priority as Garrison Road. They are certainly different priorities. The wisdom of Traffic and Safety and unfortunately Polly wasn't there that evening. We've had many discussions about Castle Creek and about sidewalks all over and this has been going on for a couple of years and she wasn't there the night we made the determination on this particular subdivision. We will be making it again and Trustee Lowther hopes that Ms. Klapper can be there. We had a unanimous vote on it. This is not something that she did. This is something that these citizens do and Trustee Lowther brings it back to the Board as the liaison and again, Castle Creek is certainly not as important as Garrison Road or as Evans as far as a safety standpoint. Trustee Lowther doesn't think it was a conscious matter or an effort on the members of that Board to say well, I have a sidewalk and I had to repair it and pay 50% so doggone it everyone is going to pay to put in sidewalk.

Ms. Klapper stated that could be but there are many people who bring their own experiences to their decision making. Where does Bill Whitehead's offer stand should the Board say no, we don't think making this ordinance is right.

Trustee Lowther stated this decision has nothing to do with his offer because he has to go under special development.

Trustee Kaye commented to Attorney Kelly that her understanding is that we don't need to change this law at all. Mr. Whitehead could come back under Exceptional Development and make that request.

Attorney Kelly stated that if he said that he said it incorrectly. This would have to be changed first. You can't just blow out the existing law under Exceptional Development. You could pass this and still vote against allowing it to Castle Creek because it falls under Exceptional Development.

Trustee Kaye stated to be able to accept Mr. Whitehead's offer of cash, we would have to change this law first, then have a public hearing and then change the Exceptional Development permit.

Ms. Klapper asked if she understood that this will go back to Traffic and Safety and they will revisit it.

Trustee Lowther stated yes, at the next meeting. They want to hear the public comments.

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Ms. Klapper asked should this not go through, does the Board have alternative ideas or alternative funding for the priority areas of sidewalking.

Trustee Lowther stated the Board has had a lot of discussion but hasn't come to any decision yet. Her personal opinion is that as elected representatives of this community, our first priority is the safety of the citizens and we should be able to stand up and take the heat and order the sidewalks that are needed. Mr. Whitehead's offer notwithstanding, she thinks it is wonderful, but \$20,000 isn't going to go far when you are talking about four, five or six major streets that need substantial sidewalk work. It will do a little bit, which is great and probably better than what we have now but she feels that the people who elected her expect her to enforce the law and expect her to make this community safe for them. If it means ordering in sidewalks on Garrison Road and taking the heat for it, her number is in the phone book, residents can call her day or night and she will take the heat because she thinks it is important.

Ms. Klapper asked if Trustee Lowther has enough colleges on the Board that feel the same way in order to make that happen.

Trustee Lowther stated the Mayor just indicated that he wasn't too happy about taking the heat on that one and he was talking about bullet-proof glass. She thinks he was only kidding; however there would be many people who would be unhappy. You're back to the majority of the people and what is good for the community and she feels that sidewalks on major highways and heavily trafficked streets, especially, are very important.

Ms. Schlifke stated she is glad that she finally heard somebody say something that makes some sense, Trustee Lowther. Ms. Schlifke sees a lot of confusion here that seems to connect sidewalks on the cul-de-sac with the safety of sidewalks on Garrison Road. They should be two separate questions. They should not be connected. Whether the Board decides not to put sidewalks on the cul-de-sac and Mr. Whitehead contributes money, fine, but if the Board feels that Garrison Road is a dangerous situation for the residents of the Village of Williamsville. The Board doesn't have to wait for Mr. Whitehead to give it any money, it doesn't have to wait for a grant, it doesn't have to look for some funds. It will cost the Board about 10 sheets of paper, 10 envelopes and ten 29 cent stamps. And all the Board has to do, because right now the law says write the letter to the homeowner, it is at the Board's discretion and the Board can order those homeowners to put in sidewalks. Ms. Klapper said that many of us are bringing our own personal experiences to this discussion, yes, that is true because 35 years ago she received a letter from whatever Board was in power at that time in the Village of Williamsville and it said she had 30 days. She lives on Evans Street. She had 30 days in which to either install a sidewalk, the Village would come out and mark it for her and if it was not in within 30 days, the Village would do it for her and the cost would be on her tax bill. We did it. We didn't like it. 35 years ago with three small children, she could hardly afford that sidewalk but she managed and did it. She is sure that the people who live on Garrison Road can also afford a sidewalk if they have to pay for the full price. She doesn't think the Board has to wait for someone to give them money to make that street safe.

