

Minutes of the Regular Meeting of the Board of Trustees of the Village of  
Williamsville held in the Williamsville Village Hall, 5565 Main Street,  
Williamsville, New York on Monday, October 23, 1989 at 7:43 P.M.

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

Thomas V. Troy, Village Attorney  
Theresa L. Cummins, Village Clerk/Treasurer

Mayor Brenton called the meeting to order with the Pledge of Allegiance  
at 7:43 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of  
the regular meeting of the Board of Trustees held September 25, 1989 were  
approved.

Unanimously carried.

Mayor Brenton stated he was requested to issue a proclamation regarding  
the drug situation in our nation. He stated he was happy to see many  
young people in the audience this evening and appreciates them being  
here. The reason for a specified area in a calendar year for a  
proclamation or awareness on drugs centers on the fact that a federal  
narcotics officer some years ago lost his life. If we think back and  
remember a person unknown who has dedicated their life to preventing drug  
circulation around our society, he thinks it is only appropriate to have  
a proclamation of this nature to declare our unyielding opposition to  
drug use. (A copy of the Proclamation is attached.)

Mayor Brenton reported that our water department has found 2 major water  
leaks within our system in the recent past. These leaks were at the  
intersection of the corner of Scott and Monroe Drive and on Swan Place  
near Orchard Place. They have been repaired and consequently, we will be  
losing alot less water. When you have a water leak, it is of great  
significance. The one he saw today was pouring out an immense amount of  
water. Since Williamsville is located on rock, that water doesn't come  
to the surface, it goes down into the rock. In some other communities  
the leaks would be immediately noticeable because the water would come to  
the surface. Our water system is owned by the Village of Williamsville  
and operated by the Village of Williamsville and their has been effort on  
this Board's part over the last several years to have Erie County Water  
Authority take our water system over. We have received correspondence  
regarding to Erie County Water Authority taking our water system over.

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Mayor Brenton scheduled a meeting for November 13, 1989 which himself and  
Superintendent David Laubisch will be present with engineering background  
people to assist them. Mayor Brenton and David Laubisch will be meeting  
with the Engineers for the Erie County Water Authority and will hopefully  
be able to resolve that particular situation.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the  
amount of \$87,381.81 covering 9/25/89 - 10/10/89 were approved.

payroll fund w/e 9/27/89	\$	18,755.24
General Fund		54,695.93
Water Fund		2,977.81
Sewer Fund		237.27
Glen Park Joint Activities Fund		297.45
Water Trust Account		
Capital Fund		7,146.37
Community Development Fund		<u>3,271.74</u>
*Grand Total*	\$	87,381.81

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, vouchers in the  
amount of \$154,539.22 covering 10/11/89 - 10/20/89 were approved:

payroll fund w/e 10/11/89	\$	13,282.34
General Fund		43,766.88
Water Fund		32,767.65
Sewer Fund		20.59
Glen Park Joint Activities Fund		1,600.49
Water Trust Account		
Capital Fund		57,283.71
Community Development Fund		2,093.00
Trust & Agency Fund		<u>3,724.56</u>
*Grand Total*		154,539.22

Unanimously carried.

Mayor Brenton's third resolution deals with a claim of Mr. and Mrs. R.  
Nigro, 57 Gordon Street, in which they allege that the Village damaged  
their sanitary sewer line during our sanitary sewer rehabilitation  
program of several years ago. It was estimated that this damage occurred  
in 1984.

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The damage is without a question a resultant from improper work during that particular time and we have discussed this with our Engineers who reviewed the situation. We are satisfied that the claim is valid and through this resolution we will be reimbursing these residents for the expenditure of funds that they had to make in order to have their sanitary sewer work properly.

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

RESOLVED THAT the Village Treasurer is hereby authorized to issue check in the amount of \$500.00 to Mr. & Mrs. R. Nigro, 57 Gordon Street, for the repair of a sewer line which was damaged during the Sewer Rehabilitation program.

