

**Minutes of the Public Hearing of the Board of Trustees held in the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, October 17, 1994 at 7:42 P.M.**

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

*Patrick Kelly, Village Attorney  
Theresa L. Cummins, Village Administrator, Clerk-Treasurer*

*Absent David Laubisch, Superintendent of Public Works*

*Also Present: Sherry Brink, Recording Secretary*

The Clerk read the notice of the public hearing being held by the Board of Trustees on Monday, October 17, 1994 at 7:30 p.m. for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 25-4A(2) concerning fences and corner lots.

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, it was moved to open the public hearing at 7:42 p.m.

Unanimously carried.

Trustee Hillebrand stated there is a revised local law regarding fences and corner lots and he read it into the record. (Copy attached)

There was no comment from the audience.

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, it was moved to close the public hearing at 7:48 p.m.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer

**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, October 17, 1994 at 7:49 P.M.**

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

*Theresa L. Cummins, Village Administrator, Clerk-Treasurer  
Patrick Kelly, Village Attorney*

*Absent: David Laubisch, Superintendent of Public Works*

*Also Present: Sherry Brink, Recording Secretary*

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, 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:

Mayor Daniels presented the audience with a video of the Village cul-de-sacs with no sidewalks and mentioned the most areas would have difficulty having sidewalks installed due to vegetation and also mentioned that during the whole video taping session there were only two cars that had passed him. Mayor Daniels also sent surveys to residents living in the existing cul-de-sacs asking if they would be in favor of the installation of sidewalks. Mayor Daniels received about 50% back and read them into the record. The majority of the surveys were against the installation of sidewalks.

Jim Tricoli, 4 Columbia Drive, stated he wanted to see the survey and questioned why there were not signatures on all of them. He feels he should be reimbursed by the Village for the sidewalk he had to install and pay for.

Mayor Daniels stated he didn't require signatures on the survey but there are addresses on all of them.

Mr. Tricoli asked Mayor Daniels if he sent out these surveys without the Board's approval.

Mayor Daniels stated he did this on his own.

Carolyn Schlifke, 192 Evans Street, stated she feels Mayor Daniels' concern is simply to change the law. She said she feels that the mayor has been very successful in throwing up a huge smokescreen on this issue. These surveys on village stationery are very misleading. Of course people don't want to spend the money or change their properties. But that is not the issue.

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The issue is you have a law in existence now. Do you want to change that law for a special circumstance?

Trustee Piazza stated the Board had some questions about one and a half years ago about the code itself and looked at streets that were unsafe because of the lack of sidewalks. We should address the code where safety is an issue and change the code not to require every resident in the Village but just those where it was the Board's feeling it was unsafe. That discussion kind of died out and yet Mrs. Schlifke's comments raise that issue in his mind again. Perhaps that is really where we should be going with the code. We should be looking at the issue of safety and addressing the fact that there are streets out there that we know need sidewalks because they are not safe. People have had accidents on Union Road. One young lady was killed in the last couple of years walking along the street on Union Road so we know we have some unsafe streets. He knows that the Village Board briefly addressed this a year ago plus and then kind of moved away from it because we just didn't pursue it again. He still thinks we should look at the code to address the safety issue where safety is an obvious requirement and sidewalks are an obvious requirement to insure safety of citizens. His suspicion is that this cul-de-sac code that we are looking at might even be too limiting that rather than just lifting the requirement for cul-de-sacs, we should take a look at the Village and let the Traffic and Safety Committee or other committees prioritize the streets for us and then the Village could by resolution demand that certain unsafe streets have sidewalks put on.

Trustee Lowther stated based on our discussion a year and a half ago when we said that there were safety problems, the Traffic and Safety Committee under her direction did a complete sidewalk survey of the entire Village and then prioritized the areas where we felt safety was a concern.

Trustee Piazza stated right, he thinks that was a great idea.

Trustee Lowther stated the final portion of it was turned into the Board probably about 8-10 weeks ago with the recommendations and as yet, it hasn't been taken any further than that but the work has been done.

Trustee Piazza stated he knows.

Trustee Lowther stated Trustee Piazza was talking like it hadn't been done.

Trustee Piazza stated he knows it has been done but he feels that maybe that work should be used as a basis for looking at this code again and really addressing the safety concerns that we all have. We know there are some streets out there that are obviously not safe, obviously need sidewalks and for some reason this Board and maybe even other Boards, but this Board seems to be stuck on moving on this safety issue on those streets that are obviously unsafe and he is concerned about that. We've been hammering away at this cul-de-sac question and he doesn't think that cul-de-sacs are unsafe but we have other streets that are obviously unsafe and maybe that is what the Board should be looking at, rewording the code.

Trustee Lowther stated we can order in sidewalks anytime the Board feels it is necessary.

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Trustee Piazza stated for some time the Boards have been unwilling or stymied. When it comes to safety he thinks there are certain streets that the Traffic and Safety Committee has prioritized and money shouldn't be the issue. Safety is the issue.

Trustee Kaye stated we have within the past few years ordered in sidewalks while she has served on this Board for safety reasons. We did it on Cayuga and South Long. We ordered them on Evans prior to that. We also installed, as a Board, on Park around Garrison Park sidewalk there because we felt it was unsafe.

Trustee Piazza stated those were all good moves and he thinks the Board did some good things there.

Trustee Kaye stated when Trustee Piazza says the Boards in the past have been afraid, she doesn't think that it necessarily true. They have taken steps. We do have the ability now do address the streets. We do have the recommendation from the Traffic and Safety Committee to go ahead and make that move. All we have to do is make the move but she is not sure why it is stymied, because we have the ability to do that.

Trustee Lowther stated she thinks it is basically stymied because it is politically unpopular for any elected official to go to the individuals within the community and tell them they are going to have to pop up with a big amount of money. It's never a pleasant thing to do but on the other hand, she thinks we have other areas that we, as a Board, have designated as being unsafe or requiring sidewalks for the good of the public safety and she thinks the longer we drag our feet on an issue on this, the more chance that someone could be hurt as a result of not have the sidewalks. She thinks it is something we need to look at as a Board and move ahead with it.

Trustee Piazza stated he thinks a couple of the streets highlighted, Garrison or Union, those are the two that jump out at him as he drives around. He sees those as something that we should be looking at very definitely. He sees that as an overriding issue other than just a cul-de-sac issue which has, unfortunately, become very politicized. He does think we have to think of the safety of our citizens.

