

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, April 24, 1989 at 7:40 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert
Ronald Daniels Trustees
Yvonne Kaye
Richard P. Sweeney

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Treasurer
David Laubisch, Supt. of Public Works

The clerk read the notice of public hearing being held for the purpose of discussing a request for an Exceptional Development permit for the proposed Castle Creek Subdivision which will be located west of Garrison Road and north of Willowbrook Drive.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, public hearing was opened at 7:40 P.M.

Unanimously carried.

Trustee Sweeney asked if any representative of the development were in attendance. Mr. William Whitehead, one of the owners, was present, along with Mr. William Tuyn, the engineer for the project.

Trustee Sweeney stated Exceptional Development is a provision in Village law which provides for matters regarded as unique and affecting the special characteristics of the Village of Williamsville. They involve such issues as multiple dwellings, being four or more dwelling units. In this case they involve a subdivision of two or more units of three or more dwelling units. As part of the procedure for Exceptional Development, a request in writing is received making a petition to the Village Board. The matter is referred to the Planning and Architectural Review Board, Traffic and Safety Committee, Environmental Advisory Council, and the Recreation Committee. Then the Board of Trustees proceed with a Public Hearing and following the hearing they make a determination based on facts and the substantial evidence recorded through the correspondence and recommendations received and hearing record itself. The law states the Trustees "shall grant on Exceptional Development Permit only upon a finding of reasonable grounds that the action shall promote the safety and welfare of the Village. As is the custom of the Village Board, a decision will not be made tonight.

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Mr. William Tuyn from Pratt and Huth stated the proposed subdivision will have eight lots. There is a roadway they would like to bring into Garrison Road. About four lots lie within Zone A of the FEMA Map, which is 100 year flooding and in this area, houses would be built without basements and would be built above that elevation. The rest of the houses are in Zone B and Zone C. The subdivision would be serviced by the utilities at Garrison Road -water and sewer and storm drainage would go directly to Ellicott Creek.

Jim Zaepfel, 78 Willowbrook, representing all the homeowners on Willowbrook, questioned the backyards of those houses that will face Willowbrook. What will be done so these residents do not have to look at the backyards. He also questioned two streets so close together. Mr. Tuyn stated the developer proposes to put up any type of screening that the public would wish. They could put up a redwood fence or a row of evergreens. There is already a dense treed area and this would not be touched. The houses cannot be turned around because there is a one foot strip of land along Willowbrook which cannot be crossed so a driveway cannot be constructed across it. Also since it is residential subdivision they want the houses within the subdivision to face toward the others. Mr. Zaepfel stated the lots are quite shallow and when the houses are set back, they will be located quite close to Willowbrook. Mr. Tuyn stated all the lots are larger than required by Village Zoning which in R-2 required 6,250 square feet of area. The smallest lot in this subdivision is 10,300 square feet. Mr. Zaepfel asked what guarantee there was the the screening would be maintained. Mr. Tuyn stated evergreens do not require much maintenance. Regarding the location of the two streets, this is not a through street and having only eight houses, they estimate there will be only twelve (12) cars per hour peak and a minimum of two (2) cars per hour. They are not trying to dump a significant amount of traffic out onto Garrison Road. Mr Tuyn asked about the one foot property along Willowbrook which seems to be the problem. Mr. Tuyn stated they have tried to get that property but it is not available.

Peggy Santillo, 37 Rinewalt Street, read a statement as a member of the Parks Committee. (A copy of the statement is attached. - Attached #1.)

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Trustee Sweeney read comments from the following residents and committees which are attached:

- 1) Letter from Harmon Whipple, a member of the Parks Committee (Attached #2.)
- 2) Excerpts from th Minutes of the Planning Board of March 6, 1989 (Attached #3.)
- 3) Memorandum to the Building Department from the Environmental Advisory Council dated April 21, 1989 (Attached #4.)
- 4) Two communications from the Traffic and Safety Committee (Attached #5 and #6.)
- 5) Correspondence from the Williamsville Central School District to Judy Ames stating that eight (8) houses would generate seven (7) students in grades K-12 (Attached #7)

Hattie Snyder, 113 Oakgrove is concerned with possible additional flooding and how it would affect the present homes on Oakgrove. She has lived there sixty-five (65) years and there was a terrible flooding before the channel was widened. Mr. Tuyn stated about four of these lots fall within the 100 year floodplain, the area where flooding can occur statistically once every 100 years or a one in a 100 chance each year that elevations will reach this level. Since basements are not allowed in this area, they are only building the houses above this level so they will not be displacing a significant amount of water.

Mr. Tuyn responded to some of the comments made earlier in the committee reports regarding the need for an Environmental Impact Statement. He stated the laws are not necessarily in place to automatically trigger these type of documents. There are serveral stages to get to this which are in place to protect both the homeowners and the developers. It's not in place to stop the development. Some items such as grading and final home elevation would not be included in the EIS. Unless the project goes to preliminary plot, they won't know what house elevations will be because they haven't developed road profiles nor sewer lines at this stage. He also thinks it unfair to say to a developer that we don't want you to develop this land because someday we may want to develop it as a park.

