

Minutes of the Continuation of the Public Hearing on the Proposed Local Law to amend Sections 89-2 and 89-4A of the Sidewalk Code held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, September 26, 1994 at 7:44 P.M.

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

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

Absent: Pat Kelly, Village Attorney

Also Present: Sherry Brink, Recording Secretary

ON MOTION by Trustee Hillebrand, seconded by Trustee Lowther, it was moved to suspend the regular meeting for additional public input concerning a proposed local law to amend Sections 89-2 and 89-4A of the Sidewalk Code regarding cul-de-sacs.

Unanimously carried.

Trustee Hillebrand stated that at prior Board meetings we have agreed to have an extension of public input regarding the change in ordinance involving sidewalks in cul-de-sacs in the Village.

Clifford Horey, 106 Highland Drive, stated there was an article in the Amherst Bee pertaining to sidewalks on the cul-de-sac off of Garrison Road. One part pertained to snowbanks. Sometimes we get large snowbanks up there and sometimes small snowbanks. But how about cars parked along the street and no sidewalks. Kids ride bikes or people walking in the street and a guy backs out of his driveway, the car is about 5' to 6' high and lots of people are not that high. He asks for a clarification about a snowbank between the sidewalk and the street. He backed out his driveway once and hit a lady. He couldn't see her coming. All year long there are cars parked in the street and when a resident backs out, people can't walk on most sidewalks. They are walking in the street. Some kid who is about 4' to 5' high, not much higher than the car, he can't be seen if there is a car parked there. Maybe no sidewalks, no parking in the street, then residents could see the people coming.

Trustee Kaye stated what Mr. Horey is suggesting is that if there are no sidewalks allowed, then there should be no parking on the street as well.

Mr. Horey stated no parking on the street.

Mayor Daniels stated he received communication from Carolyn Schlifke and read the letter into the record. (Copy attached)

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Jim Tricoli, 4 Columbia, stated he did some research to find out a little bit about the property as to who owns it and who does not. At the last meeting Mr. Whitehead clearly stated that he was the sole owner of that property. After some research, Mr. Tricoli discovered that there is a strong possibility that four other people also own that property. That means five people own the property, not one. He thinks we ought to start investigating that to see if that is a reality. He thinks there is a strong possibility that it could be true which may or may not make a difference but when the gentleman says that he positively owns it by himself and that is the way it is, then he guesses maybe it isn't.

Mr. Tricoli stated it says in the powers and duties of the officers of this Village and for the Mayor it says is to provide the enforcement of all laws and ordinances, rules, regulations and to cause all violations to be prosecuted. What Mayor Daniels seems to be doing is not any of those things. He seems to be justifying a change in the law instead of doing his job in enforcing the law. He finds it difficult to understand but then again, times change, people change.

Mr. Tricoli stated that Mr. Horey had mentioned about snowbanks and safety. We can be glib and say na, but when it does happen and somebody is hurt, whether it be him, Mayor Daniels or our children, we always can hindsight that heck that man was right so instead of having hindsight why don't we have foresight and just leave the law the way it is and let Mr. Daniels who was gracious enough to offer the money, take the money back and we will start from scratch. If Mr. Whitehead would have never offered the money, Mr. Tricoli doesn't think there would be any debates right now. Mr. Tricoli doesn't feel there was a debate about this before Mr. Whitehead offered the money. Therefore, if there wasn't, the money is back in your pocket and we start from scratch and if the Board feels we ought to have a new law, then it starts from there. You don't start after a gentleman gives you money. It's an ugly type of feeling. You start before the money was given. The day after the last Board meeting, that day he was shopping at Kenyons and Mr. Whitehead was there and spoke to Mr. Tricoli for about two hours explaining about his history of building and working very hard, him and his wife and Mr. Tricoli understood that. He clearly understands a man with a family working together but he also understands that law supersedes what man wants unless the law is really detrimental and this law is not. Maybe we ought to look it a lot clearer in our souls instead of playing games with ourselves.

Carlie Goldstein, 95 Oakgrove, stated she was wondering why there wasn't going to be a sidewalk.

Trustee Hillebrand stated there is a proposed ordinance and we are having a hearing on the matter so that we would not require sidewalks in any cul-de-sac in the Village. There is currently no cul-de-sac in the Village with a sidewalk and the proposal would exempt the development off Garrison, a new development from having sidewalks and the issue is that the people who live there or the owner of that property are certain that it would improve the aesthetic value of his cull-de-sac to make it more attractive if there were no sidewalk.

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Maryanne Avery, 64 Garrison Road, asked if Trustee Hillebrand is saying that is part of the change in ordinance, this aesthetics bit?

Trustee Hillebrand stated the worked aesthetic does not appear in the change. The question was, the lady requested what was the basis of the change. The basis of the change is that the owner of the property requested for aesthetic reasons that his property have the same provisions as other cul-de-sacs in the Village, that is no sidewalks.

Ms. Avery stated it sounds like Trustee Hillebrand is granting him this because of aesthetics. Aesthetics has been used a good many times. This came up before on multi-family housing on Cayuga Street. She remembers a former member of the Board saying a resident has the right of way and people can walk in it and somebody asked can a resident just take up their sidewalk if the resident decides they don't like the aesthetic appearance. Is a resident entitled to take up their sidewalk?

Trustee Kaye stated not if it is required in the code.

Ms. Avery stated it is a difficult field because she has people around the corner from her who have much more aesthetically, nice looking lots than we do and their greenery and little hedge comes right out to the pavement and on the street aesthetically looks very nice. She thought would it be nice if we could just get rid of the sidewalk then. We could all say aesthetically it would be much more pleasing if we didn't have to have it. She doesn't think it is a good argument from a aesthetic standpoint. If he is talking about the value of the property, just say it is because of the lot size. The Williamsville Southeast Homeowners Association meant to send the Board a letter requesting that the ordinance not be changed because of this precedent setting situation. The Town intends to eventually have sidewalks everywhere. It seem to be sort of going in reverse.

Trustee Lowther stated she did leave a copy of an original letter from Doug Sandburg, who is the chairman of the Traffic and Safety Committee. They had met since the last time we had a meeting. It was a letter addressed to the Mayor and the Board regarding the new law. There was much discussion at the last meeting and there was a vote taken as to whether the Village Traffic and Safety Committee would recommend that the law remain as it is now or be changed to exempt cul-de-sacs and the vote came out to be that they recommended that we do not change the law and that we do require cul-de-sacs. Everyone will be getting a copy of that letter. She spoke at length today with Captain Hegelberger from the Amherst Police Department and he was very concerned that the Village, which they patrol and routinely look after, is considering exempting any areas from sidewalks. The Town feels very strongly that sidewalks need to be in and he said that from a police standpoint they were very concerned to see that the Village was considering changing the law to not have sidewalks.

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Chief Askey did decline to put something in writing to that affect; however, Trustee Lowther does want to report into the record the remarks from Captain Hegelberger from when Trustee Lowther spoke to him today. There also was mention in Ms. Schlifke's letter about sidewalks not being required in cul-de-sacs when, in fact, Trustee Lowther did check her records and she found a letter that the Board had sent to Mr. Schmidt regarding installation of sidewalks on a cul-de-sac that is in Village control a portion of the way.

There was a letter dated September 17, 1992 that after exhaustive deliberation, the Board examined a request for a variance from sidewalks along Village Point Lane when that new property was built at that point. It was a unanimous decision of the Board to adhere to the Village code which required them to place sidewalks on this cul-de-sac, even though at that point there were no sidewalks at either end and they connected to absolutely nothing. Trustee Lowther stresses that it was a unanimous decision by this Board and Mr. Daniels was the Mayor at that point and did sign this letter to Mr. Schmidt. She thinks it is important to look back at what we have done in the past and realize that as a Board we have pulled together on this issue and felt that it was very strongly a safety issue and now we are seeing this divisiveness on the Board, which is unfortunate. Trustee Lowther wants to make sure that the record is clear that the Board has required sidewalks on cul-de-sacs before even when they didn't connect to other properties.

Mayor Daniels stated we are obviously a split Board on this issue which is one reason it is good to have public input. If he were on the other side of this issue, he thinks and seeing that there are no sidewalks on any of the cul-de-sacs in the Village at this point, there is none on Willowbrook, Pine Acres Court, Bobbie Lane and the whole length of Farber into Lake Ledge. If he were so concerned about the safety of the residents, seeing all of these multitudes of homes on these cul-de-sacs as opposed to the only eight new proposed lots, he would forward a resolution requiring these people to immediately, for the health and safety of the residents, install sidewalks. But he doesn't see that coming from Trustee Lowther or Trustee Kaye. He is curious as to why not.

Trustee Lowther stated as Mayor Daniels recalls and at his request the Traffic and Safety Committee did a sidewalk survey of the Village to identify every area that did not have sidewalks. Consequently, we decided that we would prioritize the areas that needed sidewalks. When you prioritize areas, you obviously take the areas that you feel are in the most need. In the letter from the Traffic and Safety Board to this Board there is a recommendation in the second paragraph of the letter requesting that the Board immediately order in sidewalks at the residents expense on the streets that were so identified which were Garrison Road, Evans, South Union and Belmont.

Mayor Daniels asked Trustee Lowther if she had forwarded a resolution to the Board for that as liaison to Traffic and Safety.

Trustee Lowther stated that Mayor Daniels has not received the letter yet. She gave the letter to Administrator Cummins over the weekend and unfortunately it was not copied to this Board yet.

