

**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, February 27, 1995 at 7:38 P.M.**

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

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

*Absent Yvonne Kaye, Trustee*

*Also Present: Sherry Brink, Recording Secretary*

The Clerk read the notice of the public hearing being held by the Board of Trustees on Monday, February 27, 1995 at 7:30 p.m. for the purpose of hearing all persons interested in discussing the proposed uses for the 1995-1996 Community Development Block Grant funds in the amount of \$54,950.00.

ON MOTION by Trustee Piazza, seconded by Trustee Lowther, it was moved to open the public hearing at 7:39 p.m.

Unanimously carried.

Trustee Piazza stated Community Block Grant Funding is an amount that comes into the Village, the initial paperwork is generated by the Town and the Village shares in that. The amount this year is \$54,950.00. In other years we had used that for specific projects or sometimes we had set it aside to let it accumulate for infrastructure projects. Some of it will be used this year, in fact, the majority of it will be used for the elevator that is going to go into this building to meet ADA requirements. In some years we have allocated some for infrastructure, some for curb cuts to meet ADA requirements. We always set aside a certain amount for housing rehabilitation, the current amount for this year is \$12,000. There are allocations that we see as part of a continuing need here in the Village. Trustee Piazza is not saying we have to set it all aside for a specific project for this coming year. We may, as a Board, decide to let some of it accumulate for future projects because we know that there are some major infrastructure projects that need to be addressed here in the Village and they are very costly; for example, the biggest one that comes to his mind is the water line on Los Robles, which is quite lengthy and we have 4" lines all the way along Los Robles that need to be changed to 8" lines. That would probably be more than one year's accumulation of Community Development Block Grant Funds right there, which means we are looking at a project that probably couldn't even be started until 1996 or 1997 when some money has been accumulated. Those are the kinds of things we have done with Community Development Block Grant funds in the past.

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Trustee Hillebrand asked how long does the Village get to have the funds, when do they expire?

Trustee Piazza stated the funds come in and they stay with us. We have funding going back a couple of years that we have not spent yet. Specifically, from 1993 to 1994, there are about \$23,000 still not spent.

Trustee Lowther stated it is not a use it or lose it situation.

Trustee Piazza stated we accept it and save it for future use or if we have a need, accept it and spend it. In any event, we accept it.

Mayor Daniels stated this is one of the items that wasn't touched too much by funding cuts due to administrative changes in Albany. Although, he believes overall there is approximately a 10% loss in some of the areas. This is going to be a funding level that we probably will see next year as well, which is good because everything else has been cut but these types of funds definitely help especially with the mandated items that we are forced to implement on the lower, smaller levels of government that are required by higher ups. For instance, the Disabilities Act requirements for ramping and handicapped accessibility to all buildings, it is quite an expensive ordeal. This money can be used to a good part for offsetting those kinds of requirements by the federal and state government. The fact that we haven't spent money from previous years doesn't mean that we don't need it all. It just means that we do stockpile it so that we can really take a big chunk and do a significant project with the money.

A resident in the audience asked what the cost of the elevator project will be?

Trustee Piazza asked if that is about \$60,000 or aren't we sure yet?

Mayor Daniels stated this is a project that includes restructuring of the entire back entrance area of Village Hall.

Trustee Hillebrand stated we will open that up for bid this evening but the answer is \$60,000 or more. It's not inexpensive.

Mayor Daniels stated it's not just the elevator. There will be a new entrance to the Fire Department with an addition there and then opening up of the area in this hall with a window from the front office so there will be view of the hallway which we always felt was not good for security reasons, etc. It will have a more functional use. This building had a lot of problems all along since it was redone. This project gives us a good reason to right some of the things that were wrong with the building from day one including some problems with the roof that have been chronic.

Trustee Lowther stated it is her understanding that the Community Block Grant money can only be used for the elevator renovation.

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Mayor Daniels stated that is correct and it is not \$60,000 of Community Development money that is being used toward that project either.

There was no comment from the audience.

Trustee Piazza stated he concludes that this Board will leave it up to future Boards to make an intelligent decision on specifically how to allocate that money at some future date. We know we are going to be using it most likely for infrastructure in the future. We know that we will be setting aside a certain amount again for housing rehabilitation, perhaps the same amount. He is not sure that \$12,000 figure is going to be enough or if it is going to be too much for this year. Even if it is not entirely accurate, we probably will set aside about that much for the next fiscal year and we can always adjust that during the fiscal year if we have to.