Mayor Brenton's fourth resolution deals with the fact that some people don't put enough money in their checking account and then they write checks and those checks are known to bounce. The Village occasionally receives checks of this nature and it requires a great deal of bookkeeping on our part to put the check through again or follow upon the lack of payment due to the effect that the check was invalid with the person that issued it. Through this resolution we are instituting a \$15.00 charge to anyone that does issue us a check for any purpose and that check does not pass through the bank which is known as "bounce".

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

RESOLVED THAT, effective immediately, the Village offices are hereby authorized to impose a service charge of \$15.00 on checks tendered to the municipality which are subsequently returned "unpaid" by the municipality's depository bank, per Chapter 203 of the laws of New York, effective June 24, 1989.

Unanimously carried.

Trustee Bindert stated he would like to announce the annual Halloween parade and party scheduled for Saturday the 28th. The parade starts at 6:00 P.M. at the Manufacturers Hanover Bank which is at 5712 Main Street, at the corner of North Ellicott Street and Main Street and it proceeds on down to Saint Peter and Paul. The party last year was a tremendous success. They gave away 250 pumpkins last year and they could have given out an additional 100. This year they are going to have approximately 400 pumpkins. It is put on by the Williamsville Youth and Recreation Board and the Village of Williamsville Business Association. There will be pumpkin decorating, cider and donuts and there will be songs, a magician and more.

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Trustee Bindert was going to put forward a resolution calling for a public hearing in regards to Park Drive between South Ellicott and Oakgrove. Because he does not have all the information he has put that on hold. He has asked the Traffic and Safety Committee Chairman to see if they can have a poll of the residents over there. If you recall a few months back when the Board had a hearing in regards to the parking on Park Drive next to the Garrison Park, residents further up Park Drive were complaining. But when parking is taken away from any street it really is an infraction and a limitation upon the citizens. You don't really want to do it unless you have to. Trustee Bindert wants to make sure they are touching all the bases here.

Trustee Bindert stated his resolution is kind of a housekeeping thing because he sees the Chairman of the Traffic and Safety Committee in the room tonight. He did attend the Traffic and Safety Board meeting in Syracuse.

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

RESOLVED THAT Richard M. Hill, Chairman of the Traffic and Safety Committee, is hereby authorized to attend the New York State Association of Traffic Safety Boards in Syracuse, New York, from October 18 - October 20, 1989, and the cost, not to exceed \$225.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Daniels stated that a few meetings ago there was some concern on the Pfohl Brothers dumpsite. Former Trustee Schlifke had been asking if there had been any progress and what was the state of affairs with that dumpsite which borders the Village of Williamsville and is known to contain radioactive waste. An Environmental Conservationist is exploring that area. A study has just been released that is available at the Cheektowaga and Williamsville North public libraries. The area impacts the residents of the Village of Williamsville since that area borders on Ellicott Creek. There was concern that radioactive waste plus the other hazardous waste which were down there were infiltrating through rain and seeping into Ellicott Creek. There were also concerns of the trespassing on that site. There are no trespassing signs or fences to eliminate trespassing. Anyone who trespasses has the possibility of being contaminated by the radioactivity there. Trustee Daniels read some highlights in a letter which summed up some new findings there. If anyone is further interested in this, they can go to the 2 branch libraries, either Cheektowaga or Williamsville North and read the full report.

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Trustee Daniels stated that in approximately a week the Fall planting of the municipal trees will take place. We have contracted with John Kransner. This year alot of people aren't aware, but the Village does have a program of replacing trees between what would be sidewalk in the right of way and the street. People can request trees by calling the Village Hall. We are going to be planting 25 new trees this Fall which represents quite a few more than usual. From past experience, the Fall planting is much more effective than the Spring planting as far as the trees actually taking a good hold and 25 represents a significant input, extra greenery in the Village. Trustee Daniels would like to announce through the papers that people who are interested in planting trees, contact the Board for next Fall. Right now it's a matter of going around and looking at locations that appear to need them. It is discretionary on his part as beautification liaison, unless people do call and ask for a tree. On the other hand, the amount of money budgeted will limit the number and it could end up being a first come first serve basis.