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Trustee Kaye stated she thinks it is important to take into account that there has never really been a discussion before the Board was made an offer of cash about removing a portion of streets from having sidewalks. She does concur with Mr. Sweeney about the definition of it also, that is only open on one end. She does feel that we need sidewalks on all streets, on cul-de-sacs, dead-ends, on thoroughfares. Sidewalks always create more safety and she thinks safety is the paramount feature. The only reason why we are considering this change is because of exchange of cash. We also have to take into account that the Village Board would need to budget a substantial amount of tax payers money to meet the other percentage since you heard from our Attorney that we need to offer this to all homeowners for a period of one year. There are many people who would want to take advantage of that. We have also, serving on this Board, and many Boards prior have ordered in sidewalks in many parts. We've ordered in sidewalks at full expense on Cayuga, on South Long, Evans, we most recently ordered sidewalks for a property in the front and in the back of the property because of safety issues. The homeowner came to the Board and said why do I have to put it on both sides and this on the property which is Village Point Lane because one of the comments was that eventually is primarily a Town street and will have sidewalks connecting, we wanted full connection. There is a portion behind Blocher Home that does not have sidewalks and she remembers the Mayor talking about the fact that eventually when Blocher Homes did their renovations that this Board would have Blocher Homes put sidewalks behind there so it would be a full connection for the safety. If this law goes through then that homeowner on Village Point Lane would have a section of sidewalk that goes virtually to nowhere as well. She had a very interesting conversation with council at NYCOM and one of the things that one of the head councils said to her was that one of the things that you have to remember when you are looking at changing laws is that you need to be acting in the public interest. The question is is this really in the public interest not to have sidewalks where there are dead-ends or cul-de-sacs. She doesn't believe it is. She believes that we are a walking community, that we need to have them everywhere, we have the power to order them in. She will take the heat for ordering them in as well and nobody wants to pay the full amount. She paid for 50% in front of her house for sidewalking. Every single one in front of her house was cracked and she was not necessarily happy to pay it but she was thrilled to have sidewalks that were usable, that her children use. She would never force people to walk on the street. She will vote to have sidewalks because if they choose to walk on street, it is their choice but she doesn't think we should push people out into the street no matter what configuration it is. The Town of Amherst was adamant with her. The Town has taken this move because of public safety, because of the outcries that they have heard from residents whether they are on cul-de-sacs or thru streets, that they want to have it. Also at NYCOM, the council had said to her that one of the very interesting cases that they are having with the community now is a child being hit in a cul-de-sac that had no sidewalks and it was not hit by someone driving through but it was hit by a neighbor who was pulling out of their driveway and the child was playing in the street. She will not bear that responsibility of forcing people into the street. Trustee Kaye stated she is liaison for the senior and they asked her to read a letter to the Board. (Copy attached) Trustee Kaye stated she appreciates Mr. Whitehead's offer; however, she thinks that we need to look at the fact of what is in the best public interest and she can't say that removing or allowing people not to have sidewalks is in the best public interest.

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She has also had a conversation with the president of the Forest PTA and Mrs. Coutlakis said to her that the PTA feels very strongly that there should be sidewalks because they don't want to have children having to walk in a street to buses, that the Village has a sidewalk plow that is used, that there is a law that we should be enforcing to make sure sidewalks are clear; however, when we don't have sidewalks that parents have to either walk their children to the bus stop to prevent them from possibly being injured and not allow them and the fact that the school buses just don't come down cul-de-sacs of that short length.

Mr. Tricoli stated he has listened carefully tonight to the five Board members and what he has drawn was is that the Mayor is for it because of fear, Trustee Piazza is for it because it is aesthetically attractive, and Trustee Hillebrand is for it because life is full of inequities.

Mayor Daniels thanked Mr. Tricoli for his in-depth, inaccurate summary.

Trustee Kaye stated she doesn't think the aesthetics of a property ever outweighs the safety value of having sidewalks and as much as anybody may not like the appearance, she doesn't think it outweighs the safety value.

Trustee Piazza stated he also addressed the safety concerns.

Ms. Knibloe stated that the Board stated there was a Traffic and Safety issue on the cul-de-sac. Anita Salen who lived on a cul-de-sac on Willowbrook, she was not worried about her children being involved in an accident or being hit. She was concerned about her children out on Garrison Road. Ms. Knibloe asks that the next step be, if the Board feels strongly about the sidewalk in the cul-de-sac, then she would say the Board's next move is if you don't want to put them out into the street, they are going to come right out of Castlebrook right out into the street and she would say the very next move would be let's get sidewalks on Garrison. Without doing that, then we are continuing the same illogical philosophy. Anita Salen wasn't worried about Willowbrook.

Trustee Kaye stated she received a letter from Joan Alexander who is founder and president of Amherst Citizens for sidewalks. Trustee Kaye read parts of the letter. (Copy attached)

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, it was moved to leave the public hearing open for 30 days for comment by the Traffic and Safety Committee.

Unanimously carried.

Elaine Smith-Honan
Deputy Village Clerk