

**MINUTES OF THE REGULAR BOARD OF THE BOARD OF TRUSTEES FOR
THE VILLAGE OF WILLIAMSVILLE
December 14, 2015**

The Town Hall/board meeting was called to order at 6:30 pm by President Tom Yokley. Present: Clerk: Karen Humphres. Trustees: Dave Carter, Patrick Gettleman, John Brennan, Valerie Patterson, Skylar Tierney. Absent: Matt Bunger

GUESTS: See attached.

Trustee Brennan moved to approve the minutes of the regular board meeting of November 23, 2015, second by Trustee Gettleman. All ayes, motion carried.

COMMUNICATIONS: President Yokley announced that the Williamsville Foundation held a Quarter Auction to benefit Toys-for-Tots. They received over 200 toys and raised, along with other donations, \$757.00.

President Yokley asked to move Streets, Alleys, Sidewalks & Storm Sewers committee report to be the first one. Trustee Carter made a motion, seconded by Trustee Brennan. All ayes, motion carried.

GUESTS COMMENTS/CONCERNS: See below.

COMMITTEE REPORTS:

FINANCE (Skylar Tierney): Trustee Tierney made a motion to pay bills as presented. Trustee Patterson seconded the motion. All ayes, motion carried.

Trustee Tierney stated the 2016 Budget will be presented and passed at the December 28th meeting.

PUBLIC SAFETY (John Brennan): Trustee Brennan stated the Village is looking into a different elert notification system. The program we would like to go with is an Everbridge company called Nixle. Nixle has several advantages including easy access, access to send notification from computer or telephone, compatible with Facebook and Twitter, individuals can respond to Police Department with any tips, etc.

Trustee Brennan made a motion to spend \$3,000 a year and \$400 setup fee, seconded by Trustee Tierney. All ayes, motion carried.

WATER & SEWER, (Matt Bunger): Trustee Bunger was absent.

ECONOMIC DEVELOPMENT (Valerie Patterson): Nothing to report.

PARKS & RECREATION (Dave Carter): Nothing to report.

STREETS, ALLEYS, SIDEWALKS & STORM SEWERS (Patrick Gettleman): Trustee Gettleman stated there has been a couple of committee meetings held to discuss a portion of sidewalk on East Main Street. One of the committee meetings was held on December 3rd to hear Dombrowski's new proposal to the village board. Trustee Gettleman shared with the board that the committee had a recommendation to come before the Village board, however; that recommendation was not unanimous vote. Trustee Gettleman stated there were three options. One option was to abandon any interest the Village may or may not have in relation to the sidewalk on East Main Street. The Village would not be held liable for any expense regarding the removal of the sidewalk. This recommendation was only valid if all three property owners would voluntarily give the Village 30 feet of right-of-way for future use. Since all three homeowners will not voluntarily give the Village 30 feet

of right-of-way, this recommendation cannot go any further. Trustee Gettleman stated again, that the recommendation from the committee was not unanimous. He stated the resolution to this problem is back to the "drawing board". President Yokley stated he understands the Dombrowski's have a sewer problem that needs fixed. He told them to proceed with getting their sewer problem fixed. The Village gives permission for 8-10 feet of sidewalk to be removed for the sewer repair. He stated since the Village cannot pour concrete this time of year, white rock would be installed until spring. President Yokley stated the village engineer could not attend the meeting, however; he would like for him to review the options for resolution on this sidewalk issue. He stated this is only a temporary fix. He hopes that this matter is all resolved by spring. Dombrowski's stated again, that the sidewalk is not in the right-of-way and that is it on private property. Dombrowski's stated resolution needs to happen quickly due to the liability issue. Dombrowski stated the Village should do the right thing and remove the sidewalk. Dombrowski stated if the Village wants to negotiate for a right-of-way, that they should do just that. Sidewalk has been installed since approximately the 1880's. They stated Mr. Prather installed the sidewalk well over 50 years ago on this private property. Dombrowski stated the sidewalk was overlaid in 2009. They stated again that this sidewalk goes nowhere. Dombrowski stated there was someone who about overturned a mobility scooter on the sidewalk. They stated the sidewalk is creating a liability to property owners. They stated the sidewalk has no public need, and also it is a personal sidewalk. They also stated there is no right-of-way. Randy Segatto, Village Attorney, explained his interpretation of the law. Three options were available on this matter: 1) committee recommendation – which was not unanimous. (Proposal was that the village abandon the sidewalk if all three homeowners were willing to give 30 feet of right-of-way to the Village for future use, at no cost of removal to the village.) Dombrowski's proposal was to split cost of removing the sidewalk. Trustee Gettleman stated they aren't making the recommendation from the committee. The law states that if the sidewalk has been an obvious public use for right-of-way, for minimum 15 years, the Village can obtain the title by prescription or adverse possession. Option 2) condemnation – have to prove a public need/purpose 3) if no public need, no purpose, abandon the sidewalk. Village attorney stated the village has abandoned streets, alley ways, railroad crossings in the past, however; it's not very often. These three properties were not developed through subdivision regulations. He states these properties were more than likely annexed in during the 1960's, possibly 1964. Trustee Gettleman stated he had just learned of the Comprehensive Plan in which it states Main Street could possibly be widened to become a 3 lane road, within the next 5-10 years. Dombrowski stated their house, along with Jim Mergen's house, are considered historic properties. Dombrowski wishes the sidewalk was never maintained, and would have been kept in its original condition for historical purposes. Dombrowski states the sidewalk is now wider, longer, and thicker than its original condition. President Yokley stated the board will have an answer for them at the next board meeting. He also stated the Village will not be removing the sidewalk. He stated the village's decision will be determined by the engineer's input.

Jim Mergen also attended the meeting and shared his thoughts. He stated he was just made aware a few days before, that the sidewalk has become an issue. He stated he didn't realize the sidewalk was considered his property or his liability. He stated that since the Village maintains the sidewalks, it was their property. He discussed the sidewalk that is located on Elkhart & Main Street. He stated as long as the village maintains this attractive nuisance, he was okay with whatever the village wanted to do. He stated that if the village wanted to maintain the sidewalk, he would sign an easement, etc. He would also be willing to talk to village about a new easement if village decides to move the sidewalk. He stated he plans to sell his property next year, and would like to be in good standing with everyone, including the next owners of his property. An answer will be given at the next board meeting to be held on Monday, December 28th.

ADDITIONAL BUSINESS: President Yokley appointed Scott Gaddy as the new ESDA coordinator.

Trustee Brennan made a motion to pass ordinance #2015-12 amending Chapter 123, Article II Section 23-9 of the Code of the Village of Williamsville, seconded by Trustee Carter. All ayes, motion carried.

Trustee Brennan made a motion to pass ordinance #2015-13 amending Chapter 320, Article II Section 320-10 of the Code of the Village of Williamsville, seconded by Trustee Tierney. All ayes, motion carried.

Trustee Brennan made a motion to pass ordinance #2015-14 amending Chapter 320, Article X Section 320-48 of the Code of

the Village of Williamsville, seconded by Trustee Patterson. All ayes, motion carried.

The 2016 Board Meeting schedule and holidays will be approved at the next board meeting.

The regular board meeting of the Board of Trustees for the Village of Williamsville adjourned at 7:07 p.m.

Respectfully Submitted By
Karen Humphres, Village Clerk