

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 24, 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
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 Piazza, the minutes of the regular meeting of the Board of Trustees held October 17, 1994 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, it was moved to approved the minutes of the public hearing of the Board of Trustees on the proposed local law to amend Sections 89-2A and 89-4A of the Street and Sidewalk code regarding Cul-de-sacs - August 22, 1994; September 12, 1994; September 26, 1994; and October 17, 1994.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved to approved the minutes of the public hearing of the Board of Trustees on the proposed local law to amend Section 25-4A (2) of the Fence Code held October 17, 1994.

Unanimously carried.

Mayor Daniels reported that there was a very successful Williamsville Business Association Day on Saturday that was billed as a family day with discounts at all the stores, free cider and doughnuts. Many of the Trustees and himself had the opportunity to pour cider and greet the people. There had to be 2,000 people come through the Village. They went through about 35 gallons of cider alone and at least a couple thousand doughnuts because there was about a dozen boxes of about 200 a piece and they were all gone by about 3:30 p.m. It was a very good turn out and a beautiful day. It made the Village very special.

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He thinks the people were all smiles and were enjoying the day strolling through the streets visiting all the shops which seem to be becoming very arts and crafts oriented and picturesque. It's really becoming an attraction to stop and stroll the streets of Williamsville. Mayor Daniels congratulated them. He knows that they are going to be changing officers very soon and he has enjoyed working with Janet Lester, the President. He looks forward to working with the new one this coming year.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$531,386.48 covering 10/08/94 - 10/21/94 were approved:

Payroll fund w/e 10/15/94	\$25,080.41
General fund	39,081.41
Water fund	622.72
Sewer fund	449,426.72
Glen Park	1,441.64
Trust & Agency fund	8,231.58
Capital	7,328.00
Risk Retention	<u>174.00</u>
Grand Total	<u>\$531,386.48</u>
Large Vouchers:	
Town of Amherst	\$449,090.00
American Ref-fuel of Niagara	8,928.09

Unanimously carried.

Trustee Lowther reported she was also at the merchants gathering this past weekend on Saturday and it was really a pleasure to see the number of people who turned out and patronized Village stores. Many of them, in conversations that she had, had said that they had never been into many of these stores. It was a great way for people to be introduced to what we have to offer here in the Village. It was really a positive event for them to have. She was really pleased to participate in it.

Trustee Lowther reported the Traffic and Safety Committee met last Thursday. There were a number of items on their agenda and unfortunately, she was unable to attend so we will have to meet with the chairman and go over some of the results before she can report on that.

Trustee Lowther reported we will be having a discussion on our water system in conjunction with the Wednesday evening Local Government Advisory meeting this week. If anyone in the public is interested, they are welcome to be there.

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At this point we are looking at many different options with our Water Department and many concerns that have been raised and a lot of new directions to take in the future with our water system so it is going to be a very informative meeting. It begins at 6:00 p.m.

Trustee Lowther reported the Glen Park Joint Board will be meeting on Tuesday, November 1st in Town Hall at 7:30 p.m. Based on some information that came out of the Traffic and Safety meeting on Thursday and some discussion with one of the residents of the Village tonight, at the next meeting she will be calling for a public hearing on parking restrictions for South Ellicott and we will see how we can go along with that.

Trustee Lowther reported she had some discussion with some residents this evening about the College Park project, which while it is not in the Village of Williamsville, it borders on the Village boundaries at Youngs Road. It runs between Youngs Road and Hirschfield Drive near Wehrle. She had requested a copy of the Environmental Impact Statement from Supervisor Ahern and one was finally sent to the Mayor on October 13th which tells us what the project is about. She has two days to review this information and pass it along to the next Trustee who would like to read it so we are going to be working on this. The Board, at this point, appears to be amenable to sitting down and either directing a letter, a memo or a resolution at or before our next meeting. A letter would be before our next meeting. Probably before our next meeting we would have something. The letter we received from the Town of Amherst says that the Town has not scheduled a public hearing to date and there may be some discussion about that later on this evening. To her knowledge they haven't set a public hearing date. It's just been reviewed by the Planning Department over there and had a public hearing through the Planning Department. There is lots of information here. Our residents have concerns about drainage problems, they have concerns about traffic. These are things we will be looking into just so the public is aware that we are doing this.

Trustee Piazza reported the Parks Committee did meet this past Wednesday and after a brief discussion, the committee unanimously decided to pay an installation company to install the equipment that we had bought for the South Long Street playground area. We had looked at the possibility of having just a consultant while we did volunteer work but the concern was handling some fairly heavy items of equipment. There is a potential there for injury and putting the Village at liability risk. The Parks Committee had raised the money this past summer so they decided to use that money to move the project along which means that the company is actually going to start this Wednesday putting the equipment up. We are hoping that by the end of this week, the equipment will be up and in place. The we will be asking the DPW to put the wood chips in place and that would do it for that. We are hoping that this project will reach its completion by the end of this week, certainly no later than the middle of next week.

Trustee Piazza reported we received some communication from the Youth Committee and we concur with them on their use of Island Park again this year for their bonfire which he thinks has always been a very nice time for everybody.