In regards to that as well, the Beautification Committee have utilized all of our money available to them, are selling sweatshirts. The Williamsville sweatshirts are available at Williamsville Water Mill, Ed Youngs's Hardware and the Artic Shop in Williamsville. The shirts are thick knit with the symbol of the Village, the same symbol as the one on the sign Welcome to Williamsville on Wehrle Drive and on Main and Union. The cost is \$20.00. The proceeds of that will go towards the flowers and trees in the Village.

Trustee Daniels also reported that the initial production of the Performing Arts Committee occurred last weekend, Friday and Saturday night. He would like to announce that the next performing group will be coming up November 24th which is the day after Thanksgiving. It will be a theatrical group doing an adaptation of a fractured fairy tale based on Snow White and Rose Red. That will occur, if we get enough response, twice during that afternoon. Ticket sales will be \$4.00 at the door and \$3.50 in advance sale.

RESOLVED THAT Richard Maddigan, Mark Kardamen, Peter Strobel, Eric Weinregger, Rick Meldrum, Christopher Petrie, and D. Anthony Schueckler are hereby authorized to attend the 1989 Auto Extrication Competition and Seminars in Rockville, Maryland, from October 11 - 15, 1989, and the costs, not to exceed \$300.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye reported that the Williamsville Historical Commission has voted to designate the Lehigh Valley Railroad Station as a historical building.

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They are pursuing that right now and they have submitted the paperwork to  
the Railroad Historical Society for completion so they can continue on to  
designate that as a historical building. The commission will be having  
their next meeting right in the railroad station on South Long. The  
Railroad Historical Society is working very hard to finish scraping all  
the old paint off and have a fresh coat of paint on there before the snow  
falls. If this nice weather holds up, then hopefully they will have  
atleast one coat of paint on the building before the winter comes. They  
have been able to secure some photographs and paintings of the building  
in it's original condition and found some of the original paint chips  
which they have been able to match. Glidden Paint has offered all the  
exterior paint at no charge as long as they can take photographs of the  
building and use it in promotional ads. The Railroad Historical Society  
has gladly accepted the free donation of paint to be able to beautify  
that building and work on it this season rather than have it go through  
the winter in the condition that it is.

Trustee Kaye also reported on some activity that happened on the end of  
Rinewalt Street regarding Centerpointe. There is a stop-work order in  
place regarding the emergency access from Rinewalt into the Centerpointe  
cul-de-sac area. At approximately 8:00 this morning, the bulldozer and  
digger came and dug out the existing street and street bed somewhere  
between 12" and 22". They were in violation of the stop-work order. In  
speaking with Tom Ketchum, the Building Department had not been notified  
of it. The Village had not been notified of any activity that was to  
happen in that area. No future plans have been submitted yet by the  
developer nor have they been approved by any of the Town department.  
Also in this unfortunate situation, the contractor with it's bulldozer  
and diggers hit 2 of our waterboxes in our street and took off those  
covers. They came approximately 2" - 3" of taking out our water valves  
that would service the tank and Rinewalt Street. Tom Ketchum ordered  
that the work cease. At the request of David Laubisch, Superintendent of  
the Department of Public Works, it was requested that the water boxes be  
replaced over our water valves and that inspection will take place  
tomorrow. It was also requested through the Village to the developer  
that some sort of road surfacing, in the form of crushed stone, be laid  
there today so that we could have access to the water tank and to the  
pump houses. If left in the condition that it was, it would have cut off  
all access to the tank and the pump house in the event of any emergency.  
As it stands tonight, they have replaced the water boxes. We have not  
yet had the opportunity to inspect them for damage, which will happen  
tomorrow. There is a temporary road surface of stone laid in there. It  
is their understanding that there will be no additional work commencing  
in that area until the plans have been submitted to the Town of Amherst  
and we as the Village of Williamsville have had the opportunity to review  
them and all the appropriate departments authorize and okay them.

