

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, March 12, 1990 at 7:40 P.M.

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

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

Mayor Brenton called the meeting to order with the Pledge of Allegiance
at 7:40 P.M.

Mayor Brenton stated that at the request of many environmentalists he is
issuing a Proclamation dealing with Earth Week which is 4/22 - 4/29 this
year. This Proclamation dedicates our interest and commitment to the
protection of the environment and goes along with the Earth Day
ceremonies which are being held throughout the United States. On April
29th there will be Earth Day festivities at the new Lehigh Memory Trail
Park. A copy of the Proclamation is attached.

Trustee Sweeney asked if there was a starting time.

Trustee Kaye stated it was her understanding there was a request made to
have a number of Village Committees work together in this project and
although the final agenda has not been formulated, the starting time will
be 1:00 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of
the Regular Meeting of the Board of Trustees held on February 26, 1990
were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of
the public hearing of the Board of Trustees held on February 26, 1990 for
the Proposed Local Law - Amend Zoning Code-Chapter 70.00 - were approved.

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the minutes of the
public hearing of the Board of Trustees held on February 26, 1990 dealing
with the Proposed use of 1990-1991 Community Development Funds - were
approved.

Unanimously carried.

ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved
at 7:43 P.M. to open a public hearing on a Proposed Local Law which will
repeal the Current Landscape Law and adopt a new Chapter 24.00 entitled
"Landscaping". (The public hearing was closed at 8:10 P.M.)

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved at
8:11 P.M. to open a public hearing on a Proposed Local Law which would
repeal the Current "Traffic Ordinances" and Adopt a new Chapter 60.00
entitled "Vehicles and Traffic". (The public hearing closed at 8:40
P.M.)

Mayor Brenton reported that the Village Board is working on the 1990 -
1991 budget. The Board did spend some portion of it Saturday on the
preparation of that budget. Mayor Brenton also stated he has written a
letter to County Highway Commissioner Loffredo pertaining to repaving
Garrison Road which is in a sad state of repair. He would want input on
that before and when it is done so that we can assure that the residents
of Garrison Road will have their best interest taken into consideration.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the
amount of \$112,238.84 covering 2/24/90-3/9/90 were approved:

payroll fund w/e 2/24/90	\$ 20,156.56
General Fund	58,621.32
Water Fund	26,404.80
Sewer Fund	15.09
Glen Park Joint Activities Fund	305.00
Capital Fund	197.34
Community Development Fund	251.16
Trust & Agency Fund	6,286.86
Grand Total	\$ 112,238.84

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Large Vouchers:	J & I Disposal	\$	11,965.75
	Occidental Chemical Corp.		9,557.53
	Erie County Water Authority		25,292.65
	Amherst Youth Board		6,804.00

Unanimously carried.

Trustee Bindert said he recently submitted a letter to the Amherst Bee regarding his dedication of the Homestead Plan for the entire town. He recently received some information in regards to this plan and he would like to have our Attorney review it to see if it would be applicable to the Village. He stated that there have been several articles in the Amherst Bee and also the Buffalo Evening News regarding Sweet Home and the Homestead Plan. It is not an easy issue to grasp hold of. It is his understanding that when revaluation occurred several years ago, the differences between the commercial rate and the residential rate, which had existed prior to revaluation were eliminated. Historically businesses have paid an additional tax simply because their properties generated income. Residents were taxed at a lower rate. Since full valuation, all are taxed the same. When full valuation was passed in the early 1980's, the State Legislature saw that this was going to pose a problem by shifting the tax burden from the commercial business to the residents so they passed this Homestead Plan. He doesn't see why residences should be subsidizing businesses. That's the question.

Trustee Bindert stated his first two resolutions deal with bids for Glen Park security.

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

WHEREAS the Village of Williamsville advertised for sealed bids for Glen Park Security, and,

WHEREAS the bids were opened on February 15, 1990, at 2:00 P.M., and,

WHEREAS the bid submitted by Professional Security Services, Inc., the only bidder, was higher than anticipated,

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted for Glen Park Security is hereby rejected.

Unanimously carried.

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

RESOLVED THAT the Village Clerk is hereby authorized to
advertise for sealed bids for Glen Park Security for the 1990
year. Bids to be opened in the Village Clerk's office, 5565 Main
Street, on April 3, 1990, at 2:30 P.M., under the terms of the
standard bidding resolution.

Unanimously carried.