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Mayor Daniels asked Trustee Lowther if she will be bringing a resolution forward based on that recommendation.

Trustee Lowther stated she intended to talk about it in the work session because she is in the opinion of while she thinks they should be ordered in, she would like to see the Village participate in the financial end of it and she would like to talk about, at budget time, taking the areas that we identified and finding out what the square footage is, which she thinks the DPW can determine for us, finding out an approximate amount of expense and seeing if we can come up with a reasonable percentage that the Village would be able to, through budgetary process, chip in to help encourage this to go along. We need the sidewalks where they were identified. She doesn't necessarily feel that Danburn, Lake Ledge or any of those other streets are certainly as critical as the ones we've identified. She thinks to go ahead and change the law that exists for the good of the majority of the people, whether Mayor Daniels agrees with it or not, whether someone gives him \$8,000 or not, to her that has no bearing on it. The money has no bearing whatsoever.

Mayor Daniels stated since we don't have the money.

Trustee Lowther stated we don't have the money and whether we will ever get the money, she doesn't know. That does not color her perception of this law at all.

Mayor Daniels stated nor any of us. We are considering the law. There is no mention of money in that law.

Trustee Lowther stated if we pass the law, we have been promised by the developer that he will give the Village \$8,000.

Mayor Daniels stated that is a separate issue we would discuss at a future time.

Trustee Lowther stated this has been proposed by the developer and he has requested that we pass this law.

Mayor Daniels stated that Trustee Lowther should not confuse the two.

Trustee Lowther stated she is not confusing the two but she thinks it is important that the public understand that this probably never would have come forward if there hadn't been the offer for financial assistance to install sidewalks on other streets that we felt were important.

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Mayor Daniels stated he is not sure that is the case. He sees that this is consistent with all the other cul-de-sacs in the Village that have no sidewalking. Mayor Daniels asked Trustee Lowther in the scheme of things, when would she suppose, on the priority list, Pine Acres Court will receive sidewalks.

Trustee Lowther stated she doubts that Pine Acres Court will ever be required to install them.

Mayor Daniels asked why should they be exempt when Castle Creek is not?

Trustee Lowther stated because at this point Castle Creek is not exempt.

Mayor Daniels stated neither is Pine Acres Court.

Trustee Lowther stated correct, but that was done at a previous time when there was no apparent enforceable sidewalk law.

Mayor Daniels asked Trustee Lowther if she feels that she is applying this law discriminatorily by requiring somebody to have sidewalks in a Village Code yet someone else does not have it.

Trustee Lowther stated absolutely not because it is our responsibility to come forward and identify areas of concern and safety of the residents of this Village.

Mayor Daniels asked why is there more concern for the proposed residents of Castle Creek rather than Lake Ledge Drive or Pine Acres Court or Willowbrook?

Trustee Lowther stated she has no more or no less concern for the residents of any street in this Village.

Mayor Daniels stated if she is requiring some to have sidewalks and some to not, she is obviously making a judgment.

Trustee Lowther stated this is a public hearing for the public. She offered comments that pertained to the public hearing. If Mayor Daniels wants to badger her, she would appreciate if he would do it in writing and she would be happy to respond to his comments.

Jim Tricoli, 4 Columbia Drive, stated under the responsibility of the Mayor, it is his responsibility to enforce the law. Mayor Daniels was in clear cognizance that all those cul-de-sacs were in violation of the law. He did nothing. He did not enforce them whatsoever. But he is the gentleman who is supposed to enforce the law. Mayor Daniels just let it slide because it wasn't a serious enough violation of the law. But if there were other laws that were in serious violation, then he might think of doing something about it. Mr. Tricoli can't ask him directly but he is sure a man of Mayor Daniels' substance would do something about that.

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But he let these go by because Mayor Daniels didn't know they were there or something. Mayor Daniels was talking to Trustee Lowther about her responsibilities. He was passing, what Mr. Truman used to call, the buck. Mayor Daniels is the man where the buck stops and he is the one that is supposed to enforce the law, not Trustee Lowther. Mayor Daniels did not enforce the law and it is his problem. He is the one to blame, not anybody else. If he was the leader, he would have done something about it. Instead he sat there and this was not discussed until Mr. Whitehead gave any monies. So let's not say that the monies did not influence the discussion. If Mayor Daniels wants to badger somebody, there are so many other people, like Mr. Tricoli, who would enjoy talking to Mayor Daniels.

Trustee Kaye stated since she is the liaison to the Fire Department, she would like to read into the record, the Hutchinson Hose Fire Department felt that they did want to comment in a memo dated September 15th to the Mayor and the Village Board of Trustees regarding this public hearing. (Copy attached). The Fire Chief did speak about it. Trustee Kaye thinks clearly, if anyone went back and listened to the work session tapes and looked at the minutes, they would see that the only reason why this proposed change in the sidewalk code to eliminate sidewalks is being presented in the public hearing is because an offer of cash has been made. The tapes will reveal that it is very clear. There was no prior discussion in her five years on this Board to eliminate sidewalks in cul-de-sacs or in any other areas. As Trustee Lowther talked about earlier, the September 17, 1992 letter which Mayor Daniels wrote to Mr. Schmidt regarding it, clearly as he says, "The Village Board has now completed several rounds of deliberation which we feel exhaustively examined your request for a variance of sidewalks along Village Point Lane", which is a cul-de-sac, which is within is in the Village of Williamsville and "it was the unanimous decision to adhere to the Village code which requires you to pour than prior to granting of your Certificate of Occupancy". Also there was discussion and there was other correspondence that discusses the fact of a discussion about having them poured on the Blocher Homes portion of the cul-de-sac on Village Point Lane and that is, as Mrs. Schlifke indicated in her letter, another lot which does appear there. Also, Trustee Kaye thinks that it is important to look at whose definition of cul-de-sac we are using. Our Village Attorney has drawn up two separate definitions of cul-de-sacs, one which would include dead end streets and one which would not. The second one has not fully been defined yet due to the fact that it has not identified the minimum turning radius. In the discussion with the Fire Department, the primary difference that they saw between Willowbrook and Village Point Lane was the difference in the turning radius that existed between the two. There was a clear, easy turning radius in Castle Creek where there is not a clear, as large turning radius on Willowbrook.

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Mayor Daniels stated since the letter to Mr. Schmidt was brought up, he will clarify why the sidewalking was put in along Village Point Lane. Mr. Schmidt's property fronts on Evans Street as well and sidewalking was required on Evans because of the great amount of traffic on Evans which is not a cul-de-sac. In discussing this, we had precedent before of relieving new builds in cul-de-sacs of sidewalking. He wasn't Mayor then. Larry Brenton was Mayor who sent us a letter saying that codes should always be adhered to, yet there were several new builds during his administration in cul-de-sac areas that do not have sidewalking. Mayor Daniels thought that was such a strange combination of fact and posture. It's interesting that several properties during that time that were built do not have sidewalks during his administration. There is the letter and you can only draw your own conclusions. At that point, when Mr. Schmidt was building that very large, spacious almost mansion home over there, Mayor Daniels called the owner of the abutting property, which is Ciminelli Development, and asked them what their intention was for the rest of that area up the escarpment and they said that all the area would have sidewalking.

Had they come back with the reply that none of that area was going to be required to have sidewalking because of their plan, then Mayor Daniels would not have been in support of Mr. Schmidt in selling sidewalking that goes to nowhere and that the reason for Mayor Daniels' opinion on that stretch of sidewalk because as that does get developed, as Blocher Home does do its planned expansion, which they do plan to do, then that sidewalking will be a continuous strip all the way up the escarpment and service several cul-de-sac areas off that one feeder street. That was the reason for that particular area of sidewalk and his feeling on that at that point in time.

Mayor Daniels would also like to address the Chief's letter which he also believes has some inaccuracies. It does state that Castle Creek is different from the other cul-de-sacs in the Village because it fronts on a busy street but only a couple hundred feet from Castle Creek is Willow Brook, which is also a cul-de-sac. It does have a turn-a-around so that is not true. They both front on Garrison and they are both cul-de-sacs. This is not a precedent setter from that point of view. Willowbrook does not have sidewalks either. Mayor Daniels has never heard from a resident, further on in the Chief's letter, he states that this will be a turn-a-around for traffic. He guesses people will forget their lunch or their office equipment and make U-turns in the cul-d-sac to go the other way in the morning or evening or for whatever reason. There is no history of that happening on Willowbrook to his knowledge, nor to any of the other streets that are along Garrison and why someone would be more aware of that as a cul-de-sac and a turn-a-around than any of the other streets probably does not hold up. For those reasons, it does not seem that the arguments are valid.

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Mayor Daniels stated that so many people have mentioned snow and parking and the terrible thing if you don't have sidewalks in the winter. It is an interesting comment that during the winter, the Village of Williamsville plows its sidewalks, the whole Town of Amherst does not. On a busy Monday morning after a snowfall, he would like someone to drive around the Town of Amherst and see how many sidewalks are usable. He bets practically none. So how usable are those wonderful sidewalks during the snow season, which we know is quite long in Western New York. If anything, the Village has more usable sidewalks than the Town and that is why it is important to get them in to all of the critical areas. As far as the cul-de-sac areas and the residential side streets, the sidewalks aren't plowed in Amherst anyway. So how is that a safer place than the Village of Williamsville. It's beyond him.