ON MOTION by Trustee Piazza, seconded by Trustee Hillebrand, it was moved to close the public hearing at 7:47 p.m.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer

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David Laubisch, Superintendent of Public Works*

*Absent: Yvonne Kaye, Trustee*

*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 Lowther, the minutes of the regular meeting of the Board of Trustees held February 13, 1995 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Hillebrand, it was moved to approve the minutes of the public hearing of the amendment to the Exceptional Development Permit-Castle Creek Development- held February 13, 1995.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Lowther, it was moved to open a public hearing of the Board of Trustees regarding uses for Community Development Block Grant funds. (The public hearing closed at 7:47 p.m.)

Unanimously carried.

Mayor Daniels reported he noticed in the publication he received from the League of Women Voters that BFI who handles the recycling for the Town of Amherst and the Village of Williamsville was increasing the number of items that the Town recycles specific to milk cartons, juice cartons and drink boxes, the gable top plastic coated cardboard boxes. Mayor Daniels called BFI to see if they would extend that same increase of items to the Village and although they haven't done it in any of the other municipalities, in fact, Amherst and Cheektowaga were the only two Mayor Daniels believes BFI had extended those to, BFI said that since Williamsville is so tied into Amherst in people's minds and they read a notice in the paper, they assume because they are Amherst residents, they start putting the milk cartons in there anyway.

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BFI did fax him this and said effectively immediately, Village residents can now also wash out and rinse out juice and milk containers and put them either in a paper bag next to the recycling container if it is already full. We are getting to be able to recycle so many items now that the green boxes barely hold a week's supply of that. Residents can lay those either in a carton or plastic paper bag next to that as long as they are rinsed out. That is good news, it is one less thing that has to go into our garbage truck to be incinerated.

Trustee Piazza asked if they have to be crushed.

Mayor Daniels stated no. BFI said residents can press them if they like but they don't need to. It's one of those low weight, high volume type, kind of a bulky item. That will be something we can start immediately and that is good.

Mayor Daniels reported the Historic Preservation Committee has been meeting and one of the items that we are excited about is replacement of the sign at the entrance points in the Village and tying in the historic features of the area which we really think should be pushed and stressed for many reasons and incorporating the word "historic" into that sign. We have been working with a company that is in Perry, New York, who has done signs quite extensively throughout the Western New York area in a routed format. We asked them to design something for the Village of Williamsville and Mayor Daniels thinks the committee was quite pleased by the looks of the new signs that we would like to see at the entrances to the Village. In talking to some of the representatives of the Business Association, there is a good chance that some of the funding for this, or all the funding at least for two of the signs-the ones that would be on Main Street, would come from there organization. They will be about \$1,700 or \$1,800 a piece. These are routed in a sand blast fashion. Mayor Daniels showed the audience a picture of one. There are many multi colors in this. It is a hunter green background with 23K gold leaf drawing in there. The signs are very durable ones that the company put up ten years ago and still look like new. He thinks that this will be great at the entrances to the Village, not only where they are now, which is one at Union and Main and Wehrle near Aero but it would be also nice to think about putting one near the high school going west on Main Street as well and possibly one on Evans going south and one on Cayuga going north and any other possible obvious places. If we can get them donated by various organizations that would be great.

Trustee Lowther asked if this was coming out of a historic grant.

Mayor Daniels stated there is no historic grant at this time. What happened as a result of the election, in past years what was called member item money, which was money that the legislators had to do special projects in communities was a normal situation. The sidewalks that we did with the brick paver program several years ago came from John Sheffer's member item money. Mayor Daniels believes it was \$80,000 and then another amount after that as well. That money was traditionally allocated very poorly.