Trustee Lowther stated just in the instance that we were talking about, she thinks it might be time for the Board to take a look at some of it possibly coming out of tax dollars as far as an assistance type thing, whether we determine we can afford to pay 25% or 50%, 1/3 or whatever to get them in where we want them. We have some money from the County that is tied to being used on County roads. She understands that there is a restriction that any offer the Village makes has to made to every single resident in the Village for the period of one year; however, if we broke the Village down into perhaps election districts, which are three districts and started off on a three year plan with a designated number of dollars along with the dollars that we have available now, we could probably come up with some kind of fixed amount that we, as a municipality, would be able to put forward to assist the residents in getting these sidewalks installed where we see a need. It isn't necessarily going to be 50/50.

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It may be a much smaller amount but she thinks it is a start and something that we need to do as a Board and put all the rhetoric and everything else aside. The fact is we have streets that are unsafe and we know it.

Trustee Piazza stated he thinks we all agree too.

Mayor Daniels stated we all agree on that and always have. It is just a question of how much money to put into it of ours. We have always said that it is politically difficult to start selecting certain streets to pay more money. Because certain people live on a busy street, it is always nice to offer them a little assistance. We do have a certain amount of money that is already allocated for that purpose that we need to use for sidewalking and the question is how do we go about it. He thinks we should work very quickly on that and start doing those danger spots.

Trustee Hillebrand stated he was asked to bring up the matter to the Planning Board. Trustee Hillebrand entered into the record the results of the Planning Board's view. The Planning Board is a volunteer committee of the Village consisting of seven citizens who address matters related primarily to commercial property. They are very attuned to the ambiance of the Village and they have in mind a view and they are trying, over a very long term, to get our Village to be the Village that we all think it should be. It is a very astute group. (Copy of their comments are attached) Of the seven members it comes down to four in favor of a change in the law and three against, which he guesses is pretty close representation of the Village as a whole.

Harold Russlander, 12 Ledgeview Terrace, stated he is on a cul-de-sac and the Board does have his comments. We talked about public safety. There are no sidewalks and he is not in favor of it. He doesn't think they are necessary but since the Board talks about public safety and he believes these are students here, in the audience, he's talking about whether there are sidewalks or not, they are sitting in the street. There are many nights he comes home in the dark and he slows down to a crawl because students are sitting in the street. Some time on the Board's agenda, they should address that issue. It concerns him. Another safety issue which in time will be very detrimental to the Village is when Hidden Ridge Common cut in to put their new area in for construction and they did not put a retaining wall up. When the Board is ready and needs some help, photography being his hobby, he photographed it all and he would like to show the Board the pictures how the wall is deteriorating. Big boulders are falling out. He suggests the Board looks into it because in time the Board will have a very serious safety issue for the Village when there is a landslide and homes are deteriorating.

Mayor Daniels stated he remembers when that area was built, which was only a few years ago and we did have concern then and we walked back there. We need to look at that again obviously.

Trustee Lowther asked they did put a retaining wall in a portion of it during the final construction didn't they?

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, October 17, 1994 at 7:49 P.M.

Mr. Russlander stated no, nothing. You can drive by and look at the rocks, not stones, but rocks, big ones. If you watch carefully, they disappear rapidly because the contractors don't want you to see them.

Cliff Horey, 106 Highland Drive, stated the Board keeps talking about Wehrle and Garrison. They are County roads. He thinks they should take care of their own sidewalks. Why should the Village pay for County roads. When they rebuilt Garrison Road, if they do anything like Wehrle, they will put sidewalks in. They put them in on Maple Road. The plans originally called for sidewalks on Union Road. Mayor Daniels said he had a 50% return on his survey.

Mayor Daniels stated he thinks it is even more than that.

Mr. Horey stated the other 50% said no, right?

Mayor Daniels stated Mr. Horey if he really supposed the other 50% would say yes?

Mr. Horey asked if there something that when you apply for a building permit and put a home up in the Village that says you have to install sidewalks and that's been in there for years? He understands it was when you apply for a building permit in the Village to put a home up, it says you will install sidewalks.

Mayor Daniels stated it is common practice for that to happen. The problem that we have with it is that even homes in cul-de-sacs that have been built within the last few years, even when Mrs. Schlifke was on the Board, do not have sidewalks. It has never been enforced, now we are asking to enforce it selectively on this one development.

Trustee Kaye stated to answer Cliff's question more specifically, she would assume that prior to a C.O. being issued that all laws would have to be complied with and that would have to be the responsibility of the Building Inspector who would be inspecting that project. Is that correct?

Attorney Kelly stated in the past the Board hasn't ordered in the sidewalks, he doesn't believe that has been enforced.

Trustee Lowther stated she doesn't believe the Board would order in the sidewalks. It would be the responsibility, at that point, of the Building Inspector in years past before issuing a C.O. to make sure it complies and if he issues it, then he issues it. It wasn't a Board responsibility.

Mayor Daniels asked if Trustee Lowther is saying that we do not call the shots regarding sidewalking.

Trustee Lowther stated that isn't what she is saying but in previous administrations and in previous instances.

Mayor Daniels stated it has always been the Village Board, the buck would always stop with us.

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, October 17, 1994 at 7:49 P.M.

Trustee Kaye she doesn't think so in terms of individual houses, if there were new development.

Mayor Daniels stated there is always a liaison to the Building Department that has to monitor these things.

Trustee Kaye stated she doesn't think the liaisons have ever monitored the Certificate of Occupancies that have gone out. She doesn't know that question because she thinks her guess would be that we have building inspectors that make sure that before C.O. 's are issued that full compliance of some new buildings comes in that whether it is a sewer connection, a water connection, a way a home is designed, that it meets all requirements and specifications. As Mayor Daniels is aware, from being on this Board for five years, that individual building plans don't come to us nor to the Planing Board to make sure that all specifications are met.

Mr. Horey stated when they apply for a building permit, they have to put the sidewalks in, when they build a house. The video was great. The fence ordinance says it can't be over three feet. He thinks half of these plantings are out in the Village right of way. He saw one hedge five feet high. It goes right up to a stop sign. He thinks half of these people don't even own the property that they have the bushes on. The whole thing that started this ordinance, he thinks there was an offer of \$8,000 made to change this ordinance.

Mayor Daniels stated that is not part of this issue.

Mr. Horey stated the contractor made an offer of \$8,000 to have the law rewritten.