Trustee Lowther stated what is really interesting here is the fact that we have held this for the last three meetings, we've had correspondence, previous information, letters from previous Mayors and Trustees and there has not been one person who has come forward and said, skip the sidewalks except the developer and what appears to be a couple members of this Board. She is really amazed that everyone else who has come forward or had letters or had anything else to say was in support of the installation of sidewalks; however, nothing seems to be able to sway any other member of this Board and it's really very puzzling to her.

Mayor Daniels stated he would ask Trustee Lowther another reverse question. If she were to put a resolution requiring owners to install sidewalks on all the areas that are cul-de-sacs in this Village at their expense, does she suppose some people would come to the meeting and argue the point that they did not want to do that?

Trustee Lowther stated they most certainly probably would. She would never bring forward a resolution requiring them on every other small street; however, she does not support the changing of the law to purposely go ahead and sacrifice the safety of any of the Village residents.

Mayor Daniels stated she is not upholding the law. It's useless.

Trustee Lowther stated she is upholding the law. She is not in favor of changing the law to accommodate this particular request.

Trustee Kaye stated by changing the law what Mayor Daniels does is take the ability away from this Board or any other Board in the future from having the ability to order sidewalks on cul-de-sacs. As she understood Mayor Daniels earlier to say the reason why he ordered in or made a request for the Schmidt property was because it fronts on Evans and that is such a busy street and then he talked to the developer to find out what their plans were for the sidewalks. Correct?

Mayor Daniels stated on the interior part.

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Trustee Kaye stated on the interior part on Village Point Lane which is a cul-de-sac. So if their house did not front on Evans, does it make any difference where it fronts?

Mayor Daniels stated in that case where it was on two streets. The property extended from one street to the other, that he had the responsibility for sidewalks on both ends.

Trustee Kaye stated in a memo from our Attorney, Thomas Troy, on August 24, 1992 he states that the Board can't make Mr. Schmidt install sidewalks on Evans just because his property backs on to Evans; however, we went ahead and did it because of the safety. She thinks that it is important to understand that we have set precedent, we have had people, such as the members of Hutchinson Hose, the Fire Chief express their concern whether Mayor Daniels wanted to grade their concern or not. She thinks those are important individuals who see the safety of our Village residents made in a different light than some other individuals see it. They certainly are the first to respond to calls that come when someone is hit or injured or there is blood gushing and she thinks they have a very good handle when they make a recommendation about the safety of the residents.

Mayor Daniels stated in that case, he would like to see a record of blood gushing on cul-de-sacs of eight homes or less.

Trustee Kaye stated she doesn't think we should have one. One is too many.

Mayor Daniels stated we have not and then it would have to be made attributable to the lack of a sidewalk.

Trustee Kaye stated all Mayor Daniels wants to do it take the money, change the law.

Mayor Daniels stated we are not considering the money. The money is not part of this issue. If she can find it in the wording, he will admit that there is money involved. At this point we are discussing the cul-de-sac sidewalks. After this gets passed, Mr. Whitehead also has the option to request relief for sidewalks in his specific cul-de-sac because this does not apply to his cul-de-sac and at that point he goes through that process and then it is up to him whether he wants to issue the Village a check or not for a contribution.

Trustee Lowther asked if it true that we have a letter from Mr. Whitehead stating that if this law is passed, he will give the Village \$8,064.00?

Mayor Daniels stated that is not correct. Mr. Whitehead said if the Village Board would relieve him of the sidewalks that he would put a like amount of sidewalk on the dangerous part of Garrison Road that has none at this point. He did not ask us to change the law.

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Trustee Kaye stated technically what Mr. Whitehead said is that he is making a public offer of \$8,064 to the Village of Williamsville. This payment is in lieu of the installation of the public sidewalk construction within Castle Creek subdivision. However, "in lieu of installation" means you must change the law to allow him to do it.

Mayor Daniels stated Mr. Whitehead did not request that. That just happens to be the way it goes. We have no obligation on one side or the other.

Carlie Goldstein, 95 Oakgrove, stated she was wondering if the Board is supposed to better the community, what is the Board's reason to not put in sidewalks which would be helping us out? What would be good about that? Not having a sidewalk on a cul-de-sac?

Trustee Piazza stated the Boards of many years, probably 20 plus years now, and the Mayors during those Boards, obviously never felt there was a safety problem with cul-de-sacs as they existed. All we are doing is kind of making official what has been a practice of the Board for over 20 years, that is the Boards of the past 20 plus years have not seen safety as an issue when it involved all the existing cul-de-sacs during those years. And the law has been on the books for many years. The residents of those cul-de-sacs could have been ordered to put them in. His suspicion is that this particular one as bringing this whole concept up to the front, and even though this concept is up to the front, the fact is that we have a prioritized list from the Village Traffic and Safety Board that leaves cul-de-sacs at the bottom of the list from a safety point of view. He guesses that is what is causing him to take the stand that he intends to take, that from a safety point of view, all the existing cul-de-sacs are considered safe or Boards many years ago should have passed laws and they didn't. We have an interesting contradiction here.

All of sudden we are saying that all these items are unsafe, that Boards and probably 50 or 60 people through these years have all felt we are safe. That is why he is so confused about the whole thing. It may not be a direct response to Ms. Goldstein's question. what's good about it, what's bad about it. He guesses what we are saying is that in the Village we have a prioritized list, we know there are some streets that really need sidewalks now. We'd like to attack the unsafe streets now, if we could. Whatever benefits would come from having those streets paved would be for people's safety on those streets and then we are looking at other streets and we are saying they are of such a low priority from a safety point of view, that they continue to be ignored, which he is sure what the Boards have been saying to themselves either actually or tacitly in the past.

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Mr. Tricoli stated that Trustee Piazza's analogy that for years the Boards have not seen safety as an issue-years ago there were drugs that turned out not to be safe for children. We learn from our mistakes. We can't assume 50 or 60 ladies and gentlemen on Boards were always right about safety. The first time it does happen. Mayor Daniels sat there and Mr. Tricoli couldn't believe what he said. It was more like a monster speaking, well if one person dies, it's the first one. If it was Mr. Tricoli's son or Mayor Daniels' son or anybody, that first one is going to rip Mayor Daniels heart out and his heart out.

Mayor Daniels stated he can't respond to things that are not attributable to him so he will not.

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

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

(The foregoing minutes are presented as transcribed from the tapes of the meeting. No corrections have been made as to the contents or grammar. The only corrections have been made for spelling.)

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, September 26, 1994 at 7:43 P.M.

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

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

Absent: Pat Kelly, Village Attorney

Also Present: Sherry Brink, Recording Secretary

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

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, the minutes of the regular meeting of the Board of Trustees held September 12, 1994 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the public hearing of the Board of Trustees held September 12, 1994 regarding 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 were approved.

Unanimously carried.

ON MOTION by Trustee Hillebrand, seconded by Trustee Lowther, it was moved at 7:44 p.m. to suspend the rules for additional input from the public regarding the proposed local law to amend Section 89-2 and 89-4A of the Village street and Sidewalk Code regarding cul-de-sacs.

Unanimously carried.

ON MOTION by Trustee Hillebrand, seconded by Trustee Kaye, it was moved to return to the regular agenda at 8:30 P.M.

Unanimously carried.

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ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$142,867.25 covering 09/09/94 - 09/22/94 were approved:

Payroll fund w/e 09/17/94	\$24,627.77
General fund	103,989.16
Water fund	655.79
Sewer fund	337.29
Glen Park	694.42
Trust & Agency fund	10,596.90
Capital	<u>1,965.92</u>
Grand Total	<u>\$142,867.25</u>

Large Vouchers:

Mecca Krull Corporation	\$49,824.00
American Ref-fuel of Niagara	\$8,563.55

Unanimously carried.

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

RESOLVED that the Village Board meeting regularly scheduled for October 10, 1994 is hereby moved to October 17, 1994 at 7:30 P.M. The work session will begin at 6:00 P.M.

Trustee Lowther commented at the last work session at the last Village Board meeting, we did determine, as a Board, that the next meeting would be on October 11th. Sometime after that evening the date was changed to the 17th and she was never notified. After spending an entire week rearranging her schedule so she could be here on the 11th, she now finds out it has been changed to the 17th and unfortunately she will not be able to attend that meeting.

Trustee Piazza gave his apologies for not thinking of that. We should have contacted her.

Trustee Lowther stated she is sorry she wasn't because she would not have spent all week changing her schedule and she would have been here on the 17th.

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Mayor Daniels stated the reason for the change was not arbitrary. It was that two Trustees could not attend the meeting and although there will be one not in attendance, that is better than two not in attendance so we are taking the lesser of two awkward situations.

Unanimously carried.

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

Unanimously carried.

Mayor Daniels stated the first resolution applies to DOT construction vehicles that will be using an office space on Main near Cayuga and construction vehicles during the rebuilding of Main Street over the next two years and the bridge across Ellicott Creek. They need some parking in front of that building of a short-term duration which would enable their work vehicle to drop off and pick up information, etc. at their office. Currently there is no parking allowed there. This resolution will suspend that for the term of their contract.

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

WHEREAS, the reconstruction of Route 5 (Main Street) by the New York State Department of Transportation has caused the need for N.Y.D.O.T. and related construction vehicles to use an areas on North Cayuga for parking of said vehicles to properly reconstruct Main Street, and

WHEREAS, The Village Board considers this reconstruction project a benefit to the Village and the parking of said vehicles an emergency need.