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Trustee Piazza reported the cable contract keeps moving along. The Village Attorney had seen a couple of things that he thought still needed clarification. Right now it is in the Village Administrator's hands and she will be following up this week. We hope to bring that to its conclusion finally by the end of this week unless some new glitch happens and we don't expect that to happen.

Trustee Piazza reported that Superintendent Laubisch just came back from a one-week class at West Point. Mr. Laubisch issued a report to the Board today. Trustee Piazza stated he is glad Mr. Laubisch had many interesting subjects to cover there.

Trustee Hillebrand stated he had no report.

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

RESOLVED that Local Law #6-1994 amending Section 25-4A(2) of the Village of Williamsville Fence Code concerning fences on corner lots, which was the subject of a public hearing on October 17, 1994 is hereby adopted.

Unanimously carried.

Trustee Kaye asked when will we see the sidewalk cul-de-sac resolution.

Trustee Hillebrand stated we deferred that for a week per our attorney's recommendation.

Trustee Kaye asked if there has been a determination made in terms of what the turning radius of a cul-de-sac would be at?

Mayor Daniels stated one of the reasons for our work session afterwards would be to discuss all these issues.

Trustee Kaye stated she didn't see that on the agenda.

Mayor Daniels stated it is the work session topic. Apparently, the legislation has to be in everyone's hands for seven days before we can move it and it is not in final form yet so he wanted to use the work session to refine that and see what we could come up with as a final form.

Trustee Kaye reminded everyone that Halloween officially is Monday, October 31st, the official "Trick or Treat Night" in the Village of Williamsville; however, on this coming Saturday evening at 6:00 p.m. the regular Halloween Parade will be on Main Street.

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It begins at North Ellicott and goes down to Saints Peter and Paul which the Village of Williamsville Youth and Recreation Committee sponsors every year and they will have their regular scheduled party there which will be at Saints Peter and Paul. If anyone knows any small children, they can suggest that they come in costume and it will be a great deal of fun as it always has been from year to year.

Trustee Kaye stated there has been some discussion about a parcel of property on Main Street which is 5435 Main Street, which she refers to as the Ice House. A while ago she reported the fact that it has been slated for demolition in whole or in part because of some structural damage to the rear portion of the building. At our last meeting a week ago, she asked the Board to wait an additional week in issuing or following through on it so that she might have some conversation with the Amherst Museum and the possibility of preserving that building and moving it to the Amherst Museum as part of their collection of buildings. She did meet Lynn Beman, the Director of the Amherst Museum on Saturday, Andrea Reback, who is a Historic Preservation Architect working on other structures at the museum, Jerry Stotter, their museum chairman and two other individuals and they were at first very excited about the possibility of moving it but later upon inspection found that they felt that it would be very difficult and financially out of range to move the building. They have asked the Board, if the building does come down, if they could rescue bricks from it, the original hardware and all the other pieces of structure so they could reconstruct it on the museum site. They were looking for some monies to do a historic structure report that would document the building with photos and measuring it so they could adequately reconstruct it. Her understanding is that tomorrow Mayor Daniels will be having a meeting with the owner of that property to see what might happen with that structure. She asked Mayor Daniels that when he has his Historic Preservation meeting, she read in the minutes that Wes Stone was going to bringing some maps from the 1800's and 1910, if he could look on there and see if that building is actually on there because there has been quite a bit of question as to when that building was constructed and does it meet some criteria for some preservation leniency in the American Disabilities Act requirements. That might be really helpful. Many people she has known have loved the building and we certainly don't want it to be a hazard to the community; however, it would be wonderful if we could preserve it on the location. Her personal feeling is if we can't rescue it on the location, then it would be better to have it in some other part of the area so people could appreciate it for years to come and how important the ice industry was at that time period.

Trustee Kaye reported we had our first case of rabies in the Village of Williamsville with a rabid raccoon. Her understanding is that there is probably a second but she has not had that confirmed from the Health Department yet.

Mayor Daniels stated there was a second killed in his yard.

Trustee Kaye asked if it was rabid.

Mayor Daniels stated yes. The officer shot it and took it away. It was on its last legs of being alive by the time it was holed up.

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Trustee Kaye asked if the Health Department confirmed that it was rabid.

Mayor Daniels stated that is his understanding.

Trustee Kaye stated she heard there is one on Belmont.

Mayor Daniels stated there are probably dozens of animals now.

Trustee Kaye stated we need to be very careful in terms of the rabies prevention program. There is a family that is receiving rabies shots because they did not realize that you should not touch your animal for two hours after it has been in a tangle with a rabid animal. That saliva can transmit rabies. There is a pamphlet available through the Erie County Department of Health which is Rabies Prevention Program. It has some important numbers on there and it basically talks about not touching the animal or getting near it and to call the appropriate individuals. Trustee Kaye asked Administrator Cummins to call so we could get a supply of these pamphlets in case people request it since we now have some documented cases in the Village.

Trustee Kaye stated she talked earlier to Trustee Lowther about the Draft Environmental Impact Statement for College Park. She spoke to Virginia Ziebart, Planner in Planning Office, today and Trustee Kaye concurs that we need to make comments on it and help influence the Town to make sure there are proper drainage and traffic mitigation measures that happen. Trustee Kaye did not realize that we had this document here.