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It was promised by the Administration, the Senate and the Assembly and then the funding would come out of the next year's budget so when the Administration changed and with the Pataki Administration, he said "No more will there be member item money" and anything that was promised in the past that is supposed to be funded by a future budget, is just bad business. Somewhere in that mix, everything has been frozen. There is a chance that this \$50,000 that John Sheffer was supposed to get for the Village of Williamsville is still there. Unfortunately, right now we can't say and we won't know until, Mayor Daniels expects a timely State budget and he thinks the promises that the new Administration made, they really need to keep and April 1st is there fiscal deadline for that. He expects we will have the answer on that \$50,000 as well as the answers to a lot of things by April 1st or very near to that point. But right now there is no \$50,000 that has been guaranteed. He has spoken to Mary Lou Rath and also Rick Anderson and they are vigorously pursuing that money for us but everything is right now being put on hold until that all comes out in the wash.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$75,025.47 covering 02/10/95 - 02/23/95 were approved:

Payroll fund w/e 02/18/95	\$27,921.57
General fund	33,578.97
Water fund	2,070.30
Sewer fund	336.72
Glen Park	319.45
Trust & Agency fund	9,151.86
Community Development	<u>1,646.60</u>
 Grand Total	 <u>\$75,025.47</u>
 Large Vouchers:	
Niagara Sanitation Co., Inc.	\$5,609.40
Wright Frontier Tree & Lawn	3,000.00

Unanimously carried.

Trustee Hillebrand reported the Planning Board Committee will meet here March 6th at 7:30 p.m. All residents are invited to attend. They will be discussing a variety of proposed changes to signs and buildings in the Village.

Trustee Hillebrand stated his first resolution relates to the renovation of Village Hall. We have received an architectural design. We have received drawings of the proposed changes. The Building Department, the Public Works Department and the Fire Department have reviewed the drawings and perceive them to be in keeping what the changes are necessary so we are going to go ahead and advertise and receive sealed bids.

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

RESOLVED that the Village Administrator advertise for sealed bids for the renovation of the Village Hall. Bids to be opened in the Administrator's Office, 5565 Main Street, Williamsville, New York, on Tuesday, March 21, 1995 at 2:00 P.M. under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Hillebrand stated his next resolution is in regard to the sidewalk in Castle Creek subdivision for which we had a public hearing on this matter at the last Board meeting.

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

WHEREAS the property owners of the Castle Creek Subdivision have applied for an amendment to the Exceptional Development Permit issued on June 26, 1989, which would relieve them of the requirement to install sidewalk within the subdivision, and

WHEREAS the Village Board of Trustees reviewed the concept and sought and obtained advisory recommendations from Village Committees, and

WHEREAS after advance notice, a Public Hearing was held in Williamsville Village Hall on February 13, 1995,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby approves an amendment to the Exceptional Development Permit issued June 26, 1989 and relieves the owners of the requirement to install sidewalks within the Castle Creek Subdivision.

Trustee Lowther commented that she spoke quite at length at the public hearing two weeks ago and to her, the responsibility of the Village Board and herself as a Trustee, is to promote the safety of the residents of the Village; therefore, she cannot support this particular resolution.

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**Roll Call:**

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

Motion carried.

Trustee Piazza reported the February 15th Parks Committee meeting was canceled and he apologizes if anyone did go because he forgot to mention that at the last meeting. The meeting for March 15th is definitely on and the committee will be beginning work on Savor the Flavor at that time. The Youth Committee has already been contacted. The Business and Professional Association will also be contacted to attend that meeting and we will begin our long term planning for that particular event.

Trustee Piazza reported the ice rink has turned into an infamous item. Mother Nature has not been that cooperative. He was over there on Sunday. He took a walk away from Winterfest for a bit and it is just not usable because when it thawed apparently some cracks in the lining developed and all the water drained out. It would probably be an impossible task to bring it back for this year. We'll take a look at the whole liner at the end of the season and possibly what we will do is cut off a certain portion of it and make it a smaller ice rink next year as a possible solution. He is not 100% sure on that but certainly that is one viable option.

Trustee Piazza reported that Winterfest looked like it was a very successful event. It was doggone cold out there but there were a lot of kids and a lot of sledding and it looked like a real good time. It look like a real good crowd. Kudos to the Youth Committee for their work that was done there.

Trustee Piazza reported there are no new news with the Government Advisory Board. The schedule might show that the next meeting is March 22nd but it will really be March 29th.