NOW THEREFORE, be it resolved that the Village Board is temporarily suspending enforcement of Village Law 103-16 as it applies to the construction vehicles solely under the following conditions:

1. The Village shall issue six (6) temporary passes to be kept at the construction manager's office of the New York State Department of Transportation. Said passes must be displayed at all times on any vehicle parked or standing in said area.

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2. No vehicle may be stored in said area during non-working hours.
3. No vehicle may be parked longer than 30 minutes.
4. Said vehicles are to be parked or standing solely in the following location: 1 North Cayuga.
5. New York State Department of Transportation will install signs indicating that parking is for construction vehicles only during the length of that project.

Unanimously carried.

Trustee Piazza stated his resolution involves the surplus equipment that we have. We are going to try something new. Superintendent Laubisch is recommending that we move a couple of vehicles out of our inventory through an auction system rather than a trade in or a straight sales system. We are hoping that this brings in more money for us and there are several municipalities that participate in this which means there are many vehicles, many buyers who seem to come together for these at one time and there is a good chance that we will be able to bring in more money with this system. This is the first time we have tried it. We have no guarantee that it will work better but we think it will and any way that we can help cut costs or save money for the Village, it's worth taking a good shot at it.

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

RESOLVED that the 1987 Ford Van and 1984 1/2 ton GMC pickup truck are hereby declared surplus equipment and hereby authorize said vehicles to be sold by auction.

Unanimously carried.

Trustee Piazza stated his other resolutions deal with water meters. We have bids on the water meters but we are taking a closer look at cutting costs on the whole questions of installation and purchase of water meters. When we put the bids out we had a package bid price which included the installation cost, the water meters cost and the computer programs that would go with it. We feel that we can cut our costs on that by separating those out. We have a good possibility of actually getting the water meters from the Erie County Water Authority. The Mayor was gracious enough to contact the Erie County Water Authority person today, Bob Niederpruem.

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It is quite likely that we could save the Village a substantial amount of money by breaking the bid up in two, one for installation and one for purchase and then ask Erie County Water Authority to be one of those bidders so that there is a good chance the Village could save money overall.

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

RESOLVED that Village Clerk advertise for sealed bids for installation of water meters, portable meter readers and all required software to be opened at 2:00 P.M. on October 13, 1994 in the Village Clerk's office under the terms of the standard bidding resolution.

Unanimously carried.

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

WHEREAS the Village Administrator has advertised for sealed bids for the purchase of water meters to be opened at 2:15 P.M. on October 13, 1994 in the Village Clerk's office under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Kaye stated the Williamsville Fire Company, Hutchinson Hose, had their last meeting and voted to move along with looking at new uniforms for the fire company. They have had their present dress uniform, which are white polyester pants and red shirts since the mid '70s and they are having difficulty getting the pants and shirts as time has gone on. They are looking at a new uniform which is a dress blue which is much more in keeping with the other volunteer fire companies and Buffalo Fire Department that would be more serviceable to them. It would contain a navy jacket, navy pants, a white shirt and a red tie. This resolution deals with the Village Board authorizing them to draw up specifications or design for those uniforms so that we can go out to bid for them.

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

RESOLVED that the Williamsville Fire Department is hereby authorized to draw up specifications and designs for new firefighter dress uniforms.

Unanimously carried.

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

Unanimously carried.

Trustee Hillebrand stated during the previous reporting period we had a meeting of the Environmental Committee which was addressing the matter of mosquitoes and pollution in the creek. However, we did not have the reports from the Town that we had been anticipating and therefore, meaningful portions of our meeting were postponed until our next meeting in October.

Trustee Hillebrand stated we did not have a meeting of the Planning Committee. In the reporting period we will have one on October 3rd.

ON MOTION by Trustee Hillebrand, 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 on Monday, October 17, 1994 at 7:30 P.M. in Village Hall, 5565 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussion a proposed local law which would amend Section 25-4A (2) concerning fences on corner lots.

Trustee Hillebrand stated as a note of clarification, the current fence law requires people in their back yards and side yards to put their fences in the middle of their home. They have to keep away a distance from the sidewalk. We're trying to make it more pleasant for people.

Unanimously carried.

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

RESOLVED that the firm of Mark A. Dean Architect is hereby appointed to perform Architectural services for elevator installation, office modifications and justice court modifications for Village Hall for a fee not to exceed \$5,600.00, per their proposal of September 21, 1994.

Unanimously carried.

Trustee Hillebrand stated that resolution relates to the repair of our elevator by the back door which needs to comply with the ADA amendment. So the primary task in this will be to make elevator a functional and useful member of the Village property.

Trustee Kaye stated the new fire uniforms will be a wonderful addition. The fire company was unanimous in its decision to move forward.

Trustee Kaye reported the Youth and Recreation Board will be having their annual Halloween parade and party on Saturday, October 29th and hopefully we will have wonderful weather for that evening. The Amherst Youth Board also runs at the Academy School location, what is called the "drop-in" program for our area youth and it is nicknamed Club W. That will be starting up again this season October 2nd and that is for children from kindergarten through high school. It is on Mondays, Thursdays, and Fridays. They have different time frames for different ages. If someone knows somebody who may be interested in registering for Club W, that runs in six week sessions and they can call 633-8117 to register for that six week slot. The only thing that is required is that a resident has a current Town of Amherst Youth and Recreation card which costs \$5.00. That is good for the whole year so children can go for the entire year for the cost of \$5.00. They have many art and crafts and it is supervised. The time frame is from 3:30 p.m. to 5:00 p.m. on Mondays, Thursdays and Fridays. The latch-key program which began this year in the Town of Amherst, which is also at the Christian Central Academy location has been a real success. It is full. They do have 48 children there and they do have a very large waiting list. They were a little nervous last year. They began in the middle of the year and did not receive many students but felt that it would be successful and it has been.

Trustee Kaye stated this evening we heard a wonderful presentation from the Western New York Railroad Society and a wonderful railroad model from Jonathan Guillaume, who on the Parks Committee. Trustee Kaye gave them a special thanks. She has enjoyed all their presentations and all the proposals they have given her. She looks forward to moving forward and she hopes that he will get approval from this Board and he won't have to wait and do another presentation in front of a new Board, which will happen in April.

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Trustee Kaye stated her resolution is to authorize firemen's travel and she is very pleased to say that members of Hutchinson Hose were the winners of first place Regional Competition and the Extrication Competition and now they are going on to the International Competition.

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

RESOLVED that Williamsville firemen, D. Anthony Schueckler, Jr., Michael Meldrum, Christopher Petrie, Peter Strobel, Rick Meldrum, Albert Weisser are hereby authorized to attend the 1994 International Extrication Competition and Learning Symposium in Colorado Springs, Colorado, from October 3-October 9, 1994 and the cost not to exceed \$750.00 each to be paid by the Village of Williamsville.

Trustee Piazza commented that he is very proud of our firemen. This is a good indicator of what a tremendously fine fire department we have in the Village. We have people that are not only the best in the area but they are the best in the state and may prove themselves to be the best in the nation in the near future. In the event that they aren't number one there, we know they are one of the top groups in the nation when it comes to this specific activity but it's an indicator of the very high level of training we have in the fire department. Although the Chief is not here, we should certainly pass our accolades onto him for his training program as well as these individuals.

Mayor Daniels stated this is also not the first time that they have won the state competition. A few years ago we had a sign out in front congratulating them for doing the same thing. They are a very good team. Mayor Daniels asked Trustee Kaye how much that total is from the budget.

Trustee Kaye stated six.

Mayor Daniels asked if we have \$4,500 in the budget.

Administrator Cummins stated yes.

Trustee Kaye stated without question this is a highly competent group. They were the international winners in 1991. She is very proud of them and thinks we all are.

Trustee Lowther explained that an extrication competition is the ability of the Fire Department to get you out of your car when you are crunched into it after an accident. There are certain ways to go about it and it is very delicate and very difficult to get people out without further injuring them sometimes. These guys have just become masters of it. They do a wonderful job.

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Trustee Kaye stated you can see them practice at Station #2 on Sheridan Drive and they have many people donate vehicles and they actually put other fire fighters in there and cut them out and burn them out. It is very interesting to watch. This is the top group in the country and any recommendations they give us, she thinks we should highly regard them because of their level of expertise in that area.

Unanimously carried.

Trustee Lowther reported that Traffic and Safety met since our last Board meeting and we've been increasingly faced with requests from residents because there are concerns about speeding on Village roads. There is a continued concern on parking that it is overflowing from the commercial area into the residential area. We keep receiving petitions from residents. It's a continuing problem and she can't see it getting a whole lot better. She thinks as building and everything happens and presses around the Village, we're being forced to confront issues that actually many times are not of our own making. What we are doing is notifying the police department and asking them to keep an eye on specific streets that we have received complaints on.

Just in the last six weeks she has received speeding complaints from a resident on North Long Street, one on Oakbrook who thought the answer would be to install speed bumps and Trustee Lowther told her on public roads we cannot install speed bumps, it's not a legal maneuver. She has had problems with speeding, going through stop signs on California, Milton, Los Robles and that area. She has also had parking and speeding problems on South Ellicott Street and continued very heavy parking problems on Reist and Glen Avenue. She anticipates that these are going to be a little bit worse on Glen and in that area once we start repaving Main Street next year and rebuilding the bridge. People automatically look for an easier route and when you approach the Village and you see traffic backed up from Mill Street or Cayuga, the natural inclination, and she also does it, is to duck off a side street and see if you can cut a few minutes off your commute time. She thinks we are going to have to bear some of that additional traffic until the Main Street construction is through that process and to the end of it. Hopefully it will be better when it is done and we won't have as many problems with it. The Traffic and Safety Committee won't meet again until Tuesday, October 20.