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Andrea Adema, 185 Oakgrove, asked if these homes were going to be developed by a single developer or sold off individually and if any study has been done regarding the improvement of the bridge going to the Castle. Last year the bridge over Wehrle Drive was reconstructed but the bridge to the Castle has not been modified. This could result in additional potential flooding because any accumulation at this bridge will act as a dam causing spillage into the Castle property. Mr. Tuyn stated that since the bridge is not under their jurisdiction, no study has been done on it. He said while they are not solving any of the problems in the area, they are not contributing significantly to the problems. They also cannot change lot configurations in the floodway along the creek, but they can make alterations to the rest of the site. They have to put a road in, and profile it so the drainage can get to the creek and run off that way. They hope to use fill from one part of the site to another part of the site. They do not want to bring fill in.

Mrs. Acer, 195 Garrison Road, is also concerned about flooding. The residents do not want the developer to solve any problems but do not want them made worse. Mr. Tuyn reassured her they would not be making them worse. They will also be providing calculations for storm run offs, for the use of sanitary sewers. These will all be provided in the design stage. Mrs. Hacher asked who will review the plans when they reach the design stage. Mr. Tuyn stated they are reviewed by many people - the Village Board, the Building Department, the Architectural Review Committee, the County of Erie Department of Environment and Planning the Health Department, New York State Department of Environmental Conservation.

Mrs. Adema asked if any of these groups can stop the process or do they just have review power. Mr. Tuyn stated all of the agencies have review status. Trustee Sweeney stated the primary responsibility for insuring implementation of the local flood insurance ordinances lies with the Village through its Building Department. As part of that review we do get advisory opinions from organizations such as NYDEC and Environment and Planning. We do take care to get information from these people and it is the Village Boards responsibility to minimize flooding.

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Barbara Smith, 26 Willowbrook, stated she probably has one of the highest lots on the street. She has survived one of those one-hundred (100) year floods about four (4) years ago and believes this is a very big issue. She also thinks that backyards facing Willowbrook will neither enhance her property nor the aesthetics of the Village of Williamsville.

Judith Schiffert, 233 Oakgrove, stated that the term 'Exceptional Development' is new to her. She wondered how does this proposal promote the health and safety of the residents of the Village of Williamsville and how is this different from another development permit. Trustee Sweeney read from Section 7.00 of the Village Code which deals with Exceptional Developments. Attorney Troy explained that a "normal" application for development would go to the Building Department, it might be referred to the Planning Board, and the Traffic and Safety Committee and after they had given their opinions, it would go back to the Building Department and the Building Inspector would issue a permit. A number of years ago there was a problem in the Village concerning hi-rises. In an effort to control that and put the Board of Trustees in control, the "Exceptional Development" section was enacted which said that certain types of buildings, certain number of residential units, and buildings of a certain size would require that the Board of Trustees grant the permit and not the Building Inspector. It can only be granted after a public hearing and after all the committees have issued their recommendations. The Board takes these recommendations of the committees and those of the public from the public hearing and factors all this in and makes a decision as to whether or not to grant the Exceptional Development Permit.

Mary Ann Avery, 64 Garrison, asked where the water goes when it leaves the development. Mr. Tuyn stated some will go into storm sewers and then into the creek. Mr Avery stated this runoff will empty right into the area of the Davies Castle which has been designated as a historic site by the Village of Williamsville. She has no objection to Mr. Whitehead building a couple of houses there if he can contain the water but it is not fair to have the runoff from these properties flood someone else's property. There is also an underground stream which runs north from Davies Road which goes out to Oakgrove and emerges into Garrison Park which also floods. It is not responsible to push the water off on to other properties. Mr. Tuyn stated in any development they propose there is always rear yard drainage included. Right now the property drains onto other properties. With the rear yard drainage, it will not drain onto Willowbrook as the surrounding properties on Oakgrove but will be directed to the Creek.

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James Saia, 20 Belmont Place, stated when the residents bought the property, they did so because of the green area. Now the proposal is to add a road, eight roofs and eight driveways - all of which do not absorb water. He is also concerned about the domino effect this development would have. Would other neighbors now want to develop the backs of their properties, putting in additional roads and more houses.

Fred Reifsteck, 43 Creek Road, stated he feels that Garrison Road can handle the sixteen (16) or so cars this development will generate. Also the land at present is not the most beautiful site the way it has been kept for the last thirty (30) or forty (40) years. There are many weeds in the area and he feels the neighbors' property would be enhanced by nice landscaping.

Mary Carr, 100 Orchard Street, said this seems to be in a very basic planning stage now. After this stage when do you say, "we don't want it"? When do you say, "yes" or "no" to the project? Trustee Sweeney stated these are a number of possible answers. The Board can deny or approve the plot plan as submitted. It can approve it subject to conditions the Board would identify such as future types of submissions that would be required. Ms. Carr asked if the developer complies with all the necessary requirements what weight do the people's comments have who are speaking here and are against the development. Mayor Brenton stated the decision will be made by the five members of the Board after all the input from the public hearing is received. The Board will listen to the developer and to the residents and make a decision which will be in the best interest of the Village.

Margaret Rusch, 69 Columbia, asked if someone bought the property from Mr. Whitehead, does it have to be developed? Mr. Tuyn stated if someone bought it from Mr. Whitehead, they would have the option to leave it undeveloped.

Hattie Snyder, 113 Oakgrove, asked where it says a major highway can come within inches of a persons property and stated that the plans being shown here today are not same ones previously shown to the residents. Mr. Tuyn wondered if she was referring to the original fourteen (14) lot subdivision since this is only eight (8) lot plan submitted.

