

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, August 28, 1995 at 7:38 P.M.

Present: Basil J. Piazza, Mayor  
Joseph Frese - Trustees  
Richard Langenfeld  
Barbara Schofield  
William A. Wutz

Patrick Kelly, Attorney  
David Laubisch, Supt. of Public Works  
Theresa L. Cummins, Admin./Clerk-Treas.

ON MOTION by Mayor Piazza, seconded by Trustee Frese, it was moved to open the public hearing at 7:38 P.M.

Unanimously carried.

The Village Clerk read the notice of public hearing which is being held to discuss a proposed local law which would amend the Village Code regarding Outdoor Seating.

Trustee Frese stated a number of restaurants have expressed a desire for outdoor seating, not to increase their capacity but wish to have the nice atmosphere in the Village. Because of this, we need some regulations. He would like to see an annual permit which requires a fee which has not been set at this time. He would also like to see an area where the tables are designated so they don't obstruct the walkway for pedestrians and a time limit whereby the tables would be removed at the end of September.

Debbie Haney from Jenny's Ice Cream asked questions about the proposed law:

- 1) Why should there be a fee when the Village doesn't do anything to warrant a fee. Also, the proposed \$75.00 fee is too high.
- 2) Why limit the tables? She would like a hundred. Three are useless.
- 3) If the tables must be 5 feet from roadway, this would eliminate tables for her business since her building is close to the street.
- 4) Regarding profanity - You cannot legislate against profanity and business owners cannot tell their patrons what to say or not to say.

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- 5) As far as keeping the area clean, businesses that serve food must answer to the Health Department and it is because of them that the areas are kept clean.
- 6) She has had tables for about 8 years now and this is first time she is aware there were any problems.
- 7) Regarding the requirement to bring the tables in each evening, the business owners would do this anyway. They don't want them taken.
- 8) She feels the time limit is restrictive. Would like them out during Indian summer if possible.
- 9) She would rather have the tables eliminated rather than have these regulations.

Trustee Frese stated the \$75.00 fee was proposed so that the permit will mean something to the restaurant owners who obtain it. We do not want the tables to become a waiting area and congest Main Street. Regarding the number of tables, it has to be based on the business itself and the area in the front of a building. There is a lot of work that still has to be done on this proposal and this hearing is to bring out business concerns but we have to have regulations.

Jim Tricoli, 4 Columbia Drive asked what a business will get for the \$75.00 fee? Trustee Frese stated the privilege of having the tables because it is an extension of their restaurant and it does generate business.

Carolyn Schlifke, 192 Evans Street, stated a number of years ago, Friendly's wanted to place picnic tables but it was denied by the Village Board at that time. She can only think of a few restaurants the current law would apply to and as long as the food is purchased and served inside and not outside, she doesn't see why the businesses should be penalized with a \$75.00 fee. The small restaurants give the Village its atmosphere. The businesses should not be discouraged. We should have guidelines but not such stringent restrictions.

Mary Lowther, 120 N. Ellicott Street, stated she thinks the tables contribute to the ambience of the Village but they do need regulations. Perhaps a modest fee such as \$25.00 could be charged. Also perhaps a formula could be developed based on the frontage of the business and the type of business to determine the number of tables allowed. She would also like to see the tables removed every evening.

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Paul Krieter, 295 Ellicott Street, stated he is concerned about public safety - people sitting at the tables and waving to cars going by. Tables could also be used as a spot for social gathering. He thinks the fee should be \$75.00 - or more because it isn't taking away from their business but it is an addition. He questioned if this is only for restaurants and how do you differentiate from bars. Also, how about other businesses putting out items to sell on Saturday's in the future. He is against this law because it's a change for the Village and what we are used to.

Bob Krieter, 26 Monroe Drive, asked if there is anything in the Village Code which requires restaurants to have restroom facilities. Trustee Frese stated the NY State Uniform Code requires places of public assembly to have restrooms and running water and now handicapped facilities.

On Motion by Mayor Pizza, seconded by Trustee Wutz, the hearing was closed at 8:05 P.M.

Unanimously carried.

Theresa L. Cummins  
Administrator/Clerk-Treasurer

**Minutes of the Regular Board Meeting of the Village of  
Williamsville held in the Williamsville Village Hall, 5565 Main  
Street, Williamsville, New York on August 28, 1995 at 7:30 P.M.**

Present: Basil Piazza, Mayor  
Joseph Frese Trustees  
Richard Langenfeld  
Barbara Schofield  
William Wutz

Patrick Kelly, Village Attorney  
Theresa L. Cummins, Vlg. Admin./Clerk-Treasurer  
David Laubisch, Supt. of Public Works

Mayor Piazza opened the meeting with the Pledge of Allegiance at 7:30 P.M.

Mayor Piazza presented a Thirty-year Certificate to John Anstett for his many years of diligent service to the Village of Williamsville. He thanked John on behalf of the current board and all past boards.

ON MOTION by Mayor Piazza, seconded by Trustee Frese, the minutes of the regular meeting held on July 24, 1995 were approved.

Unanimously carried.