Trustee Piazza stated his first resolution involves plumbing work for the bathroom facilities in Island Park that he has been talking about. David Sutton did look at six different proposals from six different companies. They all had the same specs and we have a company that looks like a very reliable company with a very good price as far as the Village is concerned. It will come in under the original cost estimates. We were estimating the cost last spring about this time when we were doing budgeting. Part of the reason why it is going to come under budget is that Superintendent Laubisch and his crew have jumped in to take some of the work over that might have been bid out and that is always a cost savings. Trustee Piazza thanked Superintendent Laubisch for that help.

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

RESOLVED that Cellino Plumbing, Lancaster, New York is awarded a contract to furnish materials and perform labor necessary for renovation of the Island Park bathroom facilities, per plans provided by the Village Building Department, and proposal submitted by Cellino Plumbing on February 1, 1995 in the amount of 3,905.00

Unanimously carried.

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

Unanimously carried.

Trustee Piazza stated his next resolution addresses the Western New York Railway Historical Society contract with the Village. This has been a pending item and the contract between the Village of Williamsville and the Western New York Railway Historical Society has been amended.

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

RESOLVED that the Mayor is hereby authorized to sign an amended contract between the Western New York Railway Historical Society together with Rider #1.

Trustee Lowther stated she thinks the public should know that the Board has been working on this for a long time and the people from the Historical Society have been wonderful in coming back and answering all of our questions and concerns. She is happy that we finally signed this lease.

Trustee Piazza stated what this means for the Village is that the Lehigh area will, in the fairly near future, have a box car and a caboose and we are looking forward to the improvements that the Railway Historical Society will be making in that area and we look upon this as helping enhance the historical authenticity of the whole Village of Williamsville. He thinks it is going to be a real plus for the Village.

Unanimously carried.

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

Unanimously carried.

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Trustee Lowther reported it is not showing on the meeting schedule but the Glen Park Education Committee will be meeting tomorrow night here in Village Hall. We were scheduled to meet last Tuesday night but there had been no public notification that we were going to have a meeting and she advised the committee that that was illegal to do so; therefore, that meeting was canceled and we are meeting tomorrow at 7:00 p.m.

Trustee Lowther reported a week from tomorrow the Glen Park Joint Board will be meeting here in Village Hall at 7:30 p.m.

Trustee Lowther reported the Winterfest was a wonderful event as usual. The Youth Committee did a wonderful job. Kelkenberg brought out the hay rides. It was really cool to look out her living room window and to see horse drawn buggies going up North Ellicott Street. She thinks it is marvelous that we still do that here in our community. They did a wonderful job and the Boy Scouts were selling hot dogs. It was really a great day.

Trustee Lowther reported that this Saturday at 9:00 a.m. we will be having our first budget meeting to work on the budget for the 1995-1996 fiscal year. That is a public meeting which is open to the public. Anyone is welcome to come and sit in. It will probably run about three hours.

Trustee Lowther stated she has been speaking many times a week to Trustee Yvonne Kaye. As you know, she hasn't been well. She is doing much better and is making great progress. She finally got some really good news this last week and she is feeling much better. Hopefully, she will be back with us in the not to distant future.

Trustee Lowther thanked Jenny Apter for the little snow flake on the front of the Amherst Bee. Most of the people who came to the Winterfest said they had seen that and it was really helpful because it was a postponed item. It worked out real well.

Trustee Lowther stated her resolution deals with the Fire Department and their new uniforms which they are planning on having by Memorial Day for the parade. We are just going to make a budget transfer of some monies to pay for the deposit on the uniforms.

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

RESOLVED that the following budget transfer is hereby made in the Fire Department Accounts:

<u>FROM</u>			<u>TO</u>	
01-3400-3410-2020	Expendible Equipment	\$ 665.00	01-3400-3410-4490 Uniforms	<u>\$3,665.00</u>
01-3400-3410-2040	Capital	<u>\$3,000.00</u>		
		<u>\$3,665.00</u>		

Unanimously carried.

Superintendent of Public Works, David Laubisch, reported that not all the problems with the ice rink, unfortunately, are in Island Park due to Mother Nature's weather conditions. On three different occasions somebody saw fit to chip the ice away covering the tarp and cut the tarp underneath which we repaired. It is hard enough to try and maintain an outdoor facility when everything goes in your favor let alone when somebody intentionally cuts the tarp underneath. There were a lot of problems involved with the maintenance of that. That was not so good news.