Trustee Kaye asked Trustee Lowther at the next Traffic and Safety Committee meeting if she could have on the agenda discussion about looking at the Wehrle/Garrison area about some possibility of pedestrian lines being put on there and letting pedestrians or cars know where people might be crossing the street. She realizes that might not be technically in the Village but maybe if we could work with the Town, she has received some calls on that as well.

Trustee Lowther stated unfortunately that intersection is Town controlled and County controlled as well.

Mayor Daniels stated it should all be County because Wehrle and Garrison are County roads.

Trustee Lowther asked don't we own up to Lehn Springs?

Mayor Daniels stated no. He doesn't believe we can put lines on the road, he thinks the County has to do that.

Trustee Lowther stated maybe Trustee Lowther could have some conversation and then work with the appropriate municipality to see if that warrants it.

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Trustee Kaye gave a special get well wish to Evor Williams, who has been for many years our Fire Prevention Officer, who recently retired from the job and is in the hospital at Millard Fillmore Suburban. Her understanding is that it was a possible heart attack so we wish him get well wishes. He has worked hard for the Village for many years.

Superintendent of Public Works, David Laubisch, reported that on November 1st the winter parking ban will be in effect through April 1st and there will be no on street parking during the winter months between the hours of 1:00 a.m. and 7:00 a.m. This is due to the fact that when there are cars left in the street it makes it very difficult for the snowplows to go up and down and perform their duties. He knows last year the police were very cooperative in ticketing any vehicles that were parked on the road during this time frame.

Mr. Laubisch reported that we have begun leaf pickup for this season. We have gone through all the streets in the Village once already and we are on our second trip through. Every year the DPW tells residents that they are to pile the leaves at the edge of the pavement and not at the edge of the road. Some of the leaf piles are very large and cars are forced to swerve around when the piles are in the street and every year we request that residents refrain from putting anything other than leaves in the leaf pile. We have revamped our leaf machines with rubber suction hoses which makes it much easier to work with. We can drive right up to a pile and just pick it up. When there is debris, such as we encountered this afternoon, other than leaves in the pile, it can ruin the leaf machine. We have spent probably \$2,500 to \$3,000 revamping the leaf machines early this fall, early August and September. We encountered a piece of log in a leaf pile today that was approximately 4-5" in diameter and approximately 1' long. This got up into the leaf impeller housing and fortunately didn't do any damage. It could have ruined an impeller and an impeller for a leaf machine is about \$847.00. The residents should take note that the only material that is in the leaf pile is the leaves themselves.

Mr. Laubisch stated that October 15th ended the regularly scheduled trash pickup throughout the Village. The DPW has been getting calls concerning this. There is literature that was mailed out by the Village Administrator's office to all the residents in the Village on this subject. He believes the trash schedule was also included in there and garbage pickup schedule, etc. There is no more regularly scheduled trash pickup. Our forces are busy at this time of year picking leaves up and the biggest factor at this time of the year is that we have approximately four weeks of good weather to get the leaves off the streets.

Trustee Kaye asked Mr. Laubisch if a resident has some heavy trash, do they need to call the DPW and set up an appointment.

Mr. Laubisch stated there are no appointments at this time of the year. If we go by last year's barometer, as far as leaves go, we could look at the first or second week in December of possibly picking up trash pick ups, solely dependent on the weather this time of the year.

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If we run into any severe snow storms the early part of November, the leaf season is going to prolong the whole process. That is why we schedule trash pick up until October 15th because then our work schedule is dictated by the weather through November and the rest of the winter months.

Mr. Laubisch reported we had two pieces of equipment that were declared surplus in this year's budget. One was a 1984 GMC truck and one was a 1987 truck. This was keeping with the Vehicle Equipment Replacement Schedule we were asked to put forth. Normally we would advertise in the Amherst Bee when we declare certain pieces of equipment surplus and we decided to try a different method. Roy Titsworth Auctioneers from Groveland, New York, near Geneseo, has a municipal auction in Erie County in the first week in October every year. This year there were over 600 registered buyers. These are commercial buyers from Canada, Pennsylvania, Ohio, Connecticut and New York State present at this auction. The two pieces of equipment that we took out there generated \$5,175 from the sale of those two pieces of equipment. He feels this is about \$1,500 to \$1,800.00 higher than what we would have experienced if we had tried to sell them ourselves. We did receive in excess of \$1,500 based on past experience more than what we would have gotten if we had tried to sell these pieces locally here. That price is minus the commission so that is the check that was returned to the Village from the auctioneer. He was very happy with the results of that and we will continue to use these people in the future. They have this auction once a year. This is fourth time it has been held in Erie County and the first time that we have used it and we will probably use it again.

Mr. Laubisch reported on the Public Works School that was held in West Point, New York. It was sponsored by the New York State Conference of Mayors and was held from October 17th to October 20th in West Point, New York at the Academy. There were 12 classes listed here. One of the highlights that he feels was covered was trenchless technology. That is the technology involved today of repairing pipes in the ground as they exist with either slip lining, insole forming new walls in the pipe and other methods that are becoming readily available; 2. Above ground storage tanks. He knows that gas tanks were buried in the ground for years and originally they were stored above ground and that changed putting them underground and now they are moving them back above ground because they present less of an environmental hazard. They have containment lakes that come built into the tanks today; 3. Trees and Urban Planting. This was put on by Cornell University Local Roads Program. This session covered basic conflicts between streets, sidewalks, tree plantings specifically in the urban environment. Those are just a few of many of the courses that were offered. He feels it was well worth his while attending.