ON MOTION by Mayor Piazza, seconded by Trustee Frese, it was moved to open at 7:38 P.M. a public hearing being held to discuss a proposed local law which would amend the Village Code regarding Outdoor Seating. (The public hearing was closed at 8:05 P.M.)

Unanimously carried.

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

Unanimously carried.

Elroy Avery, 75 Rinewalt Street spoke regarding tree plantings at Lehigh Memory Trail and his request for a letter from Trustee Frese regarding the not for profit group which was interested in 23 Rinewalt. He has not received the letter to date. Trustee Frese stated the letter was to be sent by Mr. Millane, the group's attorney.

Jim Tricoli, 4 Columbia Drive, commented on Freedom of Information requests.

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Carolyn Schlifke, 192 Evans Street, spoke about the Town of Amherst's discussions regarding removal of the stop signs at Eagle and Evans streets. This is a Village concern, not a Town concern and removal would penalize the people in the area since that intersection is the only safe way to cross Evans Street. Trustee Langenfeld stated that when the Traffic & Safety Committee met this month, they made the recommendation that the stop sign at Eagle and Evans not be removed but remain in place.

Mollie Knibloe, 101 Garrison Road spoke regarding the need for sidewalks on Garrison Road. She feels we need to proceed because the traffic on Garrison demands we act soon. She also wondered who is coordinating with Amherst when we reach the Garrison/Wehrle area at the Town/Village line. She is also concerned about the signage on Garrison Road and would like it increased and made stronger.

Robert Krieter, 26 Monroe Drive, questioned what happened to the sidewalk money from Bill Whitehead? Attorney Kelly stated that when the funds become available, and are accepted by the Village, they would go into the General Fund and then could be used for sidewalks, if the Board chose to pay a portion on Garrison. If that occurred, the Village would have to offer the same percentage to every homeowner in the Village for one year.

Mr. Krieter also requested that stripes in the center and side of road be placed on Garrison Road, since they are now faded. Mr. Laubisch will call the County to see that it is done. Mr. Krieter asked for a crosswalk on Scott and Garrison for children to cross. He also discussed the need for truck sign on Evans Street in the Town of Amherst just south of Sheridan Drive.

MaryAnn Avery, 64 Garrison Road spoke regarding a number of old buildings in the Village of Williamsville which look worse than 23 Rinewalt Street.

Paul Krieter, 29 S. Ellicott Street hopes a lot of thought goes into what is going to happen to 23 Rinewalt because it is old and there is a lot of heritage there and we don't want to lose our old buildings. He wondered if the corner of S. Ellicott and Park near Garrison Park could be striped as a crosswalk.

ON MOTION by Mayor Piazza, seconded by Trustee Langenfeld it was moved to close public participation and return to the regular agenda.

Unanimously carried.



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Williamsville held in the Williamsville Village Hall, 5565 Main  
Street, Williamsville, New York on August 28, 1995 at 7:30 P.M.**

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

Vouchers in the amount of \$120,740.10 covering the period from August 11, 1995 - August 23, 1995 were approved:

Payroll fund w/e 8/19/95	\$ 27,303.43
General Fund	48,480.28
Water Fund	1,214.18
Sewer Fund	1,098.21
Glen Park Fund	1,334.46
Trust & Agency Fund	11,549.44
Capital Fund	1,927.10
Community Development Fund	27,833.00
 *Grand Total*	 \$120,740.10
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Large Vouchers:

C & A Painting Contractors	\$27,833.00
Kuhn's Radio Communications	7,171.00

Unanimously carried.

ON MOTION By Mayor Piazza, seconded by Trustee Schofield, the following resolution was adopted:

RESOLVED that a position of liaison is hereby created between the Village Board and the Village of Williamsville Business and Professional Association and,

FURTHER RESOLVED that Trustee Joseph Frese is hereby named as the Liaison.

Unanimously carried.

Trustee Langenfeld thanked all the residents who spoke during public participation regarding the traffic and safety concerns. He invited them to come to the next Traffic & Safety meeting to discuss these issues.

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ON MOTION By Trustee Langenfeld, seconded by Trustee Wutz, the following resolution was adopted:

RESOLVED that Ken Kubiak, Jack Oehmler, and Adam Kubiak, Williamsville Firemen are hereby authorized to attend the Training Officers Workshop I at the NYS Fire Academy in Montour Falls from August 25 - 28, 1995 and the cost, not to exceed \$200.00 each, to be paid by the Village of Williamsville and,

FURTHER RESOLVED that Thomas Meldrum, Williamsville Fireman is hereby authorized to attend the International Association of Fire Chiefs Conference in Louisville, Kentucky, from September 6th thru September 12, 1995, and the cost, not to exceed \$500.00 to be paid by the Village of Williamsville.

Unanimously carried.

ON MOTION By Trustee Langenfeld, seconded by Trustee Schofield, the following resolution was adopted:

RESOLVED that the Village Administrator publish notice of public hearing to be held by the Board of Trustees on September 11, 1995 at 7:30 PM in Village Hall, for the purpose of hearing all persons interested in discussing a proposed Local Law which would amend Section 103-16 of the Vehicles & Traffic Code and would eliminate parking on the east side of Reist Street between Glen Avenue and a point 187' north of Glen Avenue.

Unanimously carried.

Trustee Schofield reported that starting in September, the Youth Committee will be working with the schools to determine the needs of our youth, particularly those in the 11-18 year old area. Items discussed are a "Kids Night Out on Main Street", a roller-blading event, etc. Regarding Savor the Flavor, we are still tallying the results because some vouchers were just submitted for payment. She explained that when an event such as Savor the Flavor occurs, the funds are deposited into that specific account and then the Parks Committee will be determining how the funds are to be spent.

Trustee Wutz reported that we are still awaiting approval on the Historic Preservation Grant and therefore these funds have not yet been received.

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ON MOTION By Trustee Wutz, seconded by Trustee Schofield, the following resolution was adopted:

RESOLVED that Nichols, Long & Moore are hereby appointed to perform restoration of Glen Park Pool #3 at a cost not to exceed \$18,450.00, per their quote of August 14, 1995 and,

FURTHER RESOLVED that the funding for this project will come from the Fish & Wildlife Grant and the Glen Park Joint Activity Fund Surplus.

Unanimously carried.

ON MOTION By Trustee Wutz, seconded by Trustee Schofield, the following resolution was adopted:

RESOLVED the Mayor is hereby authorized to sign a Permanent Public Sanitary Sewer Easement which grants unto the Town of Amherst the permanent right and easement to construct, operate, maintain, repair, reconstruct, expand and extend the Sanitary Sewer and Appurtenances under and across an area described as being a portion of the abandoned Lehigh Valley Railroad under SBL Acct. #81.09-4-24 as shown on a map designated Exhibit #2 prepared by Hayden/Wegman Consulting Engineers under Job No. 94069, dated May 15, 1995, attached to the easement and made a part thereof.

Unanimously carried.

ON MOTION By Trustee Wutz, seconded by Trustee Frese, the following resolution was adopted:

RESOLVED that the engineering firm of O'Brien and Gere is hereby appointed to provide engineering services in connection with water distribution system improvements at various sites within the Village of Williamsville at a cost, not to exceed \$37,300.00, per their proposal dated August 28, 1995.

Unanimously carried.

Trustee Frese reported that the Building Dept. has been very busy issuing permits since there is a lot of remodeling going on. He also reported the work on the Village Hall is on the road to completion and should be done by September 13th.

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ON MOTION By Trustee Frese, seconded by Trustee Schofield, the following resolution was adopted:

RESOLVED that the Salary of David Sutton, Building Inspector P/T, is hereby set at \$17.50 per hour effective August 28, 1995.

Unanimously carried.

ON MOTION By Trustee Frese, seconded by Trustee Wutz, the following resolution was adopted:

WHEREAS, the Village Code Enforcement Official has provided a written report to the Board pursuant to Section 15-5 of the Village code; and

WHEREAS, the Village of Williamsville Board of Trustees have requested from the owner of 23 Rinewalt Street, Mr. Jerry Gordon to submit in writing a precise and exact time frame for repairs to said property to insure that said structure be brought up to code as per the Village of Williamsville, and the New York State Uniform Building Code, and

WHEREAS, the Williamsville Board of Trustees gave said owner an additional 30 days from July 24, 1995 to submit a proper written schedule and said time period has expired without any submittal, and

WHEREAS, the Board of Trustees desires to insure the health and safety of its residents, and require said owner to repair the building to a level of safety as called for by the Village of Williamsville and the State of New York Building Codes and does not favor of the option of razing said building, now

THEREFORE, BE IT RESOLVED that on this date August 28, 1995, the Village of Williamsville Board of Trustees directs the Village of Williamsville Building Inspector to issue summonses requiring repairs for any and all violations existing on the property, based on his inspections.

Unanimously carried.

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ON MOTION By Trustee Frese, seconded by Trustee Wutz, the following  
resolution was adopted:

RESOLVED that the Board of Trustees of the Village of  
Williamsville hereby authorizes the Mayor to execute a Release  
of Easement covering property commonly known as 5475 Main  
Street, Williamsville, New York.

Unanimously carried.

ON MOTION By Trustee Frese, seconded by Trustee Schofield, the  
following resolution was adopted:

RESOLVED that the Village Administrator publish Notice of  
Public Hearing to be held by the Board of Trustees on  
September 11, 1995 at 7:40 P.M. in the Village Hall, for the  
purpose of hearing all persons interested in discussing the  
dedication of Castle Creek Trail and the related public  
utilities easements to the Village.

Unanimously carried.

Administrator Cummins had no report but did report for David  
Laubisch, Supt. of Public Works who had left the meeting to meet  
with Niagara Mohawk representatives, that NYS Dept. of  
Environmental Conservation has approved the Northwest Board's final  
Comprehensive Solid Waste Management Plan. We believe this has  
been the 1st one approved in Erie County.

ON MOTION by Mayor Piazza, seconded by Trustee Wutz the meeting was  
adjourned at 9:15 P.M.

Unanimously carried.

Theresa L. Cummins  
Administrator/Clerk-Treasurer