Superintendent Laubisch reported the good news is that the Village of Williamsville belongs to the Northwest Solid Waste Board and as a member, the Town of Tonawanda which acted as a lead agency and is also a member, took bids for our bulk trash items, construction, demolition that people put out curbside. This is not garbage, this is bulk trash items. We are going to realize, starting April 1st, a \$17.90 savings per ton in the tipping fee so that will be a substantial amount over the course of the year. A lot of hard work went into organizing that bulk trash bid for the Town of Tonawanda and we are going to receive a substantial savings. That is also the second item in the waste stream that has gone down in price. The other item is tires. We were paying \$1.50 per passenger car tire to dispose of them. We are now paying \$1.00 per tire. He believes it has got to relate to the fact that people are finding different uses for materials today. They are recycling more and it is being put to better use. A lot of hard work goes into those and sometimes it is not always realized, what is actually going on.

Superintendent Laubisch reported at the present time the DPW is out doing stumps throughout the Village. Any Village taxpayers interested in having a stump removed can come up to Village Hall and get a stump release form. We got way behind last year because we had a very bad winter and we did not get a chance to do many if any stumps at all. This year we had a relatively moderate winter, by our standards, and we've had a chance to get caught up on those. He knows someone filled out a stump release form about a year ago, and there is no time frame for those. Those are done when they are able to be worked into the schedule with the DPW.

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It is an item that mostly villages offer. We try to do it during the winter months but last year the weather did not cooperate.

Administrator Cummins reported that March 11th, which is before the next Board meeting, is registration day here in the Village Auditorium. Anybody that has moved into the Village or moved within the Village should come and register in person.

Trustee Piazza asked if that is from 12:00 p.m. to 5:00 p.m.

Administrator Cummins stated yes.

Trustee Piazza asked if people can register after the 11th or is that the final date.

Administrator Cummins stated that is the final date. They can vote but they have to register first.

Trustee Piazza asked if a person can come into Village Hall during the day to register before that date.

Administrator Cummins stated no. They have to register down at the Board of Elections until the 10th and here only on the 11th in person.

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

Unanimously carried.

Elroy Avery, 72 Rinewalt Street, stated he would like to have somebody explain to him what happened at 5507 Main Street and how that could have come about, the addition for that building.

Trustee Hillebrand stated he represents the Building Department. 5507 Main Street is Spina's Red Carpet. Circumstances is that there was an accident and some lady drove up on the curb and wiped out the front of the building so the owners of the building chose to have the front of the building replaced. They drew up plans for a new air lock in front of their building. They chose one and submitted it to the Building Department for approval. The Building Department said it had to be approved by the Planning Committee and it would have to be approved by the State of New York as that air lock extended into the right of way of Main Street.

Mr. Avery asked what the air lock is for.

Trustee Hillebrand stated the front of the building, the passageway in the front of the building, why do they want to have an air lock there, he doesn't know. They chose to have one to replace the one that was there before. They could have left it as blank wall. The plans were drawn up.

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The Building Department reviewed those plans and we are required in plans of this kind to make provisions for disabled and handicapped people so the door on the front of the air lock was expanded to 40 inches to allow wheelchair access. They brought the plans to the Planning Committee here and they reviewed the drawings and the Planning Board discussed it and approved it. The Planning Board's approval was contingent upon having the approval by the State of New York Highway Department. It required two approvals, one by the Village and one by the State. The State subsequently approved the modification and they went ahead with it.

Mr. Avery asked if anybody has looked at it.

Trustee Hillebrand stated he has.

Mayor Daniels stated it is hard to miss it.

Mr. Avery asked if they had gone inside it.

Trustee Hillebrand stated no, he hasn't.

Mr. Avery asked it is handicapped accessible?

Trustee Hillebrand stated it is supposedly handicapped accessible.

Mr. Avery stated you go in there and you have three steps. It is handicapped accessible if you fall down the steps when you get in there. Once you get in there, you can't get in the bathroom because the bathroom can't handle a wheelchair. He doesn't understand this.

Trustee Hillebrand stated the proposal was not about the bathroom. It was about the front of the building.