Trustee Daniels stated there are 2 upcoming concerts for the Performing
Arts Committee at the Meeting House on Main Street and Mill. The first
is this coming Sunday, a puppet theater, for children. The second is
Wednesday the same week, the 21st. It is a strings and brass program,
classical music and some jazz.

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

RESOLVED THAT the following firemen are hereby authorized to
attend training schools as follows:

James Olivieri and Timothy Garrison to attend the
Training Officer Workshop in Montour Falls from
April 6-8, 1990 at a cost not to exceed \$125.00 each.

Christopher Petrie to attend the Cave In and trench
Rescue Institute on April 3-6, 1990 at a cost not
to exceed \$450.00 and to be paid by the Village of
Williamsville.

Unanimously carried.

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

RESOLVED THAT the Board of Trustees acting as the Fire
Commissioners of the Williamsville Fire Department, hereby
accepts the 1989 Simon Duplex Truck Chassis from the Hutchinson
Hose Company.

Unanimously carried.

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Richard Maddigan, President of Hutchinson Hose Co. presented the Chassis
title to the Mayor. Mayor Brenton thanked the Fire Company for this
donation which amounts to \$135,000. He stated that it is very gracious
of them especially because it is coming from their own funds. The
Village Board will purchase the remainder of the vehicle which is the
actual top of the vehicle, the ladder, etc. He thinks that Hutchinson
Hose Co. should be highly complimented for this donation to the Village.

Trustee Kaye reviewed the progress of Lehigh Memory Trail. Three
exercise stations have been installed, the benches are there, and the
bike racks have been installed. The landscapers will be finishing up the
grass planting and any other additional planting as soon as the ground
hardens up a little bit. It's a little too soft for them to work right
now.

Trustee Kaye also stated that the Historical Preservation Commission is
requesting that the Town of Amherst Youth Board building on 72 S. Cayuga
be designated a historical landmark. Joe Bachovchin, the Director of the
Amherst Youth Board, is very enthusiastic about the possibility of the
designation. He feels that since the administration within the Town of
Amherst has changed that they may now be more receptive to have that
designated as a local landmark. Also, the Historical Preservation
Commission has received a completed application and all information from
the Western New York Railroad Society for designation of the railroad
station on S. Long. We are pursuing that as well and will be submitting
that to the Board soon for approval.

Trustee Kaye also stated that the Park's Committee has distributed a
survey to residents who border the Garrison Park area and also to the
South Long Park area requesting their input on what they would like to
see happen in the park, their thoughts and comments. We sent out
approximately 200 of those surveys and we have received 20 back so far.
Trustee Kaye thanked those who returned their completed surveys. There
are additional blank forms at Village Hall if anyone would like to make
any additional comments. The Park's Committee will be reviewing all the
comments and will be making some additional recommendations.

Trustee Kaye stated she has three resolutions this evening. The first
two deal with the bids for Park Security and are similar to Trustee
Bindert's.

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

WHEREAS the Village of Williamsville advertised for sealed
bids for 1990 Village Park Security, and,

WHEREAS the bids were opened on February 15, 1990, at 2:15
P.M., and,

WHEREAS the bid submitted by Professional Security Services,
Inc., the only bidder, was higher than anticipated,

NOW, THEREFORE, BE IT RESOLVED, that the bid submitted for
1990 Village Park Security is hereby rejected.

Unanimously carried.

Trustee Kaye stated her second resolution calls for the Board to go out
to bid again, hopefully getting lesser rates for that service.

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

RESOLVED THAT the Village Clerk is hereby authorized to
advertise for sealed bids for 1990 Village Park Security. Bids
to be opened in the Village Clerks office, 5565 Main Street, on
April 3, 1990, at 2:15 P.M., under the terms of the standard
bidding resolution.

Unanimously carried.

Trustee Kaye stated her third resolution deals with Wellington Court
Association Inc. in us taking over the water and sewer main easements.

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

RESOLVED THAT Mayor Lawrence R. Brenton is hereby authorized
to execute, on behalf of the Village, an Agreement and Grant of
Water Main and Sewer Main Easements between the Village of
Williamsville and Wellington Court Associates, Inc., whereby the
Village is granted a permanent easement for the inspection,
repair, maintenance, alteration and replacement of all water
mains, and all sanitary and storm sewer mains, constructed in
accordance with the specifications of the Village of
Williamsville, together with the right of ingress and egress to
undertake such inspection, repair, maintenance, alteration and
replacement, over the premises designated as "Common Area" on the
maps of Wellington Court Townhouses, filed in the Erie County
Clerk's Office under Map Covers Nos. 2598 and 2640.