Mayor Daniels stated that is not the way it exactly happened and it should not be categorized in that way. Mr. Whitehead asked for relief from it. We decided to consider it and he said in lieu of the sidewalk he would be willing to put, he never asked for a change in the law, he would be willing to install a like amount dollar value on Garrison or any other place the Board so determines that is obviously more hazardous than a cul-de-sac. Therefore, that was something that Mayor Daniels felt Mr. Whitehead was doing out of the goodness of his heart. Mayor Daniels thinks Mr. Whitehead has grounds to show selective enforcement of an issue that has never been enforced on any cul-de-sac with even one square inch of sidewalk in the history of the Village. All of a sudden we are requiring Mr. Whitehead to install sidewalk.

Trustee Kaye stated Mr. Whitehead had agreed to that. This was an Exceptional Development permit that was issued in 1989. He agreed to do that.

Mayor Daniels stated that is correct and this is an exceptional permitting which he can request again for a change to but of course that opens it up again. What happens here is this becomes part of the law and then he again has to approach the Board and request relief from the sidewalks based on the code but unless Mr. Whitehead does that, he is still required, according to Exceptional Development, to install sidewalks regardless what the results of this is.

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John Martin, 31 Lakeledge, asked if he lives on Lakeledge Drive and he wants to go out and put a sidewalk in front of his house and pay for it, what would he have to do to get that done. Would he have to get some kind of permit to do that? Would he be able to do that?

Attorney Kelly stated as long as what Mr. Martin builds meets the specifications regarding the type of concrete, etc.

Mr. Martin stated there is nothing really from stopping him from putting them in. Trustee Hillebrand stated no. Mr. Martin stated he is against putting them in but was curious about that.

Trustee Kaye stated Mayor Daniels has gone through great lengths to have this demonstration between the video and the surveys and great lengths to really look at taking away the ability of the Board to require sidewalks in cul-de-sacs in the future. It continues to seem odd to her why he wishes to eliminate the Boards to have that ability. She agrees with Mrs. Schlifke that the surveys are misleading, and no matter what Mayor Daniels wants to say in rebuttal to that, she feels that very strongly and continues to feel that the Village should have the ability to require them whether we choose to or not where we find safety issues that do seem. It does seem odd to her that we are going against all local and national trends to eliminate the ability to put them in.

Mayor Daniels stated that Trustee Kaye said earlier in the public hearing that she had contacted the Planning Department of Amherst and they had said that they were being deluged by people in cul-de-sacs asking now for sidewalking and that is causing a real fear. Mayor Daniels called them to ask them about that and they said "oh my gosh, no." Mayor Daniels asked well how many cul-de-sacs of eight homes or more have insisted on sidewalks after they did not have them and she said she couldn't think of one.

Trustee Kaye asked who Mayor Daniels spoke with.

Mayor Daniels stated Jennifer Lorenzini. There is not a deluge of requests from people in cul-de-sacs and there are hundreds of homes on cul-de-sacs in Amherst without sidewalks.

Trustee Kaye stated they have changed there policy and they do require sidewalks in all cul-de-sacs. She is not sure if Mayor Daniels asked that question of Jennifer Lorenzini or not.

Mayor Daniels stated the other reason for this survey was one or two meetings ago during this public hearing, Trustee Lowther made the comment that you know, it is funny that all we hear are people for this sidewalking requiring and against changing the sidewalk code. Mayor Daniels said to himself, here's a case of a silent majority again that just have not responded to the issue. Let's see how many people, who really are at the heart of this, and that is how the residents on cul-de-sacs feel. It was a response to Trustee Lowther's comment that gee, all we hear from people is put sidewalks in cul-de-sacs. So that was the reason for this. As often is the case in public hearings, you don't really get a good cross section of a population, just some specific people who may have been asked to make comment.

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, October 17, 1994 at 7:49 P.M.

Trustee Lowther stated she will have to take full responsibility for the prompting of the Mayor to go ahead and do the survey. The only comment she has on the survey is that it does give the residents a chance to interact and respond to something like this, she thinks that it is just slightly misleading in that she thinks that by the residents reading this they think they are going to be ordered to put sidewalks on existing streets. That is not true. This Board has no intention of doing that at anytime in the future. Her concern is that we are removing the ability from this Board in this municipality to order in sidewalks in every area of the Village of Williamsville. That creates concern for her when we reduce the responsibility that we have as elected officials.

Mayor Daniels stated may be what we should do is have a compromise to remove it from the politics that seems to be something we can't remove ourselves from and to put a clause in the code that in any instance, whether it is a cul-de-sac or not, the Village Board based on provable or in some way demonstrable safety considerations, it can order sidewalks in on any location.

Trustee Lowther stated we have that ability now.

Mayor Daniels stated we do but we have not removed cul-de-sacs from the requirement that they have to put in sidewalking. What he sees is not one piece of sidewalk in any of the cul-de-sacs in the Village and here is a person that just happens to be the last person to ever do anything in the Village as far as building on a cul-de-sac. He doesn't know where we would put another one. If Trustee Kaye can show him where it would go he would agree and we are all of a sudden requiring him to put in sidewalking when there isn't anywhere else. Mayor Daniels is pro-sidewalk where they are needed. He is against sidewalks where you are taking vegetation and trees just for the sake of a sidewalk where there is no safety consideration and he wants to make the code flexible enough to allow us the reasoned thinking that says yeah, you don't need sidewalking, that's ridiculous. Plant some nice trees there instead but no, the Village Code says it in black and white, hey if you build a new house, you have to have sidewalking. He doesn't think that is right. He thinks it should be based on the circumstance and there should be some flexibility. He still says that to order sidewalking in where it has never been ordered in and there are new homes out there built in the last few years that do not have them, is discriminatory.

Trustee Lowther stated she thinks the reason they are not there is because it was a Building Department responsibility that was let gone by. The reason this comes to us is because it comes under a Exceptional Development permit and that is why we are all involved in this process. On all these homes that were built on all these other cul-de-sacs, they were not Exceptional Development, they did not require the approval of the Board, there fore we were not personally allowed as we are in this particular instance.

Mayor Daniels stated as we have been made aware, we are the upholders of the Village Code and the buck truly does stop here. We are responsible with a liaison in the Building Department for the things that go on there. Trustee Lowther cannot defer and say that we have no control over the Building Department or cannot monitor their actions. It is not true.

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, October 17, 1994 at 7:49 P.M.