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Trustee Lowther reported that Glen Park has met since the last meeting also. We received a proposal from Darling Engineering Company, which is a company here in the Village. We've had problems with the wall that fronts up along the creek with cave-ins along the side of the wall. A preliminary budget estimate for a temporary repair that is coming from Mr. Darling is the amount of \$84,000. A permanent repair is looking to be in the neighborhood of \$195,000. At this point she has no idea where the funding is going to come from. Our grant writer is taking a look at whether there is money out there to do something with this. She certainly doesn't want to see anyone injured or see one whole end of the park roped up because we have a fear that there is going to be a problem there. We've been monitoring the situation and the DPW has very quickly gone down there a couple of times when we've had sink holes appear in the park proper and hopefully with some kind of a repair, even a temporary repair, we will not continue to have this problem. It is being addressed and we are looking at it. We are seeking funding at this point to see what we can do. The Glen Park Joint Board will be meeting in Town Hall on October 3rd.

Trustee Lowther stated her resolution is in regard to a public hearing that we held at the last meeting about timed parking at the Village Meeting House. We've amended that portion of the code to include a two-hour restriction on parking at the Meeting House because we found it was being used as a park and ride lot.

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

RESOLVED that Local Law #5-1994, Amending Section 103-17 of the Vehicle and Traffic Code regarding timed parking at the Village Meeting House, which was the subject of a public hearing on September 12 1994, is hereby adopted.

Unanimously carried.

Trustee Lowther stated her second resolution is an appointment to the Glen Park Joint Board. The gentleman being appointed this evening has always been a member of the Glen Park Joint Board for probably 10 years; however, he has been a Town appointment. Many people aren't aware that Glen Park is jointly owned by the Village of Williamsville and the Town of Amherst. We each have people to appoint to a Board so we have a balance between the Town and the Village. In trying to align our members to be all Village representatives, we are taking Mr. Master's appointment and transferring him from the Town appointment to a Village appointment.

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

RESOLVED that Paul Master, 105 Mill Street, is hereby appointed to the Glen park Joint Board until April 30, 1995.

Unanimously carried.

Trustee Piazza stated the Parks Committee did have a meeting this past week. We did an after action report on both Savor the Flavor and Craft Show. Both were very successful but we still hope to make various improvements next year. One of the items is better communication with other organizations within the Village. It went very well this year from a financial point of view and we hope to build on that next year. We have established the dates for Savor the Flavor and the Craft Show. The date for Savor the Flavor will be Tuesday, July 11, 1995. The date for the Craft Show will be Sunday, August 27, 1995.

Trustee Lowther asked if Trustee Piazza is anticipating returning the Craft Show to Main Street.

Trustee Piazza stated that construction will play a part in it. Another thing that we did during the Craft Show is we were surveying them on how they felt about having the Craft Show on the Island and surprisingly of those that we did survey, the majority liked it on the Island because they were all so close together that no one was in a "bad spot". The Parks Committee will discuss this but they may seriously consider, no matter what the construction situation is, keeping it on Island Park with better publicity however. It seemed to draw larger crowds when it was on Main Street by people driving by and seeing it. There was always a percentage that felt that they were at one end or the other, a poor location. The Island was so close that if a person walked on to the Island, they ended up walking and seeing all the crafters' items. The crafters liked that part of it.

Trustee Lowther stated she hopes we talk to the Business Association because she thinks they think it was very advantageous to have it on Main Street because many of them were open during the Craft Show and she thinks they did some business. The problem with that then is we have trouble locating the crafters because all of a sudden businesses wanted to be open and we couldn't put a crafter there.

Trustee Piazza stated we do have a business row on the Island during the Craft Show. They can come on the Island and still function that day.

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Trustee Piazza reported that we do have some playground equipment in for Long Street and he is hoping that we can get moving on that this Fall. He is trying to work with some volunteer groups. One group is the Parks Committee itself, another group is the DECA club of Williamsville South High School and they are about 125 strong. He doesn't know how many would actually be able to volunteer to help us but they are available. They contacted Trustee Piazza, he didn't contact them initially. Key Bank employees are also looking for some kind of a public service thing. That's part of Key Bank's public relations. They did this last year. He will have to work with Superintendent Laubisch on this. Trustee Piazza wrote him a note asking how can we use these people because he isn't really sure what the best method is. He doesn't want someone getting in the middle of the playground equipment and dropping a hammer on their toe and getting a broken toe or any injuries to someone. That is something we will be working on shortly.

Trustee Piazza reported the Western New York Railroad Society did talk to us at our pre-meeting and there is a very well done, pretty accurate rendition of the way Lehigh will look when the cars are in there. They showed us that there would be a couple of railroad cars, one would be a box car, one would be a caboose. There are some railroad tracks that are there and they were partially uncovered a week or two ago and they would add to those tracks and bring them out and around in front of the old terminal. The railroad cars would be retrofitted to make it impossible for someone to climb on top. One of the concerns of the Board has been are we creating a liability situation for ourselves. Mr. Kocsis mentioned that they take all the rungs off or if they don't take the rungs off, they bolt lexxon around those items that used to be steps up for the railroad cars. The plan is to try to move forward on this and that is why they brought this to the Board's attention tonight again and we are hoping to have a meeting between the gentleman from the Railroad Historical Society, Superintendent Laubisch and himself next week and try to verify exactly what locations we're talking about for the various items. One of the other hats Trustee Piazza also wears is liaison for the DPW and when he wears that hat, he has to say be careful about taking space at the DPW because we need part of that same area to help cut our costs.

We leave things over there for a week at a time and then we bring the brush to a different location but we can't run somewhere every day. It's a very accurate rendition of what might be in the not to distant future. The Railroad Historical Society has already committed funding to this. They have a potential for a large grant. We certainly hope that they are successful with that grant application but even without the grant coming through, the Historical Society would like to start moving forward on this.

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Trustee Piazza reported on the Government Advisory Board. We had a couple of gentlemen from a New York State Self-Help group that spoke to us a couple of weeks ago and they are coming back this Wednesday to talk with us again about our water proposal, how we may be able to cut costs, trim corners, cut through red tape and those kinds of things, which is apparently what these gentlemen are very involved with. It's going to be officially presented to the Government Advisory Board at 7:30 p.m. If there is anyone interested in water projects, if they have any thoughts, please feel free to come and join. Part of our hope is to close some of this gap. We pay for a certain amount of water coming in and we pay for more going out to the sanitary sewer system and we're hoping these gentlemen can give us some ideas on how to do some of this at minimal cost to Village residents.

Trustee Piazza reported the Cadman area project is going to start this Wednesday. That had already been put out to bid and been approved. This is another step in the long range improvement of our water system. If a resident lives in the Cadman area, each morning beginning Wednesday, water is going to start being shut down at 6:00 a.m. and the construction work will begin at 7:00 a.m. So please warn the people in the Cadman area that their water may be off for parts of that morning. We'll notify the people specifically and we'll try to keep it to a minimum number of residents each day but that is going to be going on for a few weeks in that area.

Trustee Piazza stated the repair of the elevator will be mostly funded through the Community Block Grant Fund that we have had coming into the Village.

Superintendent of Public Works, David Laubisch, reported that trash pickup starts tomorrow and on October 11th will be the next regularly scheduled trash pickup and the last trash pickup in the Village of Williamsville for the fall and the remainder of the winter until next Spring. Any material put out curbside after October 11th will not be picked up on a regularly scheduled basis. Residents can call the DPW between the hours of 9:00 a.m. and 1:00 p.m. and see if we can schedule a heavy trash pick up because of the work load during leaf pickup season and the unpredictability of the winter weather. That is why we do not schedule trash pick ups during this time of the season.

Mr. Laubisch reported we will be doing water improvements starting Wednesday or Thursday in the Cadman Drive area and as it is with all public improvement projects, there is a certain amount of inconvenience but the overall benefit far outweighs the inconvenience that is involved. If everyone can be patient in the Cadman Drive area, the overall benefit will far outweigh any inconvenience that may occur during the construction project.

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Administrator Cummins reported she went to many classes last week. Some were Responsibility and Liability of Public Officials, Exceptions to Competitive Bidding, Federal State Requirements for Continuing Health Insurance Coverage, Meeting Procedures-Local Legislation, Use of Municipal Property-First Amendment Implications, Internal Control, Civil Service, Establishing Cafeteria Plans, Insurance, Capital Planning and a Village Clerk seminar. When she gets everything from last week out of the way, she will write a report on all the wonderful things she learned.

Mayor Daniels stated he knows she will report on a couple of things that were eye openers in the way that we do some of the things here in the Village and he knows that there are going to be improvements for us.

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

Unanimously carried.