Mr. Avery stated the building is put out another eight inches. Trustee Hillebrand stated that is true. Mr. Avery stated it took the view away from Main Street. A truck coming out there another eight inches, he has got to get out into the sidewalk area in order to get in there. You take a look down Main Street, it is sticking out. The Board says it is handicapped accessible, but Mr. Avery still maintains that when you walk in you have three steps. It is the same deal that you had last time.

Trustee Hillebrand suggested that Mr. Avery come to the Planning Board which meets on March 6th.

Mr. Avery asked why should he have to go to the Planning Board meeting? Why don't they look into these things? Once you get in there you can't go to the bathroom in a wheelchair.

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Trustee Hillebrand stated he will bring Mr. Avery's concerns to the Planning Board's attention. He is not the Planning Board and did not act for the Planning Board. They decided and Trustee Hillebrand will bring this matter to their attention.

When Mr. Avery went to the Building Department he was told it was up to the State.

Trustee Hillebrand stated that is a true statement. There are two approvals required.

Mr. Avery stated they told him he had to go to the State.

Attorney Kelly stated yes and no. It's the State right of way. The State would have to approve anything they build in their right of way. The Planning Board certainly has the capability to turn down a plan if they so desire. The Planning Board did vote on it and they made a contingent upon the State approving it. The Planning Board is examining their procedures for this in the future. They are not overly happy with it either. He doesn't think they fully understood how far it would stick out. This is probably here nor there, but there are probably 15-20 other buildings along Main Street that stick out just as far.

Mr. Avery stated many people have asked him what is going on there. They brought that out another eight inches and you still can't get in there with a wheel chair and it is supposed to be handicapped accessible. It doesn't make sense.

Mayor Daniels stated the Planning Board is the only committee in the Village other than the Village Board that has its own authority. In a way, Mr. Avery is asking the Village Board that was not part of the decision making process why another Board with decision making process made the decisions is made.

Attorney Kelly stated the Planning Board has asked him to examine one thing which is actually in the commercial area we have zero lot lines. It cannot happen in the residential area. They are thinking about it and about whether to come back to the Village Board with the recommendation that we should examine the fact that there are zero lot lines in the commercial districts.

Mr. Avery asked if the Planning Board can take the eight inches off.

Trustee Lowther stated she doesn't have a problem with the zero lot lines. What she has a problem with is that a couple meetings ago at the first meeting after the addition was completed, she was very disturbed by the fact that it cut into our sidewalk by six inches. We do sight lines that concern her because there are heavy deliveries going to the liquor store next door, heavy deliveries going to the restaurant, there is tremendous traffic going in and out of the Talbot's and Calico corner plaza and she felt that it really impeded the sidelines. In speaking to other members of the Planning Board, they did not have the full understanding that there was a possibility that the Building Inspector could order in a 44" door. She doesn't think it was 40", she thinks it was 44".

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It was within his determination in the field to be able to do that and he did it because of a handicapped accessible issue but to order in a 44" door to make the building handicapped accessible and then have three stairs and no bathroom access, is absolutely ridiculous. To her, there is absolutely no excuse for that. She is very disturbed that our sidewalks were cut up and that this building is out over the edge even though we have other buildings that are in the Village. What happened before doesn't make any difference, it doesn't cut any ice with her. What happens today when she is on this Board makes a difference to her. She doesn't think that we should be building buildings with or without the State approval that go into their right of way. She understands we need State approval because it is on the right of way and we have zero lot lines here in the commercial district; however, we also have the right as a Planning Board and as a Village with our Village code to not allow that to happen and that had happened and it was built on a Saturday when no one could be reached highly disturbs her. She sure as heck hopes it doesn't happen again.

Mr. Avery asked Mr. Laubisch if the sidewalk plow can get through there.

Mr. Laubisch stated it can.

Mr. Avery stated he measured when the plow comes down his street. The treadmarks are 59". He thinks it is about 68" between the building and the post because there is a post right in the middle there. He doesn't think the sidewalk plow, once the street plow plows it, is going to get through there. If it does, it is going to be plowing right into the building.

Mr. Laubisch stated it could present a problem.

Mr. Avery asked if that means we have to have a man out there shoveling snow. He hopes not. It doesn't make sense to him. There's not that much to space between the building and the pole, plus the handicapped accessibility. The Village Board was not thinking.