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Mayor Daniels noticed that Richard Sweeney, our Tree Warden is here as well. Is there any information on the Main Street planting? We have such trouble with the trees and their survival rates and the way they look on Main Street. Did they give Mr. Laubisch any clues on how to have a better survival rate.

Mr. Laubisch stated they have a handout that lists trees that are specifically suited to environments where there is salt along side of the road. That is spelled out in some length in the program handout.

Mayor Daniels stated may be Mr. Sweeney could get a copy of that. The manual that we have does list each tree and the resistance to soil compaction, salt and things like that. Mayor Daniels was also interested in techniques on how to keep them fed and watered given the problems that they have with very little soil. A lot of sun, reflected heat that could help them.

Mayor Daniels asked Mr. Sweeney how the planting program went.

Richard Sweeney, 325 Mill Street, Village Tree Warden, stated he is preparing a list. There seems to be more additions each week as people rake leaves and start getting out looking at the condition of their trees. Right now he only has 18 trees that he is proposing to order and plant this fall, subject to some change.

Mayor Daniels stated that is fine as long as we do have about \$4,000 including the grant money, close to \$5,000 if it is a matching grant. We can look forward to a larger planting in the spring. Maybe we can choose an area and do some more. We might even want to look into putting some of that money into fertilization programs or something like that to help the Main Street trees we already have. He will get together with Mr. Sweeney to look the list over and then we can move on it.

Mr. Sweeney stated he does expect to turn it in this week.

Trustee Kaye asked if the 18 trees, that Mr. Sweeney mentioned, include the ones behind Marine Midland Bank.

Mr. Sweeney stated no. Like any small activity, it winds up being a little more complicated. He still needs to test for the depth of the soil and the nursery that he talked to will not supply fruit trees for fall planting and he was looking for either Bradford or Calavary Pears or some other ornamentals. The nursery that he is dealing with doesn't want to install in the fall. They do better as a spring planting. That is as far as he went with Rock Street.

Administrator Cummins stated she had no report tonight.

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

Unanimously carried.

Wally Pacer, 87 Monroe, stated he is here tonight to address the Board as President of the Williamsville Southeast Homeowner's Association. He is glad to see the Board has finally received a copy of the DEIS on College Park. He is dismayed to hear that it came to the Village on October 13th and apparently the Village hasn't had any opportunity to do much of substance with respect to it. He is dismayed because he thinks that the development going on at College Park, as well as the future development proposed north of Main Street, is going to more seriously effect, in terms of traffic, the Village and this area. He heard it last fall with the campaigns of various candidates for Town Council. It certainly was an issue last year in Village elections. Everybody agrees traffic is a problem; however, when you do have the opportunity to peruse and he uses the term peruse loosely, he trusts that the Board will dig in with some energy into that DEIS. The Board will find that there is nothing in there to indicate what the developer will do by way of mitigation. The developer has sloughed it off on the County of Erie. The County of Erie, as recently as a couple of weeks ago, indicated in an August 4th letter to the Town Planning Department that they did not want to be cited. The DEIS wanted all illusions to the County doing anything by way of mitigation taken out of the draft DEIS. They reaffirmed that position with a letter to Jennifer Lorenzini dated September 20th. Mr. Pacer read a portion of the letter: "As your previous comments point out, a significant increase in traffic volume can be attributed to the College Park Development. As such the developer must be willing to contribute to traffic mitigation measures at this location. The outcome of this debate could influence the County's position on the rezoning request". There is, and he has been at meetings with the developer, the developer has said a resounding "no" to any plans for traffic mitigation. Time and again, he is saying this all in his capacity as president of the Homeowner's Association. We try to meet with the homeowner to do what he thinks is the Town of Amherst's work, to exact better promises, concessions from the developer for mitigation measures that would lighten the load in terms of traffic on Village streets, Town streets, County streets within the Village. We know the County will do nothing. The State is going to widen Main Street but the County does not appear to be ready, willing and able to do anything for the next five years, at the earliest. Build out is planned for a maximum of 10 years in College Park and as one of the members of the Planning Department noted could occur at anytime within that 10 year period leaving the Village without any solutions to the problem except vague suggestions by the developer that the County would indeed do its part. We now know the County won't. He has said all that because he thinks it is important and it is a non-partisan issue that this Board get together and do something loudly, constructively to impress the Town. He thinks over the years the Village has been the poor step child of the Town. We are going to get trampled on once again.