Mary Lindow, 22 Garden Parkway, stated she lives right near one of those trees on the model. She doesn't know if this is the permanent design or finished product but she can tell the Board right now that most of her neighbors will not like it. Her one neighbor lives maybe 20' from that one parking lot. When the parking lot near South Long Street was put in, her neighbor, who owned the property at the time, told Ms. Lindow that nobody told him or said anything about putting a parking lot right on top of his property. It may be 20' from his property and may be 30' from his house. He told Ms. Lindow that when he gets up at 6:00 a.m., he has to wear a robe because somebody is looking in his kitchen window walking their dog. Her other neighbor complains that children hang around the drinking fountain that was put in and nobody ever told us we would have a drinking fountain behind that house. Another neighbor said a park bench came right behind their house. This whole area from South Long Street all the way to the end of that existing fence, there are people living along there and although we like the nature trail, we can't complain. We see people, mostly families, kids on rollerblades. It is utilized and they enjoy it but there are several things that people who live along it feel that they just don't get their respect. A week ago yesterday she was getting ready to work in her garden and Mr. Guillaume and 10 men were behind her house, 100' behind her property with buzz saws, chain saws and if you could have heard the noise. Her neighbor on South Long Street told her he was in his back yard and he could not read a book because of the noise. Ms. Lindow went back there and had to scream because they were so loud and they would not stop sawing.

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The one man almost cut her leg. They were abusive and got a big kick out of her being mad because they cut down Sumac trees and Honeysuckle that the residents were promised when the Nature Trail was built and that it would be left to go natural. They cut all this down. She can't tell the Board how many trees and bushes they cut down for what. There are a lot of people that like trees but we had trains back there for 100 years and we don't want them again. If they want to have one or two rolling stops, they call it, out by their train station, fine but she does not want that directly behind her house.

Trustee Lowther stated this is proposed, not approved and this is not their final rendition. They brought this tonight because the Board wanted to see something further in order to interact with them.

Ms. Lindow asked if Mr. Guillaume has a right to go on Village property with 10 men with chain saws on a Sunday afternoon and destroy the privacy and quiet of a Sunday afternoon. He is on the Parks Committee and he had two small children there. What if one of them got injured? Would they be suing the Village? They are on Village land. Who gave them a right to do that? She was told by another neighbor a year before he cut all the trees down along that large metal building. Her neighbor said that was the first time in a long time in the summer time we couldn't even see that ugly building. You know how large it is. Mr. Guillaume told them they were going to paint trees on the building. There is one Christmas tree painted on that building and to her way of thinking, that is graffiti. She doesn't want a whole bunch of childish trees painted on that dumb building. He should have let the trees grow there. And if this is not the permanent rendition, what gave Mr. Guillaume the right to cut down all the Honeysuckle and Sumac trees behind her house?

Trustee Piazza stated he knows it was part of the Lehigh group project to clear out some of the shrub where the railroad line is. That is primarily what they were are working on that day.

Ms. Lindow stated they were on that building. They don't rent that land, do they? Do the people that live along there have any rights at all? We bend with the wind. We are awfully tired of this and the only reason her neighbors aren't with her is because she has not had time to communicate with them. They are busy, one doesn't want to come because she doesn't want to have any trouble. Are we going to have to start a homeowner's association so that we can protect ourselves from the government? She doesn't understand this. That man would not listen to her. They would not stop cutting the trees down. That one whole section of trees there, the Honeysuckles, there are a million birds that live in that section and he'll be damned if he doesn't cut everything down in that whole area.

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Trustee Piazza stated what we will have to do at the moment is put a moratorium on any movement over there and we'll take a closer look. Probably what he should do is discuss this with the Parks Committee. Ms. Lindow has made comments that the committee will take into consideration.

Ms. Lindow stated about the drinking fountain, and being close to the neighbors, that was supposed to be a nature trail. She doesn't think that most of the people that live at this end wanted trains back there. Let's face it, you look at a box car, you're going to get people from Buffalo, from outside the area to go there to congregate naturally to walk down the nature trail. The way the nature trail is fine. She doesn't know anybody on the nature trail that has complained about teenagers. There might be trouble. She hasn't heard of anything. It's mostly younger children and their families, some people walking their dogs. But do we want 20-30 people to go look at box cars and then walk down the nature trail in a group? She knows they love their box cars. If they had one or two up by the train station away from our property.

Trustee Kaye stated the box cars by the driveway and station are all right.

Ms. Lindow stated if they were on the other side of the station away from the nature trail up near the station, nobody would complain. She looks at that ugly metal building because Mr. Guillaume cut all the trees down. He is a danger with the saw.

Trustee Kaye asked if the trees that Ms. Lindow is complaining about are behind her property?

Ms. Lindow stated no, they were on the other side. There is an old railroad bed in here and they cut not all but most of them. This was originally supposed to be a nature trail. There should be some concern for the wildlife. She thinks that the trees and bushes that were cut down, it will takes years for them to come back up if the committee is going to let them come back up because it seems like people do like to overly prune the nature trail. Even Governor Cuomo has stopped cutting along the thruway to save money on gasoline and there are sections of the nature trail that do not have to be grass. You could save some money on gasoline and maybe put some Evergreens in there for the wildlife. Is the Board going to have a hearing on this?

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Mayor Daniels stated you have to go back historically to what this all started as. Trustee Kaye worked with the implementation of that and can probably tell the reasoning behind the park bench and the water fountain were. There was a plan originally developed for this area and subsequent to that the Railway Historical Society requested that be deeded to them, the depot which we did for a nominal fee and the promise to restore it because it was in bad shape. If you go back to this whole concept of rails to trails, interest to our entire community to improve that entire stretch from Cayuga to South Long. If you go back a few years before that, if there were people in Ms. Lindow's neighborhood complaining about a chainsaw on a Sunday, what about the Lehigh train that went by on a regular route with that spewing smoke and the inherent noise of a train going by there. If you look at that and compare it to what it is today, very few would argue with the fact that this is an extreme improvement. When you look at the concept of the depot and the restoration of it on a historic basis, it is something that is a significant and worthwhile effort to keep the area rooted in its history rather than just convert that trail from a railroad to a Macadam surface and lose all the history of where we were and where we've been. There again, an awful lot of people, at that point in time, saw a lot of merit in this kind of project.

This is an outgrowth of that. It's a rendering that seeks to give the flavor and history of the Village and railroading to the community and no one particularly thought when they made this a park, which kind of ties into the Long Street diamonds as well, saw this as something negative in the area. They saw it as a vast improvement over the scrub and the kids hanging out back there. Mayor Daniels was one of them.

Ms. Lindow asked what is a scrub? Small bushes that birds live in?

Mayor Daniels stated this was something that was looked at as not-we have other considerations as well. We had to do a certain amount of landscaping in order not to encourage rapists, etc. that hide behind bushes.

Ms. Lindow stated then you would think you would have to trim all the trees in Glen Park. There are more Evergreens growing down to the ground there and more spaces down there-

Mayor Daniels stated there are documented rapist cases along the Amherst trails.

Ms. Lindow stated every time they cut a tree or bush they say rapist.

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Trustee Kaye stated that Ms. Lindow and herself, along with many of the neighbors along the trail worked very diligently together to try to find a happy compromise and she knows that it was not easy when we first did it. We did many changes from the original concept plan that left many more trees than had been originally projected. Originally the water fountain was back here and the water line was installed all the way back here. It was donated by Marwal Construction. By the time Trustee Kaye left the project, the water line was back here by the triangle, the point where the triangle begins that is closest to South Long. It was by where the concrete little station is now moved up here. What has happened is the Parks Committee has made the decision to rather than put the water fountain down there to put it closer up here, which is a little different from the original construction. This portion on this side is not originally part of the plan but to be proposed now and also it's been mentioned that this restoration of the railroad station really was part of it from the inception; however, it was not part of the grant program. It was separate from the building of the trail.

Ms. Lindow stated if Trustee Kaye said the drinking fountain was going to be back there away from people's homes-

Trustee Kaye stated it was going to be at the corner of the triangle which would be , the closest home would have been the Whipples.

Ms. Lindow stated its in-between the Whipples and -

Trustee Kaye stated it was closer to the triangle.

Ms. Lindow asked didn't the committee think that by putting a water fountain in there children would congregate around it. Couldn't they put it further down the nature trail away from the neighbors.

Trustee Kaye stated where it was originally planned and where the line was for it was because of the exercise path in the triangle. It was to provide water, particularly for those people who ran that course in there and there were four benches that are there and there are trees planted between those and the water fountain was to be there so that those folks that ran that course in the triangle could then sit and rest and get a drink of water. That was how it was originally planned.

Ms. Lindow asked if there is going to be some sort of hearing or get together with the neighbors so we can have some sort of input as to what is going on here?

Trustee Piazza stated yes. We will work on an opportunity for input.

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Ms. Lindow asked before anything else is done, would the Board take away the saw from Mr. Guillaume and tell him not to cut down anything more until he has permission from the Board. Is that possible?

Trustee Piazza stated he has always thought of Mr. Guillaume as the Johnny Appleseed of the Village because he has been the tree planter par excellence in this Village for many years. He is so surprised that he is hearing the opposite of this. His suspicion of somewhere in the middle of what Ms. Lindow is saying and what he is saying is the truth on the issue. Trustee Piazza doesn't see Mr. Guillaume as a destroyer of trees.

Ms. Lindow stated when there is a railroad bed underneath-

Mayor Daniels stated he thinks that was always a factor here, to expose the railway tracks.

Ms. Lindow asked if they are going to move those.

Mayor Daniels stated he thinks they are going to stay in the same place they are. They are original tracks.

Ms. Lindow stated that is within 100' of her property.

Mayor Daniels stated the park has a border.

Ms. Lindow stated if the park starts to get a lot of people from out of the area going to look at these box cars, is the Village going to put some sort of fence or barrier up for the people that live along that area so that they can retain their privacy? Is that part of the grant?