Mayor Daniels stated the Village Board does not decide that issue. Mr. Avery is talking to the wrong Board. The Planning Board has the power to approve. The Village Board does not.

Attorney Kelly stated it came in front of the Planning Board. Although it is appointed by the Village Board, it is an independent body set up by the laws of the State of New York. They approved it and put a condition on the approval because it was in the State right of way and the State also had to approve it for going in the State right of way. The Planning Board could turn it down and if the State said yes then it would not be built. But the Planning Board did approve it.

Mr. Avery stated then he has to go to the Planning Board, which the Village Board appoints.

Mayor Daniels stated the Board appoints them before they make decisions, not after and if the Board removed every one of them, their decision would still stand.

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Trustee Lowther stated she doesn't know that the fault is the Planning Board's because she saw the plans that the Planning Board had and as liaison to the Traffic and Safety Committee, we had the same set of plans. Those plans did not show any encroachment on the sidewalk. What happened was, according to what she was told by the Planning Board, the Building Inspector went out in the field with the original plans and he ordered them to build that doorway wider for handicapped accessibility. This does not show on the plans that she saw.

Attorney Kelly stated that is not true.

Trustee Lowther asked if there was another set of plans afterwards.

Attorney Kelly stated the plans were given to every single committee, including the Planning Board with the actual measurements. The ones Trustee Lowther saw was the one that was the 40" or 44" and it probably could have been explained to everybody a little bit better but it did have the proper measurements on it. What was out there was built to the exact centimeter of what was on those plans.

Trustee Hillebrand stated one of the difficulties was, it is typical in building plans, that they have a draft of what exists and then they draw on the plan another set of lines of what they propose. In this case since somebody eliminated the front of the building, the drawing did not have a line on what existed and therefore, it was not immediately obvious, it didn't come out and hit you right in the eye that it was a difference. The plan Trustee Lowther saw, there is only one plan, was all drafted at the same time and they built exactly to the plan of what was approved. There were not two plans, there were no changes in the plans.

Attorney Kelly stated they originally came in with shorter plans. The Building Department said it must be handicapped accessible by State law. He doesn't believe a final plan has been issued.

Jim Tricoli, 4 Columbia Drive, stated on February 15, 1995 he was in Village Hall with Patrick Kelly, Theresa Cummins and Basil Piazza. Those four were there. He asked Basil if we could draw for a position for the ballot lines. At that time Theresa Cummins said no, because Trey Measer said so and Mr. Tricoli said he doesn't care what Trey Measer wants. At that particular time, Mr. Kelly walked in and said well, "I'm a notary public so if you want to do it, we can do it". Theresa came back and said Mr. Measer doesn't want it yet. Then Mr. Tricoli and Basil talked to each other and they agreed to do it anyway. What Mr. Tricoli is confused about is who is Trey Measer?

Administrator Cummins explained what she said. She said when Mr. Tricoli said can we draw today, she said it didn't make any difference. Trey Measer had called and said he would like it for the Amherst Bee and would like to know when they were going to draw. She said they would probably draw before the meeting of the 27th which was today and if Mr. Tricoli wanted to draw another time, that was fine with her. That was her only comment that she made.

Mr. Tricoli asked Administrator Cummins if she made that comment to people in that room.

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Administrator Cummins stated yes.

Mr. Tricoli stated the comment he heard was Trey Measer didn't want it yet.

Administrator Cummins stated she never said Trey Measer didn't want it yet.

Mr. Tricoli asked if Administrator Cummins heard that played back to her, would she maybe refresh her memory? Mr. Tricoli stated Trustee Piazza was there. Did Administrator Cummins say all that?

Trustee Piazza stated he doesn't remember the exact wording.

Mr. Tricoli stated he would like to know who Mr. Measer is first.

Trustee Piazza stated if Mr. Tricoli has any specific questions of this nature, maybe he should put it in writing.

Mr. Tricoli stated it is not just cause of confusion, he was confused what Trey Measer had to do with the election.

Trustee Piazza stated what he is seeing here is an attempt to badger the Village Administrator.