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He sees it coming down the pike that nothing will happen, that this developer along with other developers on the north side of Main Street will come in, will put up the office buildings, and we will have more and more traffic, we will have the same vague illusions to the County doing something and the County telling the Town that it is going to do nothing and the Town responding with "okay, more office zoning is quite fine with us". He thinks if the Village acts as one and at least demands that the developer does something, gets involved in negotiations and demands that the Town do something with one voice, approximately 5,000 residents that the Board represents, perhaps something can be done. Perhaps the Village will be heard. He wants to caution the Board that urgency is required. This appears to have been on a fast track pace by the Town. He wants to give some history of what has happened over the course of basically one month's time. On Friday, September 16th this DEIS was delivered to the Town. It was put on the agenda for Monday night, three days hence and was accepted at that time. He would stake his life on it that probably none of the councilmen read the bloody thing over the weekend. That was in contravention of their own internal working rules. They say that you are supposed to have it by Thursday on the agenda prior to the Monday meeting, you are supposed to have on the agenda anything that you want to consider. Considering the length and breath of this substantive document which has been in the works for two years, you would have thought they would have given more than 72 hours of consideration. In any event, they did that, it was accepted by a 6 to 1 vote Monday night and the very next Planning Board meeting, this item was on the agenda. Again, in contravention of their own resolutions, the Town does not even notify a residence, some of which are residents of our Village, does not notify any residents within 500' of the affected area. One of our Village residents ended up taking around Town notifications the day before. As a consequence, he doesn't think many people were aware that, indeed, there was meeting last Thursday night at which a rezoning was passed, MFR5 was changed to OB in one 45 minute swoop. He was again dismayed to see that no one from the Village Board was at that meeting. There is at least one more opportunity and that is a hearing that will be before the Town Board but given the fast track nature of what has occurred to date, he wouldn't be surprised to see that meeting come up within four weeks. Thus, there is a real sense of urgency. He thinks it is a non-partisan issue and requires a resounding request for something substantive from this Village Board. He might even add that he did note that Trustee Lowther has kept atop of this and asked that acceptance of the DEIS be held and not immediately voted upon as it was within 72 hours. The Village was ignored in that request. He has made a similar request to Supervisor Ahern. Our organization was ignored on that. Mr. Pacer had then asked that last Thursday night's meeting be held because there wasn't proper notification given to people within the 500' radius. That was ignored. He had also asked that the hearing be adjourned for other reasons which he thought were more procedurally oriented. But certainly give the courtesy to Village residents and others within the 500' radius of proper notification. That was ignored. Given all that, he would expect at the next hearing the Board is going to see the Town, if there isn't something substantive done, vote as did the Planning Board the other night. He asks the Village Board ask the Village Attorney to see if we have any rights as a municipality to demand more legally than what we have been given to date which is a DEIS, the 20 or 30 days after Mr. Pacer got a copy of it which was seven days after it was passed. That is some of the procedure. He thinks the issue is extremely important to Village residents. It deserves the Board's utmost consideration and its soon consideration.

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Trustee Piazza stated we did discuss this at our pre-meeting and it is our intention to react as a Board. That is why we are each going to take turns reading the DEIS before we respond as a Board, just so the Homeowner's group knows that. Trustee Piazza asked what kinds of things can developers be asked to do or forced to do to mitigate traffic problems? Have they been asked to do things like contribute toward road development?

Attorney Kelly stated they can be asked a number of things, nothing by the Village unfortunately.

Trustee Piazza asked in general, what kind of things are normally asked of developers, if not by the Village, even by the Town because we are also members of the Town.

Attorney Kelly stated thousands of questions are asked. They don't always have to go through with them. They do know that some things should be negotiated in so that they are looked at more favorably than others. He took some notes from what Mr. Pacer said and he will do some research to see if we have any voice. Off the top of his head, he doesn't think so. Normally when there is a development near an adjoining municipality, they have to refer to the County and the County gets involved. He will check and see if the Village has any rights at all. He will have that to Trustee Piazza as soon as possible.

Trustee Lowther stated usually the most common item that a developer is asked to install would be a signal. Occasionally it is road improvement, usually it is signalization because that is an item that is apparently concrete. When the Ciminelli Development went in behind the Village border, that was one of the things that was required, that money was set aside for the signal at Essjay and Evans. She thinks at that time about \$80,000 was appropriated and held for that purpose. That is how that signal is going to be paid for when it is installed which will be very shortly from her understanding.

Mr. Pacer stated he believes, as he is sure Attorney Kelly does, that legally he doesn't know if we have any rights.

Trustee Piazza stated he understands that but he is just asking as a general piece of information.

Mr. Pacer stated say to be notified and perhaps comment. He thinks we have to comment and he will put whatever resources the Homeowners Association has, he would be willing to talk with any members of the Board as to history, as to what the Association has been doing, what it considers to be some of the problems because he thinks it is a non-partisan issue deserving of your and we have been giving it our utmost attention but he thinks it is time for the Village to get involved.

Trustee Kaye asked Mr. Pacer that he had said earlier that from the Southeast Homeowner's Association, he was talking about what kind of mitigation measures they could implement and she wonders what Mr. Pacer sees those as being.