The Board can do anything it wants, as long as it doesn't affect her. Is there going to be money in the grant to put some sort of barrier up between our property and what is planned there and if there isn't, would the Village do that? That is all she asks.

Mayor Daniels stated we could see if that is what people would want. A lot of people feel a barrier is more objectionable than not. He supposes we need to have some input and see where it is at. Some of this stuff is fairly set to happen. There are even grants that are out there endorsed by the Village for restoration of the depot area.

Ms. Lindow stated that Mayor Daniels said to her this past summer that the land behind the depot is the only landfill in the Village of Williamsville property and that is why we were kept awake for three weeks every night. Now they are telling her it is going to be this.

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Mayor Daniels stated no, actually it will be a combination of both. Where that gazebo is will probably be still a staging point for the Village wood chips and probably the milling operations in the summer. We have no space.

Trustee Kaye stated there is a possibility of a salt barn.

Ms. Lindow asked if this is the correct rendering of what we are going to get.

Mayor Daniels stated no, part of that area will be DPW storage.

Trustee Piazza stated it is in a state of flux at the moment.

Mayor Daniels stated the landfill is already there. It's been there for years and what we are going to do is minimize that area. If you look at a before and after of this whole area.

Ms. Lindow stated for the last twenty years we have heard moving equipment morning, noon and night and when it starts at 2:00 a.m. this summer, Mayor Daniels told her that was the only landfill the Village has and it was an emergency so that it keeps the whole neighborhood up from the noise from that backhoe. On Sunday afternoon we have a nitwit come in and destroy all the trees that we were promised for the birds and the wildlife and for privacy and now he is telling her you may do this, you may do that, you don't know what you are going to do. The only thing she can tell him is we are going to start a homeowner's association to protect us from the government.

Ed Nuss, 73 Edward Street, stated he is speaking for three other people who live on the corner of North Ellicott and Edward, Tom Degen on 51 Arend and Joyce Slattery who lives at 59 Arend. We have a problem and have had a problem since he moved here 10 years ago. We have a problem with water coming in from North Ellicott Street.

The grade from North Ellicott Street is down and the water comes down and accumulates in the back yards and sometimes the puddles get 6" or 8" high and you know how children are when they see water, they have to play there and somebody is liable to get hurt. In addition to that, he thinks that something has to be done because in the spring of the year when the snow melts and we start getting the spring rains, we have a puddle in the back, we can't cut our grass, we can't plant flowers, we can't do anything. Water is just standing there and we have to wait until it melts. There must be some way that they can get that water out. He understands that they have a sewer opening on North Ellicott Street but it doesn't take care of the water. The water comes down so rapidly unless you trap it, so it is guided into that particular sewer; it just runs down on the sidewalk.

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They have a couple of small ones along side the sidewalk but the water that goes into that isn't going into the big hole because you can go down there now, after the rain we had last night, and lift off those covers and you can still see water in the sewer that is running from both sides of the sidewalk

Mr. Laubisch stated regarding the drainage problem on Ellicott Street, we installed a larger receiver approximately three years ago.

Mr. Nuss stated it still isn't solving the problem.

Mr. Laubisch stated the drainage receivers in Mr. Munzert's front yard, is it working properly or not?

Mr. Munzert stated the problem is when you get a heavy rain or snow and it thaws, it fills up, the water will run through, if we get a bad rain, the water runs thru the neighboring yards. Out in front of his house is all flooded and the back yards are all flooded. He has it on film and it looks like a river after a really good storm. He thinks the law reads that if you have water in your back yard that you can't dump your water in the sewer. Is that right?

Trustee Hillebrand stated he thinks you can put water anywhere except into the sanitary system.

Mr. Munzert stated if he dumps water from his back yard and goes out on the street and freezes, is he creating a hazard? He is not talking about putting it along the curb, he is talking about putting it 12' out in the street. The water he is getting is coming out of two back yards up the street. He came up here, one was emptying a lot of water. The second one that did it, he came up here to bitch about it and he was told to mind his own business. The guy is pumping all his water out. It is probably a quarter the size of this room. What Mr. Munzert said he should do is write a letter to the Board, have it certified and if he ever has an accident or if anyone has an accident, the Village should be partially liable because they are allowing this to happen for the last three years. This is also some of the water we get in our back yard. When it rains and it rains hard, or the snow thaws, the water comes down the street and it makes a perfect right hand turn, a 90 degree angle and goes right in front of his house. It fills up, runs through the back yards, his back yard and her side yard. The water has no place to go. It's caught between two high spots.

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Mr. Laubisch stated the ongoing drainage problem on North Ellicott has been long standing. The water drains from the east side of the street to the west side. There are definite water drainage improvements that could be made the whole length of that street because the whole volume of water gets down in front of Mr. Munzert's house and it has one receiver to run into. Mr. Munzert stated when Boudreau and the Board graded our street and they swore up and down "you'll never have water in front of your house, we're going to grade the street exactly the way the street was kept".

Mr. Laubisch stated the reality of the situation is because of the grade of the street. The houses across from Mr. Munzert's house and the rest of the houses on North Ellicott Street are approximately 3' or 4' high. That can be addressed with drainage on the east side of the street which is in conjunction with the overall street survey we had done this year to address the drainage and roads. The best thing you can do for a road system is to eliminate the water. It either collects underneath it or alongside of it and affects the longevity of the road, it helps the neighborhood with the drainage on the side streets and on the side of the road and down the shoulder. The overall situation there is being looked at and will be looked at in extension with the drainage up the street to eliminate the water from coming down to Mr. Munzert's receiver. This wasn't just one street. It was a Village wide project. It was undertaken in the spring of the year and during the summer to look at every street and the drainage and what needs to be done and the future recommendations for rebuilding roads are going to be exactly that, rebuilding the roads and drainage. This is the first that this has been brought up and we will look into it. The overall grading is going to have to be looked at in the entire area there, what is going to best drain the water. That is something that he can't sit here and answer right now. That is going to have to be looked at along with what is going on in the street area there, how much drainage is available.

Trustee Kaye asked Mr. Munzert about the property owners up higher on North Ellicott that were discharging water directly from their yard on to the street. Was it against the Village code? It is against the Village code, it is under sewer use. It's Section 81-5, Storm Water-"No persons shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsoil drainage, uncontaminated cooling water or unpolluted industrial processed water to any sanitary sewer."

Trustee Hillebrand stated he thinks they can do it to a storm sewer.

Mr. Munzert asked if there is something in the code that says if you live within 150' of storm sewers that you have to go to that?

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Trustee Kaye stated "All buildings shall have roof gutters and down spouts connected to storm drains which shall also receive the discharge from sump pumps and from courts, yards, paved areas on the property. In the case of one or two family dwellings or multiple dwellings where a storm sewer is available within 100' of the premises, storm drains shall discharge into the storm sewer. Otherwise it may discharge into any existing road or ditch or other general ditch. Where such points of discharge are not available, the Superintendent of Public Works shall determine the manner in which storm water shall be discharged."

Mayor Daniels stated at this point it sounds like they are not doing anything wrong but we do need to address the problem.

Mr. Munzert stated the Village needs to address the ice situation in the winter. If the Village allows this to continue, he feels the Village is leaving itself open for a lawsuit.

Mayor Daniels stated this is the first they have heard of it and they will take care of it in the best way they can. Now they the Board is aware of the problem, Mr. Munzert was right, before we were aware of it is another case.

Mr. Nuss stated it seems to him that North Ellicott, it flows towards our yard. It's not a level street. It's tilted.

Mr. Laubisch stated the whole general geographic area there, here and from North Ellicott to Arend Avenue, there is a drop in elevation. The street does tip that way but it has to do with the general geographic layout of the area.

Mr. Nuss stated that making use of the general geographic use of the area, it might be easier to take it from the low spots and take it to Arend and put it in a storm sewer there instead of trying to take it up the hill to Ellicott.

Mr. Laubisch stated that is not what he was referring to at all.

Mr. Nuss stated he thinks if you get the low spots, the land slopes toward Arend. If you could put a drain sewer starting from the low parts in the back of the yards-

Mr. Laubisch stated just so Mr. Russ is aware of what transpires with something like that, we can't work in the back yards without an easement. That is private property. He is not sure what is legally involved here but we can't make public improvements on private property. There are methods you can go about doing that. He didn't say we didn't do it. He said there are methods that can be accomplished and there are certain routes that have to be taken in order to do that. Yes, we have done it in the past. That is one issue. The other issue is that we are going to have that looked at by an engineering firm to figure out what is the best way to drain that area.

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Mr. Nuss stated the Village has a problem there in the back yard with this pool. There is a lot of little children there and water attracts them and they get in there and start playing and somebody is going to get hurt.

Mr. Munzert stated he has seen it done. Sometimes it is over one foot, 18", 19".

Mr. Laubisch stated in the long term improvements on the entire street including North Ellicott, not just the drainage in the back yard but how to best drain North Ellicott Street and the surrounding area.

Mr. Munzert asked what do we do to alleviate it and to see if the Village can get the easement.

Trustee Kaye stated we can ask the Village Attorney, who is not here right now, if we agree yes as a Board, to look into that.

Is that something we can agree on now?

Mayor Daniels stated what we need to do is have Mr. Laubisch look at the area and we will go over and see where we can immediately do something on a temporary basis to alleviate the problem and then look for a permanent fix because we are getting into the cold weather and the ice is probably only a month or two away.