Trustee Lowther stated she is not saying we have to monitor everyone's actions. She agrees that we are ultimately responsible. In Boards previous to this particular Board, it did not seem to be an issue and she thinks it was because of some type of lax action between the Board and whoever was the liaison to the Building Department. She is not in agreement that there should ever be any new building done without a sidewalk. She feels very strong about it and also about the safety issue.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved to close the hearing at 8:53 P.M.

Unanimously carried.

Trustee Lowther asked when can we see this on the agenda to pass the law.

Mayor Daniels stated may be next meeting, he doesn't know. Would Trustee Lowther like it on soon?

Trustee Lowther asked if Mayor Daniels had a time frame in mind.

Mayor Daniels stated that won't be under him. It would probably be under Trustee Hillebrand.

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 the 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, October 17, 1994 at 7:40 P.M.

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

*Patrick Kelly, Village Attorney  
Theresa L. Cummins, Village Administrator, Clerk-Treasurer*

*Absent: David Laubisch, Superintendent of Public Works*

*Also Present: Sherry Brink, Recording Secretary*

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:43 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Hillebrand, the minutes of the regular meeting of the Board of Trustees held September 26, 1994 were approved.

Unanimously carried.

ON MOTION by Trustee Hillebrand, seconded by Trustee Piazza, it was moved to open a public hearing of the Board of Trustees regarding a proposed local law which would amend Section 25-4A(2) concerning fences on corner lots. (The public hearing closed at 7:48 p.m.)

Unanimously carried.

ON MOTION by Trustee Hillebrand, seconded by Trustee Kaye, it was moved to suspend the rules for more 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.

**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, October 17, 1994 at 7:40 P.M.**

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$119,970.05 covering 09/23/94 - 10/07/94 were approved:

Payroll fund w/e 10/01/94	\$19,929.80
General fund	55,370.26
Water fund	32,551.49
Sewer fund	
Glen Park	1,485.70
Trust & Agency fund	5,009.05
Capital	<u>5,623.48</u>
Grand Total	<u>\$119,970.05</u>

Large Vouchers:

Erie County Water	\$32,270.66
L.R. Frank & Assoc.	28,734.00

Unanimously carried.

Mayor Daniels stated this resolution that he is passing is in response to the NYCOM unfunded mandate week that we are approaching opposing any mandates from the State that they tell the Village that it needs to do certain things but don't show us how we are going to get the money or provide any funding. Although they have been giving us some relief from those, they have a long way to go and we need to send the message loud and clear again to Albany.

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

WHEREAS, unfunded state and federal mandates on local governments have increased significantly in recent years;

WHEREAS, excessive state and federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services for citizens and local taxpayers;

WHEREAS, mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare and safety of municipal citizens;

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, October 17, 1994 at 7:40 P.M.

WHEREAS, the cumulative impact of these legislative and regulatory actions directly affect the citizens of our community; and

WHEREAS, the National League of Cities, in conjunction with the New York State Conference of Mayors and other state and local government representatives, is continuing a national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates with National Unfunded Mandates Week, October 24-30, 1994;

NOW, THEREFORE, BE IT RESOLVED that the Village of Williamsville endorses the efforts of NYCOM and the National League of Cities to fully inform our citizens about the impact of state and federal mandates on our government and the pocketbooks of our citizens;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, the Governor of the State of New York, our Federal and State legislative representatives, and NYCOM; and

FINALLY, BE IT RESOLVED that the Village of Williamsville will redouble its efforts to get the members of our state and federal legislative delegations to roll back these state and federal mandates, thereby reducing their onerous impact on local taxes.

Unanimously carried.

Mayor Daniels stated we have been working with Robert J. Miller and Associates, who is our grant writer for the Village of Williamsville. In order to have help on projects within the Village, whether it be with our parks, recreation, youth, sewer projects, water projects, it nice to be able to try and get some grant money from the State, federal government or other sources in order to offset some of the tax burden on property taxes that we would normally have to levy locally. Therefore, we retained the firm of Robert J. Miller and Associates in Tonawanda a year ago to work with us. The grants have been very difficult to receive. There is not a lot out there. We received one grant for about \$2,500 for a matching tree planting program. We have many grants in progress that have the potential of over three million dollars if they would all be realized. We are not optimistic about that but we feel, as a Board, we need to continue to search out grants. As an offshoot to the grant writing process, Arvela Heider, the grant writer we have working specifically with the Village, put us in contact with a self-help group from the State which is going to see great amounts of money saved in our projects with the water and sewer that we are involved in now. Indirectly they have been instrumental in saving us some money when we went out to bid for water meters, which we will be researching and acting on within the next couple of weeks to a month. This would be an extension of that contract.

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

RESOLVED that Robert J. Miller and Associates, Tonawanda, New York is hereby appointed Grant Writer for the period October 15, 1994 - January 15, 1995 at a fee of \$3,000.00.

Unanimously carried.

Trustee Kaye reported the Youth Committee will be having their annual Halloween parade on Saturday, October 29th at 6:00 p.m. which will start on Main Street at North Ellicott and go to Saints Peter and Paul. She will have a resolution this evening designating Halloween to be on October 31st which is the official "Trick or Treat Night" in the Village which will be the same as the Town of Amherst.

Trustee Kaye stated as liaison she congratulated the Fire Department's extrication team who placed third world wide recently. She thinks that is tremendous. They were against 23 teams from around the world and did place third and used basically all hand tools to remove people who were stuck in cars to do that extrication.

Trustee Kaye reported the Fire Department held an Open House and had a very good attendance. They had between 150 and 200 people and that was a very good response to that as well.

Trustee Kaye reported the seniors will not be having their meeting on November 23rd. If anyone has some interest in what's been happening with the Evergreen, there are brochures up in front that give the schedules for the line dancing, exercising and many of the other activities that happen on a regular basis. They have crafts every Tuesday, which are a wonderful event. The Elderberry Press, which is the newsletter for the Town of Amherst and many of our Williamsville seniors participate in it, will be offering a "Coffee with the Candidates" that will take place on Thursday, October 27th at 9:00 a.m. at 30 North Union Road. There is no fee but they do ask that people make reservations by calling over there at 631-5595 to have coffee with the candidates. The last thing that they were talking about is that they did expect the present governor, Mario Cuomo, to be in attendance to that, so they felt that there would be many people coming.

Trustee Kaye reported the Williamsville Business and Professional Association will be sponsoring a fall Family Fun Day which will be Saturday, October 22nd from 12:00 p.m. to 4:00 p.m. and they will be having free trolley rides, cider and doughnuts, treasure bags and a whole list.