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Mr. Pacer stated he proffered in the past, everything from a transportation development district and he is not suggesting that that is apropos. He suggested it as a starting point for consideration. It certainly appeared when he went before the Planning Board in December when Ingram Micro was looking to add on, when Spindrift and Windsong were looking for approval of their plans. Mr. Pacer suggested to the Planning Board and to the powers that be at that time, why not look into it because they had a number of developers making requests. By allowing piecemeal okays, he can see the other developers saying why put it on me. He doesn't find that to be an illegitimate rebuttal. He does see that the Town has done nothing. The bottom line is, he thinks taxpayer wise, we are going to pay in the future, whether the Board talks about it terms of County, Town, or Village. He hasn't talked about the inconveniences to people living in the area, traffic being diverted onto various streets which are sloughed off in a rather arrogant nature by Mr. Smith and his report. At one point Mr. Smith says in a rather arrogant fashion, he just sloughs off certain criticisms made by people living on the Columbia, Highland, Hirschfield area as fabrications, in essence. They are Villagers and Mr. Pacer takes offense to that and he doesn't like it.

Trustee Lowther stated we did have a long discussion about this in the work session and we all felt that comments coming from us, as a Board together, would certainly have more impact than individual comments. We have tried the individual approach at other times with Town things and it hasn't had a whole lot of impact and we felt perhaps as a Board together with some sort of structured, either letter or resolution, it might be a little more powerful to the Town and also show that we have a certain solidarity here that is really important that is overriding in this issue.

Mr. Pacer stated he thinks there are other things that have to be considered, the inconvenience of the traffic is certainly a primary one and there are other inconveniences, some which are substantive and he thinks drainage is another one and he suspects other individuals can speak to it but drainage is a substantive issue that affects most immediately some of the homeowners on Hirschfield.

Trustee Lowther stated the two that she is aware of are the drainage issue and the traffic issue. If there are other ones that Mr. Pacer feels as a Homeowners Organization living in that neighborhood that he feels the Board should be addressing, she hopes that he would share that information with the Board so that it can include those in their comments.

Mr. Pacer stated he is certainly willing to do that and share and assist the Board in whatever manner in working this out and working out some response.

Trustee Kaye stated she understood from Virginia Ziebart today that we should pay particular attention to Appendix C and D and that in the Town Planning Board passing this, that they passed it on the condition that the Chairman's signature would not go on until they had a response from a letter that they sent to Jim Smith, the Traffic Consultant regarding some concerns and providing some information to the Town and County regarding traffic. Ms. Ziebart also commented to Trustee Kaye that the reason they chose to pass it on that condition is so that they wouldn't have to wait a full month to move it along. Trustee Kaye agrees that it is moving quite quickly.

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Mr. Pacer stated that Tony Renaldo, the attorney for the developer, said that this has been in the works for two years. If you look at the dates on the DEIS, the dates when most of this was done, 90% of it-he thinks in March 1994 and April 1994 the traffic studies had been commented on rather substantively. For the developer to have it put before the Town Board as quickly as it was, to have it accepted when in essence it has been in the works for two years and for whatever reason has just sat there since March or April with little or nothing being done. One extra question, the haste, at the eleventh and a half hour, why this had to be done, in contravention of not necessarily rules but certainly their own internal workings within it as blatantly as it was done.

Trustee Kaye asked Attorney Kelly, in terms of the notification of rezoning within of the 500' for Village residents when it happens actually within the Town-

Attorney Kelly stated he has no idea what Town law is and he can check it for her as to what the requirements are.

Mayor Daniels stated one of the problems may be that 500', given that buffer zone with the park, may have made it outside the 500' limit except for Richfield which isn't in the Village.

Mr. Pacer stated he thinks it is a resolution. He doesn't think it is a Town law. It was a courtesy notification. He thinks it is only mandatory within 100' but they had notified on at least one occasion-we attempted to have that cleared up as far a resolution is concerned and as far as 500' is concerned, a goodly portion of Hirschfield comes within that 500' as he understands it and the Town has neglected to notify those people.

Attorney Kelly stated the 500' he was speaking about is the General Municipal Law which requires any development within 500' of another municipality that the County be advised of it. The County takes whatever steps are necessary. He can research it to see if we have any duties that certainly if a Town resident is not given the protections he has under the Town law, he has a right to bring an action to the Town, but the Board does not have a right to do it.

Trustee Kaye asked if there is a protection for Village residents that live within that 500' parameter.

Attorney Kelly stated he will have to check the Town law but he doubts it. Much of the research that he has done for our own Zoning Board, lawsuits were filed for failing to notify certain people and even at that point in time, the courts have thrown those lawsuits out almost universally. It is a shame when they don't pay attention to their own rules and regulations. That may be some of the matters that the Board may address in response to the Town.

Maryanne Avery, 64 Garrison Road, asked the Board if they heard about Jane Woodward's hearing. She doesn't know what the date is, she has to look it up. She is having a hearing for the \$80,000 Town wide traffic study. She is hearing public comments before it starts.

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It is coming up very shortly. This week or next weekend. She thinks the Village ought to get on their horse and attend that meeting and say something.