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Trustee Kaye reported on the exercise trail between South Long and South  
Cayuga. Yesterday a special meeting was held for all the residents whose  
property abuts the park. Approximately 23 people attended. 15 of those  
were residents, the rest were Park's Committee people and Barbara Brewer  
who is the Project Engineer/Park Designer on the project who was also in  
attendance. In the meeting we were attempting to clarify where it has  
come since 1981 to where it is now, to answer the questions and concerns  
of the residents. There were several raised. Trustee Kaye stated that  
she sees some of the people in the audience and thanked them for coming.  
Several concerns were discussed in the pre-work session. One of those  
requests was about the sign for the motorized vehicles. In looking at  
your request, in the contract that we have right now for the work that is  
in progress, that sign has been ordered and as soon as it comes in, the  
contractors on that site will install it. Also there are questions  
regarding the monitoring of the constructionivity and the placing of some  
of the bushes and trees that we have talked about last night as well.  
There was some discussion about the possibility of additional supervision  
and it was the feeling of the Board that we could designate whether  
someone or the Park's Committee to do additional supervision on the site.

Trustee Kaye state her first resolution is in regards to a sealed bid in  
which we had to sell a dump truck.

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

WHEREAS THE Village of Williamsville has advertised for sealed  
bids for the sale of one 1967 International Dump Truck, which  
has been declared as surplus DPW equipment, and

WHEREAS Robert E. Andrews, 1260 Campbell Boulevard, submitted  
the high bid of \$1,013.78,

NOW, THEREFORE, BE IT RESOLVED that the 1967 International Dump  
Truck, is sold "as is" to Robert E. Andrews for \$1,013.78.

Unanimously carried.

Trustee Kaye stated her second resolution is regarding Donald Dehn who is  
our water/sewer Maintenance Main, to attend an annual conference.

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

RESOLVED THAT Donald Dehn, Water/Sewer Maintenance Man, is  
hereby authorized to attend the Annual Meeting of the Cross  
Connection Control Foundation of the Niagara Frontier, Inc.,  
in Batavia, New York, on November 9, 1989, and the cost, not  
to exceed \$50.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye stated her third and fourth resolution both deal with the  
properties that have been called the exercise trail between South Cayuga  
and South Long. The first is a change order which is in 2 parts. The  
first part of the change order is additional supplemental conditions that  
are being reclarified in the contract between the Village and the  
Contractor that the Engineer asked to be included in there as  
supplemental conditions regarding work performance, coverage of  
maintenance bonds and payment bonds and those kinds of items that require  
no additional dollars. Trustee Kaye stated that the second change order  
that she will be reading is for the addition of 360 square yards of what  
is called Fibar. This is a safety surfacing system which is primarily  
90% wood and which is treated with a poly system to give it softness and  
resiliency. It will be laid on 3" of crushed stone. There is a GeoTex  
fabric and it is 6" fibar. This will go in the area of the exercise  
trail and underneath the stations. Originally, the path was simply to be  
crushed stone. In an attempt to continue to try and make it as natural  
an environment as possible, we looked at it again. Trustee Kaye  
attended a seminar on Fibar very recently and we decided to put Fibar  
system over the crushed stone to have it look as natural as possible  
within the trail and path and also provide an easier running surface.  
The portion of land underneath each of the exercise stations would have  
the Fibar system as well. We initially had not looked at safety  
surfacing underneath that. As everyone may be aware from recent  
installation of the Big Toy in Garrison Park, we will be required to put  
safety surfacing under equipment. We felt that this would be appropriate  
aesthetically and blend in nicely with the environment.

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

RESOLVED THAT Mayor Brenton is hereby authorized to sign Change  
Order #1 and Change Order #2 for the Exercise Trail between  
S. Cayuga Road and S. Long Street, as follows:

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Change Order #1 - Lists five supplemental conditions--  
no dollar increase in the contract.

Change Order #2 - Item #1 - Addition of 360 sq. yds. of  
Fibar-Felt Geotextile Fabric and 3,250 sq. ft. of Fibar  
Wood Fiber for the exercise station paths and exercise  
pads. -- Increase contract by \$1,040.00.

- Item #2 - Additional work to be provided  
by the Contractor to install the Fibar System --  
Increases the contract by \$650.00.

Total increase in contract - \$1,690.00

Unanimously carried.

Trustee Sweeney questioned that there are 360 square yards of fabric and  
so many square feet of filler rather than a volume to cover that?

Trustee Kaye stated that the manufacturer doesn't list it as cubic feet.  
There is 6" of Fibar that goes on top of the square yards of the GeoTex  
fabric. She stated that Trustee Sweeney is probably correct that it is  
actually square yards but the manufacturer lists it as square feet.

Trustee Daniels stated that he would like to commend Trustee Kaye on the  
fact that she attended the seminar. It is his understanding that if this  
seems to be a better alternative than pea gravel that is under the Big  
Toy set up now, then should we consider putting that under the Big Toy as  
well?

Trustee Kaye stated that may be a possibility.

Trustee Daniels stated that from the looks of it, it appears to have more  
cushioning ability plus the fact that if it migrates out of the  
enclosure it won't have the tendency to kill grass lawn or cause any  
problems aesthetically. Trustee Daniels stated he wished he had that  
option when the Big Toy was being done. It appears to be much cheaper  
than the foam padding.

Trustee Kaye stated it is less expensive than the foam padding, but  
underneath the Big Toy because of the height of that particular piece of  
equipment, instead of 99 cents a square foot, it's \$2.47 a square foot  
because it needs to be 12" in depth vs. 6" for the height of the  
equipment we are talking about, the exercise stations. This was not an  
option that any of the vendors that we talked to had mentioned or  
discussed with us as a viable alternative on the market. This is  
relatively new and there is one other area in the region that has it.

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It's the YMCA on Delaware Avenue which she went to go see. They have it placed on asphalt and they have been really happy with it so far.

Trustee Kaye stated her last resolution refers to the exercise trail between South Cayuga Road and South Long which will now have a real name. The Park's Committee discussed this and there were several ideas for naming it and the one that the Park's Committee has submitted is "Lehigh Memory Trail". Lehigh for the railroad that went through there and also to combine with the railroad station, Memory for the memory plantings that the people can buy trees and have plaques on them to add additional foresting in that area. Trails, since it is a "rails to trails" project and "rails to trails" park. They felt it was appropriate to call it "Lehigh Memory Trail".

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

RESOLVED THAT the Williamsville Exercise Trail between South Cayuga Road and South Long Street is hereby designated the "Lehigh Memory Trail".

Trustee Sweeney reported that our Building Inspector, Richard Delo, has resigned effective approximately September 26. He is sure that the Village Department and Village generally misses his contributions. Trustee Sweeney stated we will be meeting this evening and continuing the discussion of replacement and/or rearrangement of the duties within the Building Department to see that there is not a continuing loss of service to Village residents due to the absence of Richard Delo.

Trustee Sweeney stated he would like to remind Village residents that a public hearing has been called on a revised Village Zoning Code. The hearing begins at our next regular meeting on November 13.

Trustee Sweeney stated his resolution deals with a section of the Village code which was previously the subject of a public hearing on September 11.

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

RESOLVED THAT Local Law #4 -1989, Chapter 63.00, Sections 63.01 to 63.07, Unsafe and Unfinished Buildings, which was the subject of a public hearing on September 11, 1989, is hereby adopted as amended.

Unanimously carried.

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Superintendent David Laubisch reported that Tuesday, October 24 starts the last regularly scheduled trash pickup throughout the Village. There will be no more regularly scheduled trash pick up of debris during the winter months. If anyone has any material to be picked up, they can call the Department of Public Works and the material will be picked up at the convenience of the Department of Public Works.

Mr. Laubisch also stated that leaf pick-up for the Fall season has started. It is difficult to predict where the trucks will be due to the tremendous amount of leaves out at the curbside to be picked up. That dictates how fast the leaves are moved. Leaves should be placed out to the curb, not in the street. That is a violation of Village Code. He thinks even more important than that, it presents a very unsafe condition since children like to play in leaves.

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

Unanimously carried.

Carolyn Schlifke, 192 Evans Street, stated she would like to address the audience about the Lehigh Memory Trail. Some people have questioned where the design for that particular development came from. When she came on the Board 4 1/2 years ago, the Village was in the process of obtaining the grant money for that development of that strip of land which had been purchased by the Village. At that time, Mayor Kuzon, who had requested the funds had approached URS Corporation to come up with some kind of concept for the development of that land so that it would be put to a good purpose. The URS Corporation came back with a plan for the bike walk path on a piece of land that was already owned by the Village and expanded into a pathway system with exercise stations. This concept was presented to 5 Board members at that particular time. The Board saw it as a viable means for development so they began to proceed.

Mayor Kuzon had asked her whether she would proceed with the paperwork for the grant. She proceeded based on the concept that the \$80,000 grant was going to cover the development of the bike/walk path, the paving, the grading, planting of additional greenery, trees, shrubs, a gateway, a parking lot, things of that sort. It was not written to include the exercise stations in the triangle because the \$80,000.00 would not stretch that far. That money was going to have to be obtained from somewhere else. If you look back at the grant, you will see a breakdown in figures. Those figures do not cover the actual exercise stations triangle. New York State grants are not carved in stone, you can change them. At that time, 4 years ago, the Board felt this was a good use of that land. Last year she already began to see signs that perhaps developing the triangle of that piece of land the way it was originally proposed was perhaps not the best use for it.

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Therefore, the Village will not lose the \$80,000.00 grant if you decide not to go ahead with the development of the triangle. All you have to do is contact the State of New York, rewrite your proposal, readjust your figures and wait for their acceptance. She can't speak for the State of New York because she doesn't know what they will do. It will take 2-4 months probably before you get everything together and get an answer back. She would like these people that are here tonight from that particular area to know that the grant can still be forth coming to the Village of Williamsville which will pay for the bike/walk path and everything that originally was supposed to cover. Perhaps it's time for the Village to look into some alternative research on areas where they put these systems up over the past 3-4 years and they seem to be having very minimal use. She realized that the Park's Committee did further stretching of the grant funds by setting up a volunteer system of clearing some of the land, which would perhaps release some of the \$80,000.00 for other use. As of last year when she left the project, that was not going to be touched for atleast another year because the Board did not have the funds. She was at the Park's Committee meeting last Wednesday and heard a gentleman with a petition voice objections. It sounds to her that there are enough people now in the Village who are not happy with what is happening with that piece of land. It is time for this Board to review the project. It is not to say that the original concept was poor. At that time, it seemed to be the way to go. People's ideas change. You take out something that is not important or you put in something that will better suit the Village needs and take out something that may sit there and deteriorate from non-use. There may be some other alternatives such as equipment for children. She thinks it's important that by moving slowly, we get what is right for the Village. Just because you have the original concept, doesn't mean that it can't be changed. She stated that whatever happened since she left the Board, is the responsibility of the people sitting on the Board now, not hers.

Trustee Kaye stated that it was her understanding from the Engineer who she understands worked with Ms. Schlifke's assistance on the grant application, that the key selling point in that application was the installation of the exercise stations.

Ms. Schlifke stated she doesn't believe that to be a fact.

Trustee Kaye stated that's the premise that she has been under the entire time. She also questioned that Ms. Schlifke has come to every one of the Board meetings since the election and has heard the progress along the way of this particular project from when it was put out to bid to when the contract was accepted.

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It is curious in terms of what Ms. Schlifke mentioned earlier that she felt these feelings for a while that it was not necessarily the wishes of the people in the area to have the exercise stations, but why didn't she come some place sooner in the process to share that with the Board so that they may have gotten to this point alot sooner in terms of having that information.

Ms. Schlifke stated she probably shouldn't be helping the Board at all. The Board are the elected officials. They are by the electorate supposed to be the most qualified for the job, so why should she tell the Board what to do?

Trustee Kaye stated it's not a "tell us what to do" but it's a sharing of information.

Ms. Schlifke stated that by her being here tonight, she is sharing with the Board more than they deserve.

Trustee Kaye thanked Ms. Schlifke for her input.

Don Wipple, 32 Garden Parkway, stated that when the triangular area was first proposed, he did voice concerns about it. He wanted letters to go out to people in Amherst. They wanted a meeting and never got it. From the standpoint of what the people in the Village do, even when Ms. Schlifke was on the Board, the residents didn't know what was going on. The only real information that the residents got was from his father who is on the Park's Committee. He doesn't think that anyone here tonight from the area is really screaming about the exercise stations, they are not a big part of it. It was the amount of clearing done in the woods and in people's backyards along California and down in the Amherst area down along Garden Parkway. He doesn't think they were complaining about the exercise station concept. He is firmly convinced there is not enough on-site management. Our Engineer needs to be out there more. If these people aren't doing what they're supposed to be doing, somebody has to go by and check them a little more often. The residents would like to believe that they possibly got carried away in the wooded area. If that's true, then we should have someone go out there and watch them.

Mayor Brenton stated that was discussed earlier in the worksession. We will not have an Engineer out there to supervise construction of a bike path. We do not have Engineers out to supervise constructions of waterlines. If there is work done that is improper as far as specifications are concerned, then the contractor will have to make good on whatever is done. When it's all done in the future there will be plantings there of a voluntary nature, trees, shrubs, etc. He is sure that the park will grow in it's beauty and some of the brush and things like that have been taken out will be a distant memory as compared to the beauty that it will eventually ascertain to.

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Mary Lindow, 22 Garden Parkway, stated she thinks the Board should stop  
the work on the trail and put something on the ballot in the Spring  
asking the people if they want a nature trail for the wildlife. When the  
people voted to buy that piece of property all of them were under the  
impression that it would be a nature trail. There are no more birds  
there, now there is no place for the rabbits, the groundhogs and the  
flickers. It used to be a nature preserve. There's 2 different concepts  
for a park. One is a groomed park and one is a natural park. She thinks  
alot of the people in the Village would prefer a natural park.

Mayor Brenton stated that we are almost done with the work. We will be  
planting trees and other shrubs and he thinks the people will find it  
very beautiful when completed.

Trustee Sweeney stated he has not been on the Board throughout the long  
history of this park, but for most of the time he was a member and/or  
Chairman of the Village Environmental Advisory Committee. There has been  
this dichotomy of do we have nature parks, do we have groomed parks.  
What is in fact a nature park? He thinks basically what has been  
developed is a compromise that combines open areas along with a park that  
the Board believes will be attractive and be an enticement for public  
use. The fact that we have through the years been able to obtain state  
money whether it's good or bad, it's done. The contracts have been  
awarded. It's not the eleventh hour, we're past the twelfth hour. The  
contractor has every right to make us pay every dollar that the  
contractor was awarded. Whether we get the work or not is the question.  
At this point, he is fully satisfied that there has been, there is never  
going to be an opportunity for everyone to get exactly what they want.  
He doesn't feel this park concept represents exactly what he wants an in  
fact at one of the more recent meetings, he did not vote in favor of it  
because there was some questions he did not have answered. At this point  
he is satisfied the contracts have been awarded. He doesn't see this as  
a total disruption of the tranquil system. It does make an attempt to  
combine some habitat, some more natural areas along with a groomed trail  
perhaps. It's admittedly a compromise. Unfortunately, to say we want a  
natural park is an impossibility. He was there as one of the people  
cleaning up and what we were getting through the years was individual  
landowners usurping that property for their own use and other individuals  
using it as a dumping ground. He thinks what we have is a vast  
improvement over either of those.

Jeff Heff, 159 California Drive, stated his property sits directly across  
from the triangle. The so called 11 trees that were taken out of there,  
were actually 30-50. Most of those trees taken out were perfectly good,  
nice trees. The people who own property adjacent to the park don't want  
to see it go any farther than it has. We don't want it to be destroyed  
anymore than it's been. destroyed.

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What the residents believed was that the triangle in particular was going to be a natural area. It was going to be virtually untouched. There were going to be trees taken out that were dead or diseased. That was it. They cleared out a whole area. We have pictures of what the woods looked like before the work started. We have pictures of what it looked like in the Fall of 1988. It doesn't look at all like it looked like then. You can see the difference. What the people here want is for the Board to start allotting trees to go back and especially in that part of the triangle that wasn't supposed to be touched. They want it done this year. So by next summer, at least the trees will have grown up a little bit that it will cover some of the bare areas. He believes putting in the exercise equipment will be a waste of money because the kids who hang out in the area will destroy them shortly. No security agency will be able to patrol the area and prevent it.

Mayor Brenton stated he has lived on Garden Parkway and it is a great improvement to see that as a park and not a railroad. He is sorry that this Board and previous Boards have been unable to please all the people but that is a rule of thumb in the government that we cannot please all the people.

Mr. Heff questioned why the Board can't work to start replacing trees this year. The Board is talking next year. What the Board is proposing, is going to take 5-10 years for that area to develop back to the way it was. We're talking about starting the process now, putting in some trees that are maybe 10' tall.

Trustee Bindert questioned Mr. Heff if he had walked in the triangle with him and how many trees they had counted and how big was the area.

Mr. Heff stated they counted 50 on the one side and we estimated on the other side approximately 300 trees. He did not know the size of the area.

Trustee Kaye stated she thinks there is approximately 300 footage across the front which narrows to the back of the triangle.

Trustee Bindert stated that's approximately 2 acres. 300 trees is a fairly decent size. There's a lot of trees still in there. Mr. Heff told him when they went back there, that his portion of the triangle was completely clear. If Trustee Bindert can find 50 trees, there's 50 trees there. He went back there and there's actually closer to 70 trees on Mr. Heff's side of the triangle.

Mayor Brenton stated it is pointless to argue this. The question arises as to whether or not the park will be made more beautiful. The Board wishes to assure the residents that it will. What is done is done and there is no sense in arguing about what is done.

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Trustee Bindert has indicated to him that the number of trees that Mr. Heff alleges were taken down were not taken down. We will be putting plantings in. We will endeavor to include plantings at our earliest possible moment for the triangular area that Mr. Heff refers to. We will do so over a period of many years. Mayor Brenton stated that since the work is 90% completed, Mr. Heff is trying to argue about what is already done. We are not going to change our direction which has already been taken. Whether or not we would lose the grant or the money would have to be returned is a moot point because it is 90% done.

Mr. Heff stated that all they are asking is that rather than the Board spread getting this triangle back to the way it was over so many years, that you start doing it now by putting some trees back in the triangle area and some bushes back along where they were torn out.

Trustee Kaye stated what Mr. Heff is asking for is just for some additional trees in the triangle and some bushes in the Wellington Court area where they were removed. She questioned Mr. Heff if she understood him correctly.

Mr. Heff stated the residents understand that it has gone too far to reverse what has happened. What we're asking for is that you put things back now that were taken out that were not supposed to go.

Maryanne Avery, 64 Garrison Road, stated she would like to express her extreme indignation with Mr. Ciminelli. She went down to Mr. Avery's house this afternoon and took a look at the end of the street there and was appalled. She believes what Mr. Ciminelli has intended here is that he has his road in. He doesn't intend to develop the building sites himself, he wants somebody else to do it. He wants the ambience of Rinewalt for people to come in, ride down Rinewalt and around the subdivision and have a look at it. He doesn't want you to think that they have to come up International Drive and drive past Wegmans and past all of those business buildings. He'd probably prefer that even to Evans Street because it's nicer and it's quieter. For him to make a few more bucks, these people have been put through hell one more time.

Mary Lindow questioned the progress of Evans Street. She's been reading the paper and she hasn't heard anything about when the judge is going to decide the case.

Mayor Brenton stated we will be have one more meeting about that with Highway Superintendent Patrick Lucey and that meeting has not been scheduled yet as there is no further progress since the last time he reported on it.

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Harmon Wipple, 32 Garden Parkway, stated he has been opposed to the  
original concept of the exercise trail. He has to say that Trustee Kaye  
has been most cooperative. He thinks perhaps that alot of the trouble  
she's in is making changes from the original concept of work to follow  
through on by the end of the year.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, 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 9:20 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk/Treasurer