Trey Measer stated they could pick the map up if they didn't receive one in the mail at the information booth out in front of Town Hall which is the first stop of the trolley ride.

Trustee Kaye stated there will be 27 stops where anyone can either pick up gifts or have some kind of special entertainment for themselves or their family. Trustee Kaye thought it was also very nice that the Williamsville Water Mill this weekend also had hay rides.

**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, October 17, 1994 at 7:40 P.M.**

Trustee Kaye stated her first resolution is the appointment of a part-time clerk for the Fire Department and the Village. We have had this position filled in the past and the individual did resign and we are refilling that position.

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

RESOLVED that Jacquelyn Simmons, 445 Maple Road, is hereby appointed Clerk/P-T in the Fire Dept. and Village Court effective October 18, 1994 at the rate of \$5.25 per hour.

Unanimously carried.

Trustee Kaye stated her second resolution deals with the authorization of attendance to the Sixth Annual Recycling Conference to be held in Syracuse. Dave Laubisch, our DPW Superintendent, will be attending and will bring the recycling information back to use.

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

RESOLVED that David Laubisch, Supt. of Public Works, is hereby authorized to attend the Sixth Annual Recycling Conference in Syracuse, New York on November 1&2, 1994, and the cost not to exceed \$300.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

Unanimously carried.

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

RESOLVED that Monday, October 31, 1994 will be "Trick or Treat Night" in the Village of Williamsville.

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, October 17, 1994 at 7:40 P.M.

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

Unanimously carried.

Trustee Lowther reported that the Traffic and Safety Committee will be meeting this Thursday at 7:30 p.m. here in Village Hall.

Trustee Lowther stated she had the opportunity to meet with Mr. Mills and some of his students on Mr. Gordon's property this past Saturday. There were a number of students there and they began taking out layers of flooring on the second floor and they found a tin type up there that dates back to around 1860 or 1870. This new group of students has an enormous amount of enthusiasm and they were really a lot of fun to work with and be around. She hopes to see them on many subsequent weekends because she knows there is a lot to do there. As long as she is notified, she will be happy to come over and meet and do what we can to move along on this project that we are so involved in.

Trustee Piazza reported there is reseeding and improvement currently in Island Park. DPW individuals are working on getting the park ready for next year, this year. We are still kind of holding up on bathroom improvements, putting in the facilities for people with handicaps. We are still waiting for one more plumber and then we are going to look at our costs. The DPW is going to do some of the work and by us doing some of the work, we hope to substantially reduce our costs on that item.

Trustee Piazza reported we have the equipment in for the Long Street playground. We are still waiting for a response from the designers of the playground equipment. We looked at the specs and noticed that the depth of the posts is only 18" and we may need to have longer posts because 18" in this area means that everything will start tipping within a year or two the freeze/thaw combinations that we get. They have to get back to us on that or may be send us different posts.

Trustee Piazza reported he, Superintendent Laubisch, Jonathan Guillaume, who represented the Railroad Historical Society took a walk in the Lehigh area. As a result of that, Mr. Guillaume re-did the model of what will be at some point in the future. That is in the Board room if anyone wants to take a look at that model, it reflects fencing that will probably be put in at some place in time and the fairly accurate rendition of what the layout would look like at some point in the future.

Trustee Piazza reported the Government Advisory Board will have a meeting on October 26th, which is essentially a water meeting dealing with the New York State Self-Help representatives and members of the Erie County Water Authority and the Board to look at possible ways of addressing our water situation in the future.

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, October 17, 1994 at 7:40 P.M.

Trustee Piazza also reported the cable contract is now in the hands of the Village Attorney and after a very short time we hope to have that signed and after that we hope that they will send the Village some money which they owe the Village.

Trustee Piazza stated that water meter were discussed at the pre-meeting. We separated out the bid process. We originally sent out a request for bids for installation and equipment. We separated that out and that alone is going to reduce our costs by approximately \$29,000 which is a substantial savings. We are still not sure exactly what direction we are going to go on this. We need some more information. We had a sales representative here from the Schlumberger Company here tonight but no decisions on what direction we are going for that except that we still hope to have that accomplished in the near future.

Trustee Piazza reminded residents there is no more scheduled trash pickup until next spring. If a resident does have heavy trash, call the DPW between 9:00 a.m. and 1:00 p.m. for a specific individual heavy trash pickup.

Trustee Piazza stated that leaf pickup equipment has been totally refurbished. A lot of work went into that. He saw the equipment as it was being redone. Some of the technical improvements that were made, balancing of the impellar, etc., should lead to a little longer life on some of the new parts that were put in there. They are ready and probably some time this next week the leaf pickup process will start.

Trustee Piazza reported we are also planning for snow plowing. That equipment is also being refurbished because we know if the leaves drop, the snowflakes won't be far behind.

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

RESOLVED that Mayor Daniels is hereby authorized to sign a Tree Planting Grant (DEC #94-144) with the NY State Department of Environmental Conservation in the amount of \$2,580.00.

Unanimously carried.

Trustee Piazza stated his second resolution involves an engineering firm, Nussbaumer & Clarke, Inc. This goes back to something that has been a problem here in the Village. We have several overflow spots where potentially sanitary sewage could overflow into storm sewers. That has not happened for several years and yet the New York State Department of Environmental Conservation demands that we put together several reports and give certain information. To have that information done accurately we are hiring the engineering firm of Nussbaumer and Clarke to do this. Some of the things that they are going to do for us are things that we need to have done just for future water planning anyway. Updating the storm sewer map, profiles for the various elevations where everything is so that we know more specifically where there is a potential for overflow and they are going to revise the application itself and take care of that for us.

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, October 17, 1994 at 7:40 P.M.

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

RESOLVED that Nussbaumer & Clarke, Inc. Engineers are hereby appointed to provide General Engineering Services to satisfy the requirements of NYS Dept. of Environmental Conservation regarding a SPDES Permit Application at a cost of \$2,297.00 plus expenses, per their proposal of September 21, 1994.

Trustee Lowther asked if most of this information is available in the computer model we have that we purchased through Nussbaumer and Clarke of our water system.

Trustee Piazza stated not as he understands it.

Trustee Lowther asked like elevations and items like that aren't?

Administrator Cummins stated elevations of the sewer manholes.

Trustee Lowther stated she just wondered what we had in that water model that we paid thousands of dollars for that isn't included in this.