Ms. Avery stated she spoke to Dan Howard this afternoon. Ms. Avery gathers that the Town's attitude is that they are going to have to do something about Wehrle and Garrison and Ms. Avery said well, actually the traffic accident rate is quite low and he said yes, the Town is simply concerned with the flow of traffic through the intersection. She said if he would recall that both Bergman and Smith say about the same thing in regard to signals. If you put in a signal, you have to reconfigure the whole intersection. Right now, Wehrle makes a wide turn, she believes if she understands what they were saying, that you would eliminate that and actually make it a 90 degree thing so they come together like a regular intersection which means realigning a whole lot of stuff because then they have to pull in Lehn Springs. She doesn't know how they would do that but that is no cheap thing. As you know, that is a base scenario that floods, that would include a lot of drainage stuff and then that pulls in Lehn Springs and the Willowbrook thing and the water. She has talked to the County and they say don't talk about that, it is too much expense. She has a feeling that this is something the County would have to do. At the last Town Board meeting or the one before, Jane Woodward said apparently the County or the Town never gave permission to put in the funny signal that has been there for years. They are holding a hearing shortly on that. Ms Woodward said that Pat Lucey wants them to put a stop sign, maybe she means one of the signals, something over the street that says stop. That is going to be part of the hearing. Jim Hayes said did you tell the Village about it. She said we'll vote on it first and then we will tell them about it. Has the Board heard about it?

Trustee Lowther stated no, other than from Ms. Avery. She asked Ms. Avery to let her know when that public hearing on the \$80,000 traffic study will be held.

Ms. Avery stated yes, she will have to find that out too. Nobody told her except for Mrs. Santillo. She thinks it is important because it is important to many people who live in this town. There are many areas that are impacted. Southeast Amherst obviously is one, Northwest Amherst is another.

Trustee Kaye asked Administrator Cummins to give the Town a call and find out when that is and leave the Board a note in their boxes, so they could attend it as well.

Ms. Avery stated another thing that she is concerned about after she looked at this drainage system after they put it in, is the Hirschfield situation. Mrs. Kukoski and Mrs. Whitefield gave the Board the bird the other night. They know everything about it, more about it than just about anybody. Mrs. Kukoski has lived there since 1950 and she told the Board how she had to go and get permission from Chalmers for an easement so that they could have a ditch in there so that they could transport the water behind that part of the subdivision which was newly built at that point. It has been filled in and it's been working and not working and they have been flooded out and what not and it has been going on for years. Now Pat Lucey wants to close it off all together except for the water coming off of College Park which would be an enclosed pipe. That's a 12" pipe into a 15" pipe and the Village-she doesn't know what is supposed to happen.

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She went down and talked to Paul Bower, the Town Engineer, and he said, hey, I haven't heard about that. He said I guess what we will do is fill in the ditch and then we run the lines down through their back yards and then it would just fill in there. Ms. Avery asked him if he realized that there is a 12' drop from Youngs Road down Hirschfield and there is about a 6' drop on Hirschfield and she said she thinks the problem down there is the water runs too fast. It's a question of velocity. What happens if there is a flash flood and there is no way to drain it off and as Ivy said to the Planning Board it is going to be a bog. It was a bog before and it will be a bog again. Then there is another consideration. Obviously there will be more water running off in behind that area in Lehn Springs and Willowbrook. Whether that makes any difference to Village residents, she doesn't know. Obviously it is supposed to run through but you are going to have a lot more water running through there. She talked to Hal Collier when he was still Councilman, on February 11, 1991 in the evening in the Town Hall Conference Room with the Hirschfield people and she didn't say anything, she just took notes. Mr. Collier verbally presented a letter from former Town Engineer saying maybe they should move the berm or maybe they should make the pipes smaller or maybe they should close it off. It wasn't working satisfactorily. Thursday night they did admit that one of the ponds wasn't completed and yes, there is something wrong because there is water in it and it is not supposed to have water in it. This is a problem. The Village ought to look into it because the people who are affected, two people who spoke that night pointed out, they probably are the lowest people on several hundred acres, lowest in elevation. They are getting the water. It's the Village that is going to get it and she thinks the Village ought to look into it. The street is at the same level as their yards and the yards are about only a foot higher than College Park. They are going to retain water at about 3' higher than that. She doesn't know what they are going to do. This is not a piece of cake. In a way it concerns her because it will be very expensive because they are not finished and she thinks probably the only way the developers are going to be able to do it is to find another major developer who will come in and put in that kind of cash because this is Ciminelli kind of thing but it is not that big. Mr. Ciminelli generally uses bigger properties. Look at Centerpointe. He built all those springs but that was huge thing. He and Farber went on it together. This is another problem. You've got hill, rock, ponds, springs and all that kind of stuff so she would imagine if they get someone major coming in, then very likely they would fill it up all at once. If some big guy comes in and says I want a big building, I love this spot and I'll pay for this, you could see build out just like Ingram Micro did.

Trustee Lowther stated we don't know that that will ever happen.

Ms. Avery stated we don't know one way or the other. They are rezoning it all at once.

Trustee Lowther stated she thought they were just doing the center parcel.

Ms. Avery stated except for the 10 acres. She talked to Mr. Ketchum and he said that it is reverted to MFR5 so they put in there, not apartments, they have condominiums unless they come back and go through all that rigmarole, or unless they come back and ask for office buildings.