Mayor Brenton stated that this resolution culminates several years of
effort on the part of the developer and the Village Board as it is
presently constituted and as it was previously constituted. The Boards
have tried to insure the best possible use of that property in question.
He thinks the developer, Mr. and Mrs. Gustafson have done a tremendous
job and have satisfied all of our needs of the Village Board and
requirements of the community. Mayor Brenton thanked all who have
participated in this effort over the years.

Unanimously carried.

Trustee Kaye stated she will be attending a recycling conference in
Syracuse next week and will have a better update on what plans we have as
a Village for doing recycling within the next few meetings so that we can
share those with the public. She knows that Superintendent Laubisch will
also have additional information on that same topic. She wanted to let
everyone know that we are working in the lines of beginning a recycling
program and are formulating all that information at this point and will
keep everyone posted as we have information to share.

Trustee Sweeney stated his resolution is a matter of importance since it
deals with the appointment of a part-time Village Building Inspector.
The successful candidate is someone Trustee Sweeney has confidence in
based on his contacts with the references he gave with his discussions
with this candidate. We have found a qualified replacement for the
position of Village Building Inspector that was vacated by Richard Delo.

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

RESOLVED THAT Angelo A. Daluisio, 53 Erie Street, Lancaster, is hereby appointed to the part-time position of Building Inspector, effective March 16, 1990, at the rate of \$14.50 per hour - to be increased to \$15.00 per hour upon successful completion of six (6) months service.

Unanimously carried.

Mayor Brenton stated that since Mr. Delo's leaving the Village service, Roy McCready has served as a Temporary Building Inspector. He has done an excellent job as a Building Inspector during this interim period. The Village is deeply indebted to Mr. McCready for his temporary service.

Superintendent David Laubisch reminded the residents that the weather forecasted for this week is supposed to be in the 60's and approaching the 70's. There is no regularly scheduled trash pick up at this time of the year. If residents call into the DPW, weather permitting, we will come out and pick up any trash that you have accumulated through the winter months.

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

Unanimously carried.

Dan Sapienza, 50 Swan Place, stated that the residents of Swan Place directed a letter to the Village Board about some problems on their street. It has to do with tractor trailer truck traffic on a small alley. The residents feel that tractor trailer truck traffic on their street is a safety hazard. We don't feel that the alley is wide enough to accomodate a parked tractor trailer truck and passing traffic. Secondly, it has to do with how deliveries are made. If the truck just parks in the street, that's problem enough, but if the driver decides to back into the lot at Shirley Manson's Interior Design, there is only one way to do it and that is to pivot the truck toward our property and on the sidewalk, which the Board replaced last summer. A 13,000 lb tractor on a sidewalk, he is not a Construction Engineer, but he doesn't think over too much time that that weight will do too much good for a sidewalk. It's a persistent problem. We talked with the owner, she agreed to put up a sign last November to atleast keep the trucks parked straight out in the street and not back over our sidewalk. No sign has been erected and we haven't gotten any response and that was back in November. The residents think a one-way street is the answer. Secondly, a weight limit should still be considered. Thirdly, we are concerned about who they report violations to.

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The Board has a letter which he thinks that pretty well summarizes their
concerns.

Mayor Brenton stated the concerns will be addressed by Trustee Bindert
through the Traffic and Safety Committee and thru Trustee Sweeney's area
of responsibility which is Liaison to Building Department. As to the
concrete sidewalk itself, the Village doesn't want people driving on it,
but that concrete sidewalk was placed 6" in depth just in the event that
they did due to it's proximity to the pavement edge.

Kathleen DeLaney, 50 Swan Place, stated the problem with the sidewalk is
that there is no curb. The sidewalks go back into our property, so
virtually the sidewalk and the street are one. The driver of a tractor
trailer, a car or a bike can't differentiate between the fact that it is
a street, a sidewalk and their lawn. Their house is very close to the
street. It's a very difficult problem when you see the size of those
vehicles parked in front of your house. They can't get into their house
because of the problems.

Mayor Brenton stated that someone from the Village will address this
problem personally by contacting the owners of the Shirley Manson
establishment. Hopefully we can correct this situation.

Maryanne Avery, 64 Garrison, questioned if the county is going to widen
Garrison Road.

Mayor Brenton stated that her interests will be protected. He only asked
that the street be repaved because it is a hazard right now. Motorists
have to dodge holes and lumps in the pavement.

Mrs. Gustafson, Wellington Court, thanked the Board of Trustees for their
cooperation regarding Wellington Court. She does appreciate all the
hours that were put into the project. They are leaving the Village with
a very nice complex.