Trustee Kaye stated she has had some discussions with David Sutton, the Building Inspector, about Mr. Munzert's problem.. She asked Mr. Munzert if it has been resolved. She had a conversation as recently as last week where he was talking about the Health Department and their involvement.

Richard Munzert, 216 North Ellicott, stated probably for six years he has come up to the Village Clerk's office. He had approached different people complaining about the house next door. When the weather is hot and humid, he put a big front porch on his house, he can't even sit on it because of the odor. He sometimes thought that the people thought he was crazy that he was coming up here for the hell of it. On the Fourth of July he had the Fire Department there and the Fire Chief verified the odor. He walked in Mr. Munzert's back room and said it is a giant litter box. The Fourth of July he had 13 people for dinner at his house and we went to sit on this beautiful front porch to have coffee and dessert and we had to get off the porch because you'd gag. You would actually gag. He and Trustee Kaye talked about this a few years back and she was campaigning, she rang the doorbell and had to walk away. That was in the cool weather. Imagine it in the hot weather when it gets to be 80, 85, 90 degrees. He has to close his windows on that side of his house. He called the Health Department and they said hire a lawyer, what do you want us to do? Mr. Munzert said what do I pay taxes for and they said what do you pay taxes for.

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He has come up here and complained about it for many years and he has gotten no satisfaction. Now he was told we have verification on this, I guess you do have a problem. After four, five or six years of it. The smell is terrible.

The water meter hasn't been read in he doesn't know how long. Ask Mr. Munzert how he knows that, because he looked in his book. He hasn't been in the house in years to read the water meter. The young man that picks up the garbage, Mr. Munzert was out one day and the man said what do they have in their garbage, it's the worst smelling garbage in the Village and it weighs a ton. One day he asked the woman and the woman said that was wet papers. She has got to have 15-20 cats in that house because it smells so bad. The odor is so rotten, it'll make you throw up. He would like, before next summer when the weather gets hot again, something done about it. He moved in the house in 1972. There has not been a paintbrush on the house since 1972. There has not been a window open in 10 years, not one window open in the house for 10 years. The trim board on the back of the house, he asked the Building Inspector to take a look, not the Building Inspector the Village has now, he did a drive by and didn't see anything. Mr. Munzert asked him why he didn't get out of his car and walk through his yard. The Building Inspector said he couldn't go on the neighbor's property. Mr. Munzert told him that he could go on it and look. The trim board is rotted off the house. Why should he put money into his house, he should just let it go to hell too. He would like a little satisfaction. He is getting a little sick of getting jobbed around and getting told well,- he called the SPCA and the SPCA has been there twice and can't get into the house.

Trustee Kaye stated she knows that the Compliance has had discussions about Mr. Munzert's problems. On compliance serves the prosecutor, the Village Attorney and the Building Inspector. She knows this is no help for Mr. Munzert but one of the problems in the code is that it talks about under public nuisance of animals, it talks about the foul smell of dogs but it doesn't say anything about cats at all. Unbelievably so. Also Trustee Kaye spoke to Administrator Cummins a few weeks ago and our Water person about some discussion about sending someone in to read that meter. There was going to be a letter sent out notifying them of setting up an appointment to read the meter. Do you know what the status of that is?

Administrator Cummins stated she doesn't know and she will check with the Water Department.

Trustee Kaye stated she knows it was about three weeks ago.

Mr. Munzert stated the gas company has got to get in and read the meter once a year and if your electric is inside the house, they have to get in at least once a year.

Trustee Kaye stated we do have a provision for reading it once a year but as she said it say harboring dogs and harboring cats, unfortunately.

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Mr. Munzert stated if you have three dogs then you have to have a kennel license. You can have as many cats as you want and you don't need anything. Cats smell worse than dogs.

Trustee Kaye stated what it talks about in terms of harboring a cat is that they have to make a reasonable effort to remove any droppings left by the cat on a public place or on any private property, not under the control but it doesn't talk about the interior of the property. If it can be demonstrated that it is an outside problem as well, that is what the code addresses.

Mr. Munzert stated when they move out of that house, they will have to tear it down because the smell has got to be in the wooden floors and everything. It's so bad and the smell is even worse than when Trustee Kaye was there. It's not going to get any better.

Trustee Kaye stated what Mr. Sutton had told her is that he had a long conversation with the Health Department and he felt they were going to take some kind of action to help rectify the situation.

Mayor Daniels stated one of the problems is getting into places to verify and we have had that on several different issues. Business is conducted in your home, it's not a legal thing for us to just walk into a home and it takes a lot of legal maneuvering unfortunately to address some of the problems. Mayor Daniels would certainly want to look into the code and change it to include cats and other animals in this same provision for odor and the number of animals that you can have. He thought our code did not allow more cats or dogs but that is something that should be changed and we keep finding things in the code.

Trustee Lowther stated it is under Domestic Animals. It includes cats and dogs over six weeks old.

Mayor Daniels stated that sometimes it is very difficult to find a search warrant to get into the place and he thinks that the Department of Health and Erie County and our court, we will accelerate the process as much as we can for other agencies to do what they need to do for that. Has David Sutton looked at the condition of the trim boards and the tree? Maybe that is another way to approach this.

Mr. Munzert stated Mr. Sutton can go on his property.

Trustee Kaye stated that one of the problems that David Sutton mentioned in terms of talking about the trim board and things, they are certainly things within his domain; however, that would not necessarily dictate being able to resolve Mr. Munzert's major problem with the cats and that, as Mayor Daniels said about even going in for the water meter, it's a real iffy situation in terms of yes, they can report what they are findings were.

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Mayor Daniels stated also as far as the appearance of the home and detracting from the value of Mr. Munzert's home, we need to address that as well.

Tom Stackhouse, 220 Red Oak, stated he has been involved with this project with the depot since the inception in 1982 and if you look at that area now and you look back to what it was in 1982, he remembers the 11:00 p.m. news with women storming up the street saying what a disgraceful area this place was and the appearance of it now, there has been a few trees cut down, it wasn't devastated as has been reported, it was thinned. We're basically looking to make it look even more attractive. Another item he wants to address is all these people that are going to come up and look at these box cars. There are a lot of rail fans around and they are not that impressed with box cars. He would say, if anything, the box cars in that location by the steel building, if they were to be put there, would be used for storage and that it would be basically just a fitting thing on a siding next to a building as it was at its time. That would be very functional. Whether or not those box cars get put there is another thing but there will not be droves of people coming up to look at box cars or cabooses or anything else that is put out there. He, for one, seems to feel that Lehigh Memory Trail is one of the better kept secrets of Williamsville because not many people use it and even when it gets publicized, you're not going to have droves of people out there.

Mayor Daniels stated they can also control the times that they would be there for actually opening the facility.

Jonathan Guillaume, 127 Lehn Springs stated that during the football game they did work between 1:00 p.m. and 3:00 p.m. We did cut stuff out from between the rails, we cut out overgrown vines. Before any of the guys went in we went ahead and marked the trees not to be cut and rosebushes and found no nests. The infamous metal building, last year he did spray an Evergreen tree on it because somebody put some words on it that he didn't approve of. Neither last Sunday nor any other time did he cut any trees along the metal building. He doesn't want to make any comments about what was said about him. Last year when they were working there, he did give some of the vines that they cut out to a craft fair and they sold them as wreathes. They were most appreciative because he was also asked to cut trees and bushes from the other side of the trail along the property line and he said he wouldn't do that because he thought the trees there were more appropriate. They provided a nice screen. He thanked Trustee Piazza for the comment about Johnny Appleseed. He would rather plant more trees and more bushes and get more shrubbery in there. The things that were cut out and as he explained to some of the residents, anything we cut out is selective and it is designed to make what is there stronger. The vines are killing that section, they are choking the trees and bushes out. If you cut some of the vines out, it will make the trees and bushes stronger.

Maryanne Avery, 64 Garrison Road, stated she wondered if the Board knew if the County is going to walk away and leave Garrison in the condition it is in.

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Mayor Daniels stated no.

Ms. Avery asked if he was sure because her father called the project manager and he said we probably won't finish until next spring and she said it's almost a foot drop from the pavement.

Mayor Daniels stated the edge of the road is not done yet.

Ms. Avery stated they then went and gouged right along the edge of the pavement. It is an incredible drop and in the winter time you're not going to know it is there until you step in it and she knows people are going to get injured.

Mayor Daniels stated it is not completed and there is some talk about doing some drainage work before they landscape it to where it was. As soon as he finds out more of the particulars, he can let her know. That is one of the reasons he believes it hasn't been covered back up and leveled.

Ms. Avery asked what kind of drainage work?

Mayor Daniels stated he believes they recognize the fact that the pavement erodes because of the drainage underneath and David Cumerford told Brian Rusk that they are going to do some drainage work. He wants to find out more about that.

Ms. Avery stated her father called and complained about drainage next door and she gathers that there are people up the street that don't even have an apron put back on their driveway. Why they can't just finish it, she doesn't know.

Mayor Daniels stated they work so quickly they want to get it where it is at now. It seems to be at a standstill right now. His understanding is that it is going to be all restored very soon. He will call again tomorrow to see.

Ms. Avery asked if that will be before winter

Mayor Daniels stated they are supposed to finish that up.

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

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, September 26, 1994 at 7:43 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved adjourn the meeting at 10:06 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

(No corrections have been made to the foregoing minutes as to contents or grammar. The only corrections have been made for spelling.)

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