Trustee Kaye asked then this resolution will allow engineering firms to complete all the necessary paperwork that is required of the Board to resolve this issue?

Trustee Piazza stated that is correct.

Attorney Kelly stated it won't be repended in total. The State may ask 50 more questions.

Trustee Kaye stated this initial submission, if it is initial versus final, will answer all the questions that have been posed to us so far.

Unanimously carried.

Trustee Hillebrand reported there was a meeting of the Planning Committee and the largest discussion item was the new proposed deck at the Creekside restaurant and there was a sufficient number of questions that the matter was tabled until the next meeting which will be here on November 7th. It is a fairly controversial action by the Creekside Restaurant.

Trustee Hillebrand reported the Environmental Committee has received a copy of the final report which was sent from the Town of Amherst on the subject of mosquitoes. The committee members will be reviewing that report and processing a recommendation on that matter to the Board.

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, October 17, 1994 at 7:40 P.M.

Trustee Hillebrand stated his resolution deals with Mr. Daniel Chase, Chairman of the Zoning Board of Appeals. He is a man doing an excellent job in a very difficult role. The Zoning Board has some very tough decisions to make.

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

RESOLVED that Daniel Chase, Chairman of the Zoning Board of Appeals, is authorized to attend a training class for Zoning Board member at the Buffalo Marriott, on Monday, October 24, 1994 at a cost of \$79.00, to be paid by the Village of Williamsville.

Trustee Lowther asked who is sponsoring this.

Trustee Hillebrand stated it is sponsored by the Rhodes Real Estate Review, Jean Conti, Program Director as an extension to all Board of Appeal members in Western New York.

Trustee Lowther stated this is the first time she recalls sending our chairman of the Zoning Board of Appeals to a class, which she thinks is good because they are faced with more and more difficult issues and she is glad to see that.

Trustee Kaye asked if Trustee Hillebrand would convey to Chairman Chase if he would send for this Board and the other members of the Board of Appeals any important information from the session so it can be passed on to the other Boards and chairman.

Unanimously carried.

Administrator Cummins reported that the last of the letters have been sent out for delinquent taxes. There is about \$32,000 of taxes outstanding yet for this year. It is about 48 people and they have until November 16th to pay or it will be turned over to the County.

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

Unanimously carried.

Jim Tricoli, 4 Columbia Drive, stated recently there was an article in the Buffalo News that shared some findings done by our State Auditor. There are some points that he feels should be explained to the public so that indiscretions that appear to have occurred can be clearly explained and understood. After reviewing the Williamsville records dealing with the issue of the painting of the water tower, he found on September 14, 1992. Mrs. Schlifke asked how much it would cost to paint the water tower, the actual trees and Mayor Daniels stated on page 15 that Mr. Ciminelli gave the artist \$1,000 to paint the drawing on the water tower. Does Mayor Daniels remember the name of the artist?

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, October 17, 1994 at 7:40 P.M.

Mayor Daniels stated Dale Bosworth.

Mr. Tricoli asked if Mayor Daniels knew how Mr. Bosworth was paid this \$1,000 at that time. This was on September 14th.

Mayor Daniels stated the exact circumstances were that because of the great amount of graffiti on the water tower we were all in agreement that the water tower should be painted.

Mr. Tricoli stated what he asked was, he doesn't want to be here all night -

Mayor Daniels stated he cannot answer unless Mr. Tricoli allows him to -

Mr. Tricoli stated he is asking simply does Mayor Daniels know how Mr. Bosworth was paid.

Mayor Daniels stated yes and he is telling him.

Mr. Tricoli asked was he paid by cash? Mayor Daniels stated no. Mr. Tricoli asked was he paid by check at the time on September 14th.

Mayor Daniels stated if Mr. Tricoli is going to resort to this type of questioning he has the right to now answer because-

Mr. Tricoli stated on October 7th, 1992, approximately 3 weeks later, two vouchers were submitted to the Village Clerk, Mrs. Cummins. The vouchers were \$600.00 a piece. One was to Dale Bosworth, who was the artist for \$600.00 and the voucher said "for painting, water and art work". He put a voucher into our Village for \$600.00. Mr. Tricoli asked the Mayor if he remembered who authorized that payment to Mr. Bosworth?

Mayor Daniels stated he may have signed it.

Mr. Tricoli stated Mayor Daniels did.

Mayor Daniels asked Mr. Tricoli why is he asking him then? This was a while ago If Mr. Tricoli has better recollection than him-

Mr. Tricoli stated so now Mr. Bosworth received \$1,600 for his work, not \$1,000. The second voucher given at that time was made out to a Mr. Ronald W. Daniels for \$600.00. On that voucher it said "paint water tower". Mr. Tricoli asked Mayor Daniels what he meant by "paint water tower", why he got \$600.00 for paint water tower.

Mayor Daniels stated he painted the water tower.

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, October 17, 1994 at 7:40 P.M.

Mr. Tricoli stated so it is painting of the water tower, not the actual paint that Mayor Daniels bought.

Mayor Daniels stated he actually physically painted the water tower.

Mr. Tricoli asked the base of it or the entire water tower?

Mayor Daniels stated the entire tower.

Mr. Tricoli stated and Mayor Daniels was paid \$600.00. Can he ask Mayor Daniels who paid him this \$600.00.

Mayor Daniels stated that was an amount that was given by the Frank Ciminelli Corp.

Mr. Tricoli stated that Mr. Ciminelli paid Mayor Daniels for that work. On July 27th a memo was sent to the Village Board that stated there was \$450.00 left for painting the water tower, was put aside to paint the water tower. This was July 27th, before this all started.

Mayor Daniels stated there was paint in the budget to paint the lower part of the water tower.

Mr. Tricoli stated there was \$450.00. Does Mayor Daniels remember how much money he actually spent painting that water tower?

Mayor Daniels stated it had to be a lot more than that because we used about 40 gallons of paint.

Mr. Tricoli asked would Mayor Daniels say over \$1,000?

Mayor Daniels stated it might have been around \$800.00 or so. He is not sure.

Mr. Tricoli stated it was about \$950.00. Can he ask Mayor Daniels where he got that money from?

Mayor Daniels stated it came out of the General Fund.

Mr. Tricoli asked Mayor Daniels used the \$450.00 and then took it out of other funds?

Mayor Daniels stated correct. We often have-

Mr. Tricoli asked if Mayor Daniels often does that. It is a normal practice?

Mayor Daniels stated of course. Absolutely, that is why we have reconciliations of all of the funds within the budget.