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Tonight in the paper you saw that the Town Board has decided that the whole area should be office buildings so you figure it out. If the Village doesn't say something, it will be overwhelmed. They told Zaepfel that he is going to have to run a sewer line down Youngs Road and if he gets it that far and it goes all the way to the corner, you know very well the next thing is he will be running it down toward the airport. There is a whole mess of acreage there and the only reason that hasn't been developed right there on the edge of the airport is because it doesn't have the sewer. Once they get the sewer down there, you are going to see something else. It is going to be unbelievable. So she thinks the Village better watch it.

Jim Tricoli, 4 Columbia Drive, asked Superintendent Laubisch that on TV this week the Mayor said that he saved this town quite a bit of money by painting that tower. The way Mr. Tricoli understands it, the exterior of that tower was loaded with lead and a survey was done saying that it was extremely hazardous, the chips on that tower and there are two schools in that area. Mr. Tricoli read that survey quite thoroughly. Does Mr. Laubisch think painting over the lead chips did anything whatsoever and saved the Village some money of any type?

Mr. Laubisch stated the painting of the tank was done and he is not aware that it could not be done in that fashion.

Mr. Tricoli stated that Mr. Laubisch is saying that it is all right to paint over the chips the way they did.

Mr. Laubisch stated he did not say that. He said he is not aware that it is improper.

Mr. Tricoli asked if anyone on the Board has any knowledge if that was beneficial in any shape, way or form or a waste of money.

Mr. Laubisch stated we could look into that.

Mr. Tricoli stated the last four weeks we have been discussing a lot of pertinent matters in the Village. A lot of that subject matter concerned very serious things in fact, the citizens of this Village but on the following Wednesday the Amherst Bee comes out and it seems when the Bee writes about the Village meetings, it is a totally different thing that Mr. Tricoli attended and since the Amherst Bee, as he understands it, he doesn't think it is considered a newspaper, he thinks it is considered one particular page stapled together with a bunch of printed words to represent the Republican party. Since this Town gives money to the Amherst Bee to be its official paper to print its minutes, he doesn't know if he is absolutely sure, does the Village also give money to the Village to print something?

Trustee Lowther stated no, they do not print our minutes.

Mr. Tricoli stated he thinks the Town gives the Amherst Bee thousands of dollars to print those minutes.

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Mayor Daniels stated it has nothing to do with the Village.

Mr. Tricoli stated maybe the Village can use their influence since all tax payers are paying the Amherst Bee that the Amherst Bee should print the political views of all parties that are represented in this Hall, not just Republican party and their view points since tax payers are paying for the official Amherst Bee and since the Board does have some influence with this Town Council, maybe it can use its influence to get together and try to explain to the Bee that we are not going to give them any money for being the official paper until they print more fairly what is happening in the Town.

Mayor Daniels stated his understanding is they are paid to print the minutes of the Town proceedings which are not editable and they are printed in their full content. They are printed as they are given by the Town to the Bee and that is what they are paid to do.

Mr. Tricoli asked why does the Bee have reporters here and last week Mr. Measer was here himself.

Mayor Daniels stated they can report on events. They are paid to print the minutes.

Mr. Tricoli stated if they are here to report the events, you can not tell the news media what to report, he understands that.

Mayor Daniels stated they are paid to print the minutes.

Trustee Kaye stated in the Village of Williamsville, they are technically the official Village newspaper and we don't print or provide minutes to the Amherst Bee and pay to have those published. If somebody wants to come in, our past policy has been we give people free minutes because we don't publish them in the Bee.

Mr. Tricoli asked if someone wants to see the minutes of last week's meeting, they could get them the following Monday?

Trustee Kaye stated they take a while to process.

Mr. Tricoli asked if they were ready on Friday.

Trustee Lowther stated yes.

Mr. Tricoli stated he went to get them on Friday and could not get them.

Mayor Daniels stated they have to be approved before they are released.

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Trustee Lowther stated we approved them tonight for last week's meeting.

Mr. Tricoli stated since we do have reporters here from the Bee, it's a Town paper and we expect some fairness from this particular paper except one side all the time, is there anyway possible that we could influence the Bee with the Board's particular influence to influence the Town Council again to try to get them to be more fair in what they print?

Mayor Daniels stated he can't tell someone how to run their business.

Mr. Tricoli asked if Mayor Daniels doesn't mind the prejudicial news?

Mayor Daniels stated he will not comment on that. He has no influence on the Bee and he cannot tell anyone how many doughnuts to produce in their doughnut shop.

Mr. Tricoli stated last week Mayor Daniels presented a survey to individuals who lived on cul-de-sacs a survey. There was no place on the survey where it came from. Mayor Daniels didn't want the people to sign the survey except that he went through every single one last week, collected and read it to us. Mayor Daniels said at the meeting that he gave the residents the surveys and collected them and the questions were ridiculously biased. They were so horrifying, scary that he would have said yes to half of those things. Mr. Tricoli talked to some other people who read those also and their feeling is that it was done by someone who thinks he is Adolf Hitler. Mr. Tricoli stated he thinks Mayor Daniels is getting to a point of he better reconsider that he is working with a group of people and he can't do what he just blessed well feel. And lucky the Bee is on his team or any normal paper would have crucified him.

Robert Kreiter, 26 Monroe, asked can the Wehrle Drive be widened enough at the bridge to accommodate more lanes?

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved adjourn the meeting at 8:51 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.)