Mr. Tricoli stated he doesn't think badgering means for Trustee Piazza to answer his question. Trustee Piazza was in the room, Attorney Kelly was in the room, Administrator Cummins was in the room. He asked Trustee Piazza a simple question.

Trustee Piazza stated he doesn't recall a big comment saying we had to wait for any person.

Mr. Tricoli stated no, Mr. Measer said he didn't want it yet. He is asking, who is Mr. Measer?

Trustee Piazza stated he thought Mr. Tricoli knew who he was.

Mr. Tricoli asked if Mr. Measer was the same person on the Planning Board that approved the restaurant.

Trustee Piazza stated he is.

Mr. Tricoli asked Trustee Piazza how many people on the Planning Board have architectural or engineering degrees, so they can understand the plans.

Trustee Piazza stated he couldn't even begin to answer that.

Mr. Tricoli asked if Trustee Piazza knows the people on the Planning Board.

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Trustee Piazza stated he only knows a couple of them.

Mr. Tricoli asked if Trustee Piazza was coming down the sidewalk where that particular restaurant was and he had a wheelchair that was motorized, what are your highways? If you have a motorized wheelchair, what are your highways?

Trustee Piazza stated he has no idea.

Mr. Tricoli asked if Trustee Piazza would say the street.

Trustee Piazza stated he has no idea.

Mr. Tricoli asked if Trustee Piazza would say the sidewalk?

Trustee Piazza stated he has no idea.

Mr. Tricoli asked Attorney Kelly what would be the highway for a motorized wheelchair?

Attorney Kelly stated Mr. Tricoli obviously knows all the answers.

Mr. Tricoli stated he knows but maybe Attorney Kelly could help him because he went to school about a week longer than Mr. Tricoli did probably.

Trustee Hillebrand stated if Mr. Tricoli knows the point here perhaps we could skip the answer and we could press on.

Mr. Tricoli stated the point is simple. That particular restaurant goes into the sidewalk and blocks vehicles like motorized wheelchairs. By the Village code, motorized vehicles have to have clear passage and that interferes. Are we setting a precedent with this particular restaurant? Is this going to be the beginning of other restaurants sticking out, is that what Trustee Hillebrand is also saying?

Mayor Daniels asked if Mr. Tricoli is saying a motorized wheel chair cannot get by on the sidewalk.

Mr. Tricoli stated they are having great difficulty if the Village blocks their highways.

Mayor Daniels stated that is incorrect.

Mr. Tricoli stated that is not incorrect.

Mayor Daniels stated a wheel chair would have to be more than four feet wide to have any problem.

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Mr. Tricoli asked Mayor Daniels if he would say it would be simpler for that wheel chair to get by that restaurant if it was a right position.

Mayor Daniels stated there is plenty of width on that sidewalk for a wheelchair.

Mr. Tricoli said then this is not going to set a precedent for any other building.

Mayor Daniels stated he can't comment.

Mr. Tricoli asked Attorney Kelly if he could comment. It is amazing for an attorney. You really cop out on nearly everything I ask these people.

Mayor Daniels stated he serves at the will of the Board.

Mr. Tricoli asked if he does not serve the citizens.

Mayor Daniels stated that is correct. We refer to him for legal matters.

Mr. Tricoli asked so this oligarchy uses him just for themselves, is that what Mayor Daniels is saying?

Mayor Daniels stated he has no idea what an oligarchy does.

Mr. Tricoli stated that is a third grade word.

Mayor Daniels stated he can't even identify with it.

Mr. Tricoli stated what a tragedy the Town invested in you people, except for Trustee Lowther.

Trustee Piazza stated just to correct the record, he lives in the Village.

Mayor Daniels stated Mr. Tricoli is always referring to the Village as the Town, but it is a village.

Jim Kolber, 38 Mill Street, stated at the corner of his street at Mill and Main there is a sailboat parked next to Hettigs with about eight or nine abandoned tires next to it just laying on the side. He is wondering how long they will be there and if it can be there.

Trustee Piazza stated he thinks complaints like this are supposed to be addressed to the Building Department. Mr. Kolber can call during the day.

Mr. Kolber stated he doesn't know if anyone has seen it from Main Street.

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Trustee Hillebrand stated we have had property that doesn't belong where it won't belong and we will attend to it.

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 8:33 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Administrator/Clerk-Treasurer