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, October 17, 1994 at 7:40 P.M.

Mr. Tricoli stated Mayor Daniels is saying unequivocally that he did take \$600.00 from Mr. Ciminelli to paint this water tower.

Mayor Daniels stated no, it was a total of twelve.

Mr. Tricoli stated Mayor Daniels personally received a voucher and a check for \$600.00.

Mayor Daniels stated the check was made out to the Village of Williamsville for \$1,200.00.

Mr. Tricoli stated and Mayor Daniels got \$600.00 of that money from Mr. Ciminelli. Would Mayor Daniels say that is a direct-could that possibly be a crime?

Mayor Daniels stated you tell me.

Mr. Tricoli stated Mayor Daniels is receiving money. Is it a topic of interest then? Does Mayor Daniels think that anyone who does that should have dealings with this gentleman again considering that he is the Mayor and he received money from somebody. This is very uncomfortable dealing with somebody who received \$600.00 from-

Mayor Daniels asked what Mr. Tricoli is driving at.

Mr. Tricoli stated he is not driving at anything. Mayor Daniels said he did receive money from Mr. Ciminelli when he was Mayor for doing a job.

Mayor Daniels stated that is correct.

Mr. Tricoli asked Mayor Daniels if he asked the Board, at that time, for a resolution for Mayor Daniels to receive money to paint that water tower.

Mayor Daniels stated no.

Mr. Tricoli stated so Mayor Daniels did it again by himself.

Mayor Daniels stated that is correct.

Mr. Tricoli asked so there was no Board permission to paint the water tower. Mayor Daniels dipped into the Village funds.

Mayor Daniels stated there was no Village money involved other than the actual paint.

Mr. Tricoli asked if Mr. Ciminelli gave \$1,200 to the Village Fund, correct?

Mayor Daniels stated that is correct.

**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, October 17, 1994 at 7:40 P.M.**

Mr. Tricoli stated that Mayor Daniels took \$600.00 of the Village money and put it in his pocket.

Mayor Daniels stated that unless Mr. Tricoli is unwilling to have him state the correct way that this happened, he is no longer going to enter into this conversation. He is not required to. The water tower needed painting. There was a local artist, who is very good, he did the scoreboard for the movie, "The Natural", he designed the Village sweatshirt and he designed and painted the "Welcome to the Village" signs that are on Union Road and Aero Drive at Wehrle.

Mr. Tricoli asked if Mr. Bosworth was Mayor Daniels' neighbor.

Mayor Daniels stated he was his neighbor. He is also an art teacher at Amherst Middle School. Mayor Daniels approached Mr. Bosworth, although he knew this was almost a gratis request to help him paint the water tower which had every four letter word emblazoned on it and he has pictures of that and Trustee Kaye, living next to this tower, will verify that there was all kinds of graffiti on the tower. It was rusty, it looked terrible. Mayor Daniels approached Mr. Ciminelli who had interest in having that area look better because he is trying to sell lots with future homes to be built on that, to see if Mr. Ciminelli would fund this project, rather than having Village funds do it. Mr. Ciminelli asked Mayor Daniels how much he needed and Mayor Daniels asked Mr. Bosworth and in consultation with him he thought that the tower, figuring so many hours and so forth would be about \$1,200.00 if they both worked on it. So we spent a week, probably 80 hours total on scissor platforms, 24' up with 20' extension rollers. Mayor Daniels put on the base coat, which were shades of green, blue and gray as you go from the ground up to the sky and Mr. Bosworth painted an assortment of trees on it to make it appear as part of the landscape. In deciding how this could be paid out, Mayor Daniels decided that since this was a Village Beautification project, that if Mr. Ciminelli would give the money, \$1,200 to the Village and issue two vouchers for that amount back to Dale Bosworth and himself for the work rendered, that this would be the easiest way for himself tax liability wise since it would go through the payroll accounting and have taxes taken out. It also had a record of what he had done and what he had worked for the Village. There were no Village funds expended in this. If Mr. Tricoli tries to imply that there was some bilking of Village funds for this project, Mr. Tricoli should try to estimate the cost for painting the tower in any other way and Mayor Daniels can guarantee him it will cost 10 times that amount. It would have come out of Village coffers. If Mayor Daniels did anything wrong, he would have done it again. Believe me.

Mr. Tricoli asked him the question again, does Mayor Daniels think he committed a crime?

Mayor Daniels stated he is not a judge of that. He is not an attorney.

Does Mayor Daniels think the District Attorney would think he committed a crime.

Mayor Daniels stated he cannot comment on those questions.

Mr. Tricoli asked if an investigation started concerning what is happening in the Village with Mayor Daniels' administration, he would welcome it?

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, October 17, 1994 at 7:40 P.M.

Mayor Daniels stated he has no comment.

Mr. Tricoli asked Attorney Kelly, at the time that Mayor Daniels painted and received money from Mr. Ciminelli, he was on the Board, correct?

Attorney Kelly stated yes.

Mr. Tricoli asked if Attorney Kelly knew at all that Mayor Daniels was going to receive money.

Attorney Kelly stated apparently from talking to Administrator Cummins, we all approved it.

Mr. Tricoli stated Attorney Kelly is missing the question. Did he know before hand?

Attorney Kelly stated he is going to stop right now. He answers to the Board and not to Mr. Tricoli.

Mr. Tricoli stated that is a nice way to fool the public then. It is a simple question.

Mayor Daniels stated this is not a trial.

Mr. Tricoli asked there is anyone on this Board who was there at that time and know that Mayor Daniels was going to receive money before hand. Did Trustee Kaye know?

Trustee Kaye stated no, not prior.

Mayor Daniels stated it is not proper-

Mr. Tricoli stated the State Author didn't believe Mayor Daniels either.

Mayor Daniels asked if there was anyone else who wanted to address the Board that is not running for Mayor.

Mr. Tricoli stated he is not running for Mayor.

Mayor Daniels asked if Mr. Tricoli can be quoted.

Mr. Tricoli stated yes.

Carolyn Schlifke, 192 Evans Street, stated nobody sends her here to speak. When she comes, she comes because she wants to be here and what she says are her own thoughts. Ms. Schlifke brought up the Main Street reconstruction.

**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, October 17, 1994 at 7:40 P.M.**

For many years as businesses have changed in the Village, some driveways have been closed, the old Bell market, what used to be a gas station on North Ellicott and Main on both corners and each time that the property changed its type of business, past Traffic and Safety Boards saw fit to close the closest driveways to the corners because they are unsafe but they never were taken out. Now this would be an ideal opportunity with the reconstruction of Main Street to get rid of those old curb cuts, make your right of way more attractive and perhaps it could be done at no expense to the Village. So whoever is in contact with the State to do that particular work, perhaps that curbing could be continued in those areas. It always was a case of the Village would have been responsible for it and the Village never had the money. Curbing is expensive. Now, perhaps, it could be brought up to the State and these areas could be made more attractive. Those are two that she is aware of. There may be more.

Mayor Daniels stated that is part of their, especially where they are rebuilding the road, not just resurfacing, they are redoing the entire area of tree and grass islands. Some of the parts that are now black top will go back to being grassy areas. All the curbing will be brand new.

Ms. Schlifke stated they are only paving at Main and Union.

Mayor Daniels stated on the other side they are doing culvert work as well.

Ms. Schlifke stated it is worthwhile asking. To them it is a small expense for the thousands of dollars they are spending of our money to do this. Perhaps we could benefit.

Ms. Schlifke brought up Main Street trees. She asked Trustee Hillebrand if he was with the Environmental Committee and Trustee Hillebrand stated yes. Ms. Schlifke stated she spoke to her neighbor Chairman Frank Mischler and she doesn't know whether he brought it up to the Environmental Committee or not. Trees on Main Street have always sort of never fallen under any category. They are not Beautification, are they Environmental?

Mayor Daniels stated it is Beautification. We have been replacing along those.

Ms. Schlifke stated what she sees happening is many trees that are planted last two years and die. Then we replant them. It's either the fact that the preparation is incorrect, they are planting them on a rock which is down two feet and they are not aware of it or the species is incorrect. She noticed that across the street here at Hunt the two original trees died. Somebody put two trees in there and one of them looks like a flowering crab which she doesn't think is a proper species for Main Street. It won't reach a height that will match the other trees that are there. She thinks that not only should the Village be planting trees but the Village should be having some kind of a program where once they are planted either in working in conjunction with the Business Association see to it that they receive a lot of water the first year. What happens is the trees are put in, they are not watered and we get a very hot summer. They last another year and by that time all the nutrients are gone and there are very few nutrients on Main Street because they are completely surrounded by blacktop.

**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, October 17, 1994 at 7:40 P.M.**

Also, quite a few years back, when she was on the Board and she planted quite a few trees on Main Street, one year she took the tree money and instead of planting trees, she had a nursery come in and inject fertilizer into the Main Street trees and it was amazing what it did for them. She thinks that sometimes instead of just putting in trees and having them last a year or two and they die, perhaps some of these things should be looked into so that the trees will mature. It seems like the trees that have been planted in the last 10 years, they are there for a year or two and then they are gone. Perhaps Beautification or Environmental could look into what is happening with the trees. They also say if the leaves fall from the trees in August, you can be sure that tree is going to be dead next year. There are about six of them on Main Street that aren't going to make it because the leaves were already falling off in August. She thinks instead of spending good money after bad, it's better to be a little wiser as to how the money is spent seeing the Board is going to be spending money for trees.

Mayor Daniels stated that Rich Sweeney is our Tree Warden now and Mayor Daniels has asked him to look into that. Mayor Daniels commented that the trees on Main Street have an even harder time surviving now than they did before the brick pavers were put in. He personally planted many trees and he knows what is underneath there and there is no dirt. At one point he asked the DPW to add dirt to each hole before they were planted. Unfortunately, no matter how much dirt you put in there, there is a limit to how far that tree is going to grow before it dies. There is absolutely no way other than a containerized tree that any of those are going to survive. They say in Binghamton, in his research, has a watering system built in with a pipe going down. City trees on streets like Main Street are subject to drowning in the spring because all the water goes into that small hole and then into being parched when it doesn't rain because the area within that hole is so small and then to the reflected radiation from all of the sidewalks and blacktop, then the pollution of the vehicles and the salt in the winter. The combination is very difficult for any tree to survive. We always plant the most salt resistant, most compaction resistant trees that we can find, the Lindens and the Locusts and even then they have a very difficult time surviving and they often, as is the case with the London Plain Sycamores opposite 5500 Main Street, just look god awful. The problem is not so much the fertilization, not so much the water as the fact that there is nothing underneath that surface that is going to support growth and the only solution would be a lot of excavation or else containerized trees. The reason Mayor Daniels tried the smaller tree, the Crab, was because it requires less soil in order to survive. Trees don't get that big anyway and he thought that possibly smaller varieties would do better. In some communities they do that on purpose.

Ms. Schlifke stated the Village would be better off with less trees.

Mayor Daniels stated there are several that we have not replaced after they have died three times in a row. A good example is Cayuga and Main next to the bank. He planted that tree twice and he knows the one before it died but we are not going to put another tree in there because Main Street has all of those sewer lines, the power lines, the phone wires under there. It has all kinds of gravel and pollution. They are next to a storm sewer that is collecting all of this and it kills the trees.

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, October 17, 1994 at 7:40 P.M.

He is not sure that a tree would ever survive there other than is some kind of containerized, fertilized container and the problem is that it takes a lot of attention, more than a normal volunteer type person who is willing to donate only because there are hundreds of trees between Union and Hirschfield. It is a major undertaking. Ms. Schlifke may be right. Fewer trees may be the answer to that as well. We are aware of it. It is very frustrating. Now when they go to repave, they use this process which sends up to much heat that it sears all the leaves off the trees so we are hesitant to do any tree planting on Main Street for the next couple of years because between the repaving of next year and then the widening, it's all going to be disturbed area anyway. There is a dead tree in front of Highland and Main at the dentist's office. He thinks it is a Chestnut. We will probably pull that and not replace it until after this project is over so that we can see what we are dealing with.

Trustee Kaye asked Mayor Daniels if New York State Department of Transportation will replace and put in trees on Main Street.

Mayor Daniels stated yes, if they move any live ones. There are very few in the Village area that will be subject to that because they are not going to be widening the road within the Village limits.

Trustee Kaye stated she meant in the paving portion, when they just pave, not from Evans to Youngs but just the paving portion, are they going to put trees in as well?

Mayor Daniels stated he doesn't believe they are going to touch the trees when they just resurface. They are not involved in anything but the actual curb to curb.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved adjourn the meeting at 9:39 P.M.

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 the grammar. The only corrections have been made for spelling.)