Mayor Brenton thanked her for her cooperation throughout this period of
construction.

Anthony Galletta 36 Creek Heights, questioned if anything can be done
about commercial vehicles parked on their 20' street.

Mayor Brenton stated the Board can see that those vehicles are ticketed
and possibly towed. The Village Traffic Enforcement Officer will be
directed to cover the area. If she spends a little time each day writing
tickets, sooner or later the person is going to get the message.

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Anthony Galletta stated the big problem is all day and evening. They have called the police. This doesn't seem to be deterring them from parking his vehicles there. This has been going on for 7 years. We've done a whole lot of complaining and he's gotten a whole lot of tickets issued. He thinks that this person only gets a slap on the hand.

Mayor Brenton asked Trustee Sweeney to look into this situation to see whatever has to be done. If your problem is at night, he thinks it is not within the realm of the impossible that better traffic enforcement go up there at night. If there's a possibility of towing vehicles away, we will explore that, whatever has to be done. Trustee Bindert and the Traffic and Safety Committee will be involved also.

Trustee Bindert stated he knows commercial vehicles are not allowed to be parked on residential streets at night.

Anthony Galletta stated maybe the police department ought to be notified of that because they don't seem to know that.

Trustee Bindert stated he will have to check the law, but is almost certain that is considered a residential street.

Mayor Brenton requested that Trustee Bindert check the law and when he is assured that the law does cover this given situation, then we will contact Chief of Police Askey to find out if it would be possible to enforce this a little more regularly so we can have some positive determination.

Peggy Santillo, 37 Rinewalt Street, stated she is there as Chairperson of the Village Parks Committee. She wants to commend the Board for declaring Earth Week from 4/22-4/29. The Parks Committee along with the Environmental Advisory Committee as well as other committees is putting together the 4/29 festival which will run 1:00-4:00 P.M. She advocated some of the items that were requested in the budget.

First, the waterline and the drinking fountain for the Lehigh Memory Trail. This is needed for the new landscaping which must be watered the first few years. It would also serve as a drinking fountain, especially since there is going to be an exercise area. Right now there is no water and this is really necessary.

Secondly, there is a request for sidewalks around Lehigh Memory Trail. In talking to members of the Williamsville Fire Department, we have found out they are in much support of this request. Since this park was created we are encouraging people and families of all ages and especially kids on bicycles to use it, safety is a concern. Their only choice right now is to ride in the street on Cayuga and S. Long Street. We hope that the Board will approve that budget item for sidewalks.

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Ms. Santillo stated lastly, their concern is for the erosion problem at Island Park. they feel this is a serious problem. In addition, the ball diamonds in S. Long Street, the money for benches, the basketball court, the famous "Savor the Flavor" festival which as you know raised \$2,500 last year for the parks are Park Committee concerns.

Mayor Brenton thanked Ms. Santillo for bringing those items to our attention, some of which have already been presented by Trustee Kaye and unfortunately have been rejected. The concerns of the committee are well taken. However there is no question in his mind that the Village is going to be confronted with a major tax increase this year resulting from the startup of recycling. We are going to have to be extremely careful as to what items we do need in the budget. Regarding Ms. Santillo's request to have a sidewalk placed on S. Cayuga Road in front of the Wellington Courts, 50% of the possible sidewalk would have to be changed against that complex. We are considering that, but we would have to declare it an unsafe situation in order to do it unless they want to cooperatively fund it with us.

Matt Bierl, 146 Los Robles, stated he would like to reiterate what Peggy had said. He was shocked when he saw some of the pictures from a fishing derby taken quite a few years ago at Island Park, showing views of what a certain area looked like and a present day picture of it - how much erosion there has been. It is really amazing the amount that has been lost. He realizes budgets are tight but it will lead to a more serious problem later on if it is not addressed now. He also, wholeheartedly endorses the water fountain and waterline because without the waterline it is really going to deter what has been done in the park. You can't very well plant trees, let them go to root and then dig around and put in a waterline. It's never going to be cheaper than right now to put that in. If we really want to finish the park off, a waterline should be installed. During the past year, the Park's Committee has probably saved this community thousands of dollars by tearing out alot of brush ourselves in the Lehigh Memory Trail. We are willing to put up our sweat as well as asking for money. He wants to emphasize to the Board again to really consider what we are asking for in the budget items because he really feels that the parks are one of the things that makes the Village a Village.

Carolyn Schlifke, 192 Evans