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Jeff Hahn, 99 N. Ellicott Street, a member of the Environmental Committee also felt that a different plan was submitted to their committee for review. Trustee Daniels compared the plan with the one he had presented to the Environmental Committee and stated it was the same plan except that one had color on it and one did not.

Mary Lindow, 22 Garden Parkway, believes they should strike the word "Castle" from the title of the project. The people at the Castle are going to lose their privacy when this development is built and should not have to suffer the indignity of having "Castle" in its name unless they give permission to the developer to use their name.

Doug Adema, 185 Oakgrove, a member of the Village Planning Board stated that the Planning Board requested the developer to contact the owner of the one foot of land to see if it was available. He wondered if the developer has done this? Mr. Whitehead stated it has been done on a number of occasions but to no avail, but it has been done since the Planning Board meeting.

Fred Avery, 64 Garrison Road, wondered if anyone was present representing the owners of the Castle? Mr. Avery is concerned for their privacy and also agrees with the prior comments regarding the flooding. Being a civil engineer, he is familiar with the elevations in this area. There are two sandbars exactly six-hundred (600) feet north of the Castle moat where you can get out of a boat and walk. Any flood coming from Bowmansville will come through there. Fred Reifsteck, Pfohl Place, stated the sandbars have been there since the 1940's.

Trustee Sweeney read the following committee recommendations:

- 1) Letter from Chief Tony Schueckler to the Building Department (Attachment #8 attached).
- 2) Memo from Richard Delo to the Village Board dated April 24, 1989 (Attached #9 attached).

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Trustee Daniels questioned the elevations on the map - whether they were over sea level. Mr. Tuyn stated they were going to build the house in the floodway above the one-hundred (100) year flood level and the landscaping would be sloped to meet the houses. Trustee Daniels wondered if the road surface would be excavated so it would be below the grade of the landscaped areas approaching the homes and if so how much. Mr. Tuyn stated about one-quarter ($\frac{1}{4}$) inch per foot is what they would have to allow for the water to run off to the Creek. He doesn't know what the final elevations would be. Trustee Daniels stated that drainage seems to be the critical feature in this development and it is very difficult for the Board to approve this with so many concerns and actually no answers. He is particularly concerned because one of his assignments is the Ellicott Creek Revitalization who will be involved in testing the water etc. All the residents who live along the Creek will be receiving a questionnaire about the Creek shortly and its affect on them.

Mr. Tuyn stated if they could help the Village repair the problem there, they would welcome the opportunity. However, they are not sure the opportunity exists. They will not contribute to the problems of the area. They do not want their water to run off to the existing property owners. It will run off into Ellicott Creek. No matter what they do, that is still where the water will go. They will insure the homes will be built sufficiently high so the homes themselves are not within the flood zones.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, the public hearing was closed at 9:05 P.M.

Unanimously carried.

At this point, the Board realized that Mr. William Whitehead, the developer of the project had not been heard; therefore, the public hearing was reopened.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, the public hearing was reopened at 9:06 P.M.

Unanimously carried.

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Bill Whitehead, 223 Garrison Road, stated that in 1983 he came before the public with a request to develop his property to be called "Castle Creek Trail". It was to have fourteen (14) lots. The proposal was denied as it was too impacting on the area. He now returns with a new eight (8) lot subdivision. The new proposal enlarges the lots and gives a more expensive look to the area. The entranceway wall will be constructed of brick and stone and will have a wrought iron fringe. It will be well landscaped and well flowered. The homes will be upscale in the \$250,000 plus range and will appeal to the professional family. They will have deed restrictions barring dog houses, above the ground swimming pools, garden houses and other such structures in the back yard. He envisions a total capital expenditure between \$2,000,000 and two and one-quarter (2 $\frac{1}{4}$) million dollars in the development of this total entity. This will be a boon to the Village tax base. The use of state of the art materials for underground utilities will require little Village maintenance. Less than 2,000 gallons effluent from the sewer will flow into the sewer at Garrison Road and less than 2,000 gallons water will be required to service those lots. He stated the neighboring properties can only increase with his development. They cannot decrease. With the screenings he will provide along Willowbrook, they will not be able to tell if the houses face them or against them. The trees that are there now will remain there. There are a few in the center of the property that will have to be moved for the road and the utilities. These will be moved to homesites. No trees will be cut down using a power saw. Trees will be moved using a tree spade. He recapped the following:

- 1) Rear yards facing neighboring yards will be fully screened with a living hedge.
- 2) There will be virtually no impact on the environment or a burden on the existing sewer and water lines on Garrison Road.
- 3) Traffic generated by eight homes will be minimal.
- 4) Deed restrictions will enhance the natural beauty of the property and its environs.
- 5) Buried utility lines will create an openness and a pleasing eye appeal.
- 6) The eight homes will generate a new tax base for the Village.
- 7) A \$2,000,000 plus capital expenditure will enhance the total of all the Village assets.
- 8) His expertise in the Construction business and the landscaping areas can only enhance the properties surrounding Castle Creek Trail. He feels it can become one of the most notable, beautiful, handsome entities in the Town of Amherst and the Village of Williamsville.

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Trustee Sweeney asked if Mr. Whitehead had the deed restrictions in written form. Mr. Whitehead stated he did not have any with him but it was a simple form that goes with the deed. He had stated the four restrictions before - basically no dog houses, garden houses, chain link fences. They want to keep the property open and non-confining. Mr. Whitehead submitted a petition signed by 25 signatures in favor of the subdivision. (Copy of petition attached. Attachment #10).

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, the public hearing was closed at 9:15 P.M.

Unanimously carried.

Theresa L. Cummins
Clerk/Treasurer

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, April 24, 1989 at 9:16 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert
Ronald Daniels Trustees
Yvonne Kaye
Richard P. Sweeney

Thomas V. Troy, Village Attorney
Theresa L. Cummins, Village Treasurer
David Laubisch, Supt. of Public Works

The clerk read the notice of public hearing being held for the people of hearing all persons interested in the designation of Glen Park as a historical site.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the public hearing was opened at 9:16 P.M.

Unanimously carried.

Trustee Bindert stated that the Glen Park Committee is interested in having the historical designation given to the Glen Park site.

Trustee Kaye said she had a request from some of the members of the Historical Preservation Committee to recess this public hearing to our next scheduled meeting - May 8, 1989.

ON MOTION by Trustee Kaye, seconded by Trustee Bindert, the public hearing was recessed until May 8, 1989 at 7:30 P.M.

Unanimously carried.

Theresa L. Cummins
Clerk/ Treasurer

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, April 24, 1989 at 7:35 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert
Ronald Daniels Trustees
Yvonne Kaye
Richard P. Sweeney

Thomas. V. Troy, Village Attorney
Theresa L. Cummins, Village Treasurer
David Laubisch, Supt. of Public Works

Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:35 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the regular meeting of the Board of Trustees held April 10, 1989 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of the public hearing on the 1989-1990 General Fund, Water Fund, Sewer Fund, Glen Park Activities Fund and Debt Service Fund, held April 10, 1989 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the public hearing on the 1989-1990 Sewer Rent Rates, held April 10, 1989 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the public hearing on the request for the proposed Castle Creek subdivision was opened at 7:40 P.M. (The public hearing was closed at 9:15 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the public hearing regarding the designation of Glen Park as a historical site was opened at 9:16 P.M. (The public hearing was recessed to the next meeting, May 8, 1989 at 7:30 P.M.)

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Bindert, Vouchers in the amount of \$100,204.58 covering April 11, 1989 through April 24, 1989 were approved:

payroll fund w/e 4/12/89	\$ 14,045.16
General fund # 677	\$ 18,390.54
Sewer & Water fund # 258	\$ 30,929.37
Trust & Agency fund # 295	\$ 36,194.91
Glen Park Joint Activities fund # 195	\$ 214.60
Capitol fund # 213	\$ 430.00
Water Trust fund #	\$
Community Development #	\$
Sidewalk Rehab fund #	\$

* Grand Total * \$100,204.58

Large vouchers: Erie County Water Authority	\$ 29,867.45
Hutchinson Hose Co.	\$ 21,650.59
Seneca Hawk Inc.	\$ 10,000.00

Unanimously carried

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, the following resolution was presented:

WHEREAS, the tentative General Fund budget for the 1989-1990 fiscal year has been duly represented to the Board by the Budget Office and a duly advertised public hearing has been thereon,

RESOLVED, pursuant to Section 5-508 (4) of the Village Law, that the said tentative budget, revised as follows, is hereby adopted as the General Fund budget for the Village of Williamsville for 1989-1990 fiscal year.

Revisions as follows:

Increase salary of part-time Account Clerk to \$8.00 per hour - no increase in 1.1410.1 Personal Services figure.

Additional revisions to the Salary Schedule to be made upon completion of contract negotiations with the DPW union.

Increase 1.7141.4 Account by \$5,000.00 to reflect additional transfer to Glen Park for pond repair.

Increase total General Fund appropriations to \$1,912,105. to reflect above adjustments.

Increase tax rate to \$4.687 per \$1,000 assessed valuation.

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ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, the following resolution was adopted:

RESOLVED THAT the proposed 1989-1990 General Fund Village Budget be revised as follows:

Deputy Mayor's salary be increased from \$200 per year to \$324 and line item #1.1210.1 be increased from \$5,050 to \$5,174.00 to reflect this increase.

Total General Fund appropriations be increased to \$1,912,229.00

Surplus appropriated be increased to \$125,124.00

General Fund tax rate to remain the same.

Mayor Brenton stated he has some opposition to raising this salary even though it is an inconsequential amount so he asked Deputy Mayor Kaye to preside over the meeting so he could step down from the Chair in order to offer his comments on this matter.

At this point the Chairmanship of the Meeting was turned over to Deputy Mayor Kaye.

Trustee Sweeney stated that the effect of this amendment on the budget is simply to change the rate of compensation of the pension designated Deputy Mayor from \$200 to \$324 for this fiscal year. We are talking about \$124. His intent is to realign what are the duties encumbant on that position with the compensation. He is raising the Deputy Mayors compensation to ten percent (10%) over the basic trustees rate for assuming that positions' duties. He is aware that many Villages do not provide any additional compensation for the Deputy Mayor. However, the Village is more often influenced by our neighbor, the Town of Amherst, in which case there is a substantial salary which goes with the position of Deputy Supervisor. That trend has been the rationale for this additional stipend for the Deputy Mayor. Previous Village Boards decided there should be additional compensation for the position. The question is how much is a just amount. He simply feels that \$200 does not reflect a significant increase for the duties that this responsibility carries with it. It is encumbant upon the Deputy Mayor to act in many ways as a roll model for the citizens of the community and with that is entitled to some compensation.

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Mayor Brenton stated this is a minor amount of money that is being discussed, only \$124.00. However, he had served as Deputy Mayor for many years and he feels that the extra \$200 that the Deputy Mayor receives is adequate. It never occurred to him to request a raise. Although the Trustee Sweeney indicated the Town of Amherst has adopted increase for the Deputy Supervisor, Mayor Brenton reminded the Board that Amherst's Board had previously been a partisan board and this probably was how this came about and asked Trustee Sweeney to reconsider the motion before the calling of the roll.

At this point Trustee Kaye returned the Chair to Mayor Brenton.

Roll Call Vote to Amendment to the Budget:

Trustees Daniels, Aye; Bindert, Aye; Sweeney, Aye;
Trustee Kaye, Abstain; Mayor Brenton, No.

Three (3) Ayes; One (1) No; and One (1) Abstain.

Carried.

Mayor Brenton referred the audience to number VIII on the agenda which is public participation. This is where participation is always and we never deviate from this schedule. The Board has held its public hearing on the Village Budget at the last meeting giving all persons the opportunity to speak on the budget. Nonetheless he is going to allow public participation at this point prior to voting on the General Fund Budget since this allows for open government although it conflicts with our prior practice.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved to suspend rules for public participation on the General Fund Budget resolution.

Unanimously carried.

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Jack Wall, 326 Cadman, stated a petition has been circulated copies of which have been submitted to the Board. He thanked the people who circulated the petition and got four-hundred-seventy (470) signatures in two (2) days. (Actual count on signatures received in Village Clerks office were four-hundred-thirty-three (433).) The first proposal on their petition was to eliminate the second garbage pickup. The reason is that the second (2nd) collection would add approximately thirty-thousand dollars (\$30,000) to the budget. If we eliminated that collection, we could save 6% to 8% and still do the job. They would like the Board to at least consider the elimination of the second (2nd) garbage pickup. The other area he would like to address has to do with Mr. Kaplan, the attorney from Magavern and Magavern who has been hired by the Village to represent the Village regarding the Centerpointe development. He asked the Mayor if, at that meeting, there was any comment on Mr. Kaplan's part as to (1) the chance of winning or losing as far as that issue is concerned. Mayor Brenton asked how this discussion hinged on the General Fund. Mr. Wall stated that the Board allocated an opening figure of fifteen-thousand (\$15,000) to this item in the budget and made this statement at the last meeting that they are proposed to go as far as they have to on this issue, he feels it is tied to the General Fund. Attorney Troy advised the Mayor that it would not be appropriate for the Mayor to reveal the details of his opinion only to state whether he gave an opinion or didn't give an opinion. Mayor Brenton stated the answer to Mr. Wall's question was "no". Mr. Wall questioned all the Board members on the same topic, getting the same answer.

Dick Gallagher, 38 Chalmers Street, asked for clarification as to whether the Board just authorized a one-hundred twenty-four dollar (\$124) salary increase for one of the trustees in the next budget which already has a thirty-five percent (35%) increase to be imposed on the taxpayers. Mayor Brenton said this is true if the budget is adopted. Mr. Gallagher asked what the rationale is behind this increase when there is already so much controversy regarding the Centerpointe project and twice a week garbage pickup, that the Board would leave themselves vulnerable for one-hundred twenty-four dollars (\$124). Trustee Sweeney said he feels some fair measure of compensation should be given to the Board members as he assesses the salaries and how they have not increased over the last several years, he feels the compensations, particularly of the Deputy Mayor have not kept up with the increasing demands on the particular person in that position.

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He feels that a ten percent (10%) raise in salary is a minimum for a person who is expected to take on new duties. He makes that statement as a career Civil Servant and is comfortable with the idea that in order to have someone assume new duties, you offer that person additional compensation. Mr. Gallagher questioned if a thirty-five percent (35%) increase is not more than Village residents can bear. Trustee Sweeney stated his priority in this is that it should not be a total token effort so that people after years of service feel that they have no compensation that in effect the Village owes them something they never received. Mr. Gallagher stated he thinks this Board has a tremendous credibility problem as of tonight even though the sum is only one-hundred twenty-four dollars (\$124). Trustee Bindert noted that the resolution also states there will be no increase in the tax rate. Mr. Gallagher stated he is looking to see the rate go down not to remain the same.

Bob Brewer, 145 N. Long Street, stated in circulating the petition he has been able to talk to his neighbors. Most of them are aware that the thirty-five percent (35%) increase is primarily due to the escalating costs of solid waste removal. He thinks that responsible government finds ways to economize and prioritize the General Fund and taking that increase and better allocating the money. It was interesting to him that the fifteen-thousand dollars (\$15,000) for Centerpointe was more than was allocated for Youth Services, Aging Services, for rehabilitation of the Village Meeting House and maintenance of Glen Park, all that were indicated as being important to Village residents. People on fixed incomes, especially Senior Citizens, are finding the thirty-five percent (35%) increase very difficult to bear. Lot of people said why don't we take fifteen-thousand dollars (\$15,000) from Centerpointe and thirty-thousand dollars (\$30,000) from the second garbage pickup and allocate it to the water system where the taxpayers are losing money. He feels people were shocked by the thirty-five percent (35%) number. He thinks they understood where it came from but what they were saying when they signed the petition it behooves the Board to better spend the money to better allocate and better prioritize the money. Mayor Brenton stated that we have a democratic form of government. Speaking of going back to the public for input, as recently as two weeks ago we had a Village election where two new trustees were elected. The people did have a right to speak and they did it. We go through the process regularly. The Village Board listens to the residents in the public forum and then makes the decision. Mayor Brenton stated that Mr. Brewer said the people understood the thirty-five percent (35%) increase. Thirty-one percent (31%) of that is garbage and trash.

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The other four percent (4%) is resultant from inflation and other aspects of the Village government. Everything costs a little more. The Village Board spends a lot of time determining what happens in this community and encourages anyone interested in learning how the government works to start out on committees and become active in government.

Tom Baralleri, 5820 Main Street, questioned the fifteen-thousand dollars (\$15,000) budgeted for attorneys fees, is that just for future costs? Mayor Brenton stated that is for the upcoming fiscal year which begins June 1st. Mr. Baralleri asked if the amount is not enough, then what happens. Mayor Brenton explained the process of budget tranfers which are made by Board resolutions.

Dick Hill, 18 Brookside Drive, said the two gentlemen who did not want to spend the money on Attorneys - were they in favor of having Evans Street become a forty-eight (48) foot wide highway because that is what is being proposed. There would be two lanes going north and two lane going south with a turn lane in the middle. What will become to the property values on Evans Street? If we don't stop them now that is what going to happen. He does not want to see it happen.

Nancy Guillame, corner of Evans and Eagle, in an 1853 brick house; one of the oldest in the Village. She stated they have just sold their house and based on the assessed value of her home compared to other homes in the Village that are selling right now with the same assessment, they lost twenty-thousand dollars (\$20,000). They are moving to North Long Street. It is her strong feeling that the Village continue to prevent the infringement of homeowners rights who have nothing to do with builders, who do not have for bosses Town supervisors. Centerpointe is not the issue here. Centerpointe is only the tip of the iceberg. There is open land at the end of Orchard Street, there is open land on Reist Street and Mill. There is a Sisterhood who no longer has any Sisters living there. This is prime property. She is sure builders could not put many Condominiums in that area. We face a change in the Village right now. She didn't want to move but she was tired of being hit every time she backed her car out of the driveway. Her house has historical value, as do other houses on Evans Street. However, no one seems to care.

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She wants "out" from a very busy highway. She wants to live somewhere where her children can play knowing they will not be hit by cars. She wants to live on a quiet side street and hope the other residents would not have to face what she had to face including the large financial loss from the sale of her house.

Elroy Avery, 75 Rinewalt Street, stated he agrees with Mr. Brewer that you should listen to the people and refers the Board to the Coalitions' Petition with one-thousand-eight-hundred (1800) signatures.

John Colt, 27 Gordon Street, has lived in this area for 37 years. He has often wondered why we pay Village taxes. Recently it has been found that we cannot look to Amherst to protect us, the Village must protect itself. He strongly recommends we keep the money in. If it takes a lawyer to keep us protected, then keep the money in.

Bronislaiv Sywenkys, 44 School Street, stated Amherst Planning Board could have approved a "U" shaped street starting and ending at Sheridan Drive. He trusts the Government of the Village because they work for the residents. If a few pennies are needed to protect our rights, he agrees with them that we should pay them. If someone doesn't like the extra taxes they should move to Amherst.

Mary Lowther, 122 Chalmers Street, stated that she thinks all Village taxpayers demand and expect fiscal responsibility and responsibility and accountability. She thinks Mayor Brenton and the Board of Trustees have given us this. Actually when we figure out the fifteen-thousand dollar (\$15,000) line item for Centerpointe they came to about sixty cents (60¢) or sixty-five cents (65¢) per household. This is a very small price to pay for Village way of life we are trying to preserve. We are not talking only about Centerpointe. We have a unique Village and a wonderful place to live with a government that is taking care of it for us. If we are going to quibble about fifteen-thousand dollars (\$15,000) we are missing the big picture and it is something we should look at.

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George Hasiotis, 40 Westfield Road, congratulated the Board and residents of the Village for standing by up and saying they have a right to exist. The spirit of Williamsville only exists as long as you want it to maintain its character and way of life. Part of what we are talking about here, the fifteen-thousand dollars (\$15,000) is to show people that there are rules and they cannot be broken and that this applies to all developers. You are fighting for the longevity and integrity of your community and your way of life. It's also sending a strong signal to everyone, that if there is a rule then the rule applies to everyone.

Jay Whopperer, 320 Mill Street, also a neighbor living several doors outside the Village, stated that whatever the Village does affects those who live close to the Village. They have been monitoring the situation for the the last year and one half. He feels the Board is very sensitive to neighborhoods and the people who live in them. He thinks the Board is doing a good job.

Peggy Santillo, 37 Rinewalt Street, thanked the Board for allocating the fifteen-thousand (\$15,000). As a member of the Parks Committee she invited Mr. Wall and Mr. Brewer and also Mr. Chase to their Wednesday meeting because they were proud to announce the construction of new play structure in Garrison Park or volunteer to work on another committee and get involved in the Village Government in a positive way.

Marcia Chase, 157 Highland, stated her husband. Dan Chase, has been a member of the Williamsville Business Association has been active in that association for a number of years. She said that she and Marilyn Wall, who do work for Amherst, do not come to the meeting as employees of Amherst, but as residents of the Village Williamsville. The reason they started their movement was to make other residents aware of what was being spent. We are asking - Do we need Centerpointe; do we need two garbage pickups; do we need new waterlines? She feels she should be able to speak without being cut down because she is a Town of Amherst employee.

Joel Coppola, 30 Gordon Street, stated he is a young taxpayer. He came to the meeting because of the slinger which was passed out to him. He does not feel that the speakers should slander each other but we should listen to each other but we should listen to each other. We have to work with each other to exist.

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Bob Brewer, 145 N. Long Street, stated he has volunteered for many projects including fund raising for polio, and as a Rotarian. He is here however because of his concern for the Village's spending of money and other residential concern who want fiscal responsibility and want the Board to look at the budget.

Mr. Roop who owns property on Academy and on Wehrle stated he is distressed with the traffic on Wehrle already and is happy they eliminated the truck traffic and Wehrle but still has problems getting out of driveway. The traffic patterns are too heavy. To continue to encourage heavy traffic patterns in the Village of Williamsville is crazy.

Jim Saia, 20 Belmont, asked that the heading of the petition be read. Mayor Brenton read the heading for the public. Mr. Saia stated that some people might have concerns for only one item on the list and the Village should answer the petitions in paper. Mayor Brenton stated he seen a slinger which applied to this petition and did answer some of the concerns addressed in the slinger. There were some inaccuracies in that slinger and perhaps a greater answer is required at this time.

Judy Brown, 68 California, stated she is a single parent, who cannot afford additional taxes. There are many single parents who are trying to hold on their houses. She doesn't need two garbage pickups. Mayor Brenton stated that the second pickup has been calculated to cost sixty-eight cents (68¢) per week per garbage pickup. Mayor Brenton stated he has the same concerns, as a single parent. The Village Board is trying to give the residents a good place to live and the services they require. The budget was preconstructed prior to the election and all Boards have tried to give the residents the best possible life styles.

Hattie Snyder, stated that people should realize if they want to live in a place that has a government they should be willing to pay for it.

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Trustee Daniels stated that the proposed increase in garbage alone constitutes thirty-one percent (31%) of the thirty-five percent (35%) increase, which is out of our control. The solid waste program initiated by DEC is basically on hold now because there is no place to take it to dispose of it more economically. There are no recycling centers available now for newspapers which account for twelve percent (12%) of our waste stream. There were one-thousand six-hundred (1600) dump sites ten (10) years ago in New York State. DEC regulated out of existence all but two-hundred seventy (270) of those which have so many restrictions on them so it is very expensive for the garbage operators to operate so they must increase the cost statewide. We are part of the North East Solid Waste Board with fourteen (14) communities and there will be a recycling plant in Cheektowaga which will accept debris from this area. It should come on line September 1st. However, the cost of additional workers required for the recycling program will offset the savings realized from removal of the recycled items from the waste stream.

Leonard Schallmo, stated that we can save some money by cutting out the second garbage pickup. He stated Amherst has never had two garbage pickups and questioned why the Village residents need two pickups.

Bronislaiv Sywenkys, stated the Village residents pay less money for garbage collection than nearby areas.

ON MOTION By Mayor Brenton, seconded by Trustee Bindert, it was moved to return to the regular agenda.

Unanimously carried.

Vote on general fund budget resolution as amended to reflect increase in salary of the Deputy Mayor.

Mayor Brenton stated that although he voted "No" on the Deputy Mayor's salary increase, he does support the fiscal integrity of the budget, so he will vote for it.

Unanimously carried.

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ON MOTION By Mayor Brenton, seconded by Trustee Sweeney, the following resolution was adopted:

WHEREAS, the tentative water Fund budget for the 1989-1990 fiscal year has been duly represented to the Board by the Budget Office and a duly advertised public hearing has been held thereon.

RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget, as changed, altered and revised, is hereby adopted as the Water Fund budget for the Village of Williamsville for the 1989-1990 fiscal year.

Unanimously carried.

ON MOTION By Mayor Brenton, seconded by Trustee Kaye, the following resolution was adopted:

WHEREAS, the tentative Sewer Fund budget for the 1989-1990 fiscal year has been duly represented to the Board by the Budget Office and a duly advertised public hearing has been held thereon,

RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget, as changed, altered and revised, is hereby adopted as the Sewer Fund budget for the Village of Williamsville for the 1989-1990 fiscal year.

Unanimously carried.

ON MOTION By Mayor Brenton, seconded by Trustee Bindert, the following resolution was adopted:

WHEREAS, the tentative Glen Park Joint Activities Fund budget for the 1989-1990 fiscal year has been duly represented to the Board by the Budget Office and a duly advertised public hearing has been held thereon,

RESOLVED, pursuant to Section 5-508(4) of the Village Law, that said tentative budget, as changed, altered and revised, is hereby adopted as the Glen Park Joint Activities Fund budget for the Village of Williamsville for the 1989-1990 fiscal year.

Revisions: Addition of \$10,000 to revenue
\$5,000 from the Village of Williamsville
\$5,000 from Town of Amherst for the pond repairs.

Addition of \$10,000 to Capitol Expenditures for the repair of the pond

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Sweeney the following resolution was adopted:

WHEREAS, the tentative Debt Service Fund budget for the 1989-1990 fiscal year has been duly represented to the Board by the Budget Office and a duly advertised public hearing has been held thereon,

RESOLVED, pursuant to Section 5-508(4) of the Village Law, that the said tentative budget, as changed, altered and revised, is hereby adopted as the Debt Service Fund budget for the Village of Williamsville for the 1989-1990 fiscal year.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the following resolution was adopted:

RESOLVED THAT the Sewer Rent Rates for the 1989-1990 fiscal year are hereby set as follows:

\$.88 per 1,000 gallons of water consumed.

\$1.09 per \$1,000 of total assessed valuation.

Unanimously carried.

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

RESOLVED THAT Martin D. Fluder, 32 Marie Drive, Cheektowaga, New York is hereby appointed Seasonal Laborer in the Glen Park effective immediately at the rate of \$4.50 per hour. Funds for payment to be taken from the Glen Park Joint Activities Fund.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Daniels, the following resolution was adopted:

RESOLVED that Richard Hill, Chairman of the Traffic and Safety Committee, is hereby authorized to attend the Western New York Traffic Safety Seminar at the Buffalo Hilton Hotel and the fee of \$15.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED THAT the following residents are hereby appointed to the Traffic and Safety Committee until the end of the 1990-1991 official Village year:

Cliff Horey, 106 Highland Drive,
John Tamaro, 125 Los Robles

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Sweeney the following resolution was adopted:

RESOLVED THAT the following residents are hereby appointed to the Youth and Recreation Committee until the end of the 1989-1990 official Village year:

Thomas Lucia, 59 Pfohl Place;
Sue Shieder, 44 Highland Drive;
Kathy Azzarella, 130 N. Ellicott St.;
Sharon Bidwell, 127 Columbia Drive;
Richard Czechowicz, 29 Belmont Place;
Alana Janus, 242 Highland Drive;
Elizabeth Maxson, 43 Stanton Place;

Unanimously carried.

Trustee Kaye reported that the playground equipment, which will be installed in Garrison Park, will be arriving the last weekend in June. The Parks Committee is looking for volunteers to come help build that structure. Anyone interested should call Village Hall and leave their number. The Parks Committee is also planning a tree planting ceremony for Arbor Day.

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

RESOLVED THAT the Village Clerk advertise for sealed bids for one (1) Single Axle Truck Chassis, 1990 Model year cab and chassis, for the Department of Public Works. Bids to be opened in the Village Clerks' Office, 5565 Main Street, Williamsville, New York, on May 12, 1989, at 2:00 P.M. under the terms of the stand bidding resolution.

Unanimously carried.

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

RESOLVED THAT Mayor Brenton is hereby authorized to execute, on behalf of the Village of Williamsville agreements with the County of Erie for the purpose of the STOP-DWI Program for the year January 1 - December 31, 1989.

Unanimously carried.

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

RESOLVED THAT Mayor Brenton or his appointed representative is hereby authorized to attend the NYCOM Main Street, New York conference to be held May 3, 1989 in Saratoga Springs, New York and the cost, not to exceed \$300, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED THAT Mayor Brenton is hereby authorized to sign a Letter of Intent with the Western New York Railroad Historical Society which would grant that organization a license to keep the railroad depot on Village premises for a period of ten years after acquisition, under conditions of Village of Williamsville letter of April 10, 1989, to the Western New York Railroad Historical Society, as amended.

Unanimously carried.

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ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, the following resolution was adopted:

RESOLVED THAT Joseph Lenahan, 147 N. ellicott Street, is hereby appointed to the Planning Board until the end of the 1991-1992 official Village year, and further,

RESOLVED THAT in accordance with Section 7-720 of the New York Village Law, Richard Baer is hereby appointed Chairman of the Planning Board for the 1989-1990 official Village year.

Unanimously carried.

Trustee Daniels had no report and no resolutions.

Superintendent of Public Works Laubisch reported:

1) The annual trash week in the Village of Williamsville will be May 22-26th. We do not pickup any hazardous materials such as paint thinner or batteries.

2) As directed at the last meeting in March, he has looked into the lighting situation in the Village. he has been in contact with John Burke, our consumer advisor from Niagara Mohawk, and are presently working on some solution to standardize the fixtures in the Village.

3) Regarding concern about water pressure on Cadman Drive and on Highland Drive, he has done a survey on those streets for three consecutive days and the lowest pressure recorded during that time was 49 PSI. The highest pressure was 57 PSI. The respective streets had operating pressures of 54 PSI on Cadman and 53 PSI on Highland Drive, which is more than adequate pressure. URS Engineers has concurred with this information in a letter.

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

Unanimously carried.

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Marcia Chase, 157 Highland Dr., stated she appreciated Mr. Laubisch's effort in having the water pressure checked and also his efforts to have the lighting uniformed.

Jack Wall, 326 Cadman drive, asked about the adequate water supply. Was that at the home or in the supply system. Mr. Laubisch informed him this was in our Village system.

Sharon Daniels, 117 Cadman Drive, asked whether the sidewalks on Cadman, that are very close to the street, will be rehabilitated. Mayor Brenton stated that they would be.

Mary Anne Avery, 64 Garrison Road, thanked the Board for the manner in which they handled tonight's meeting.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to close the meeting at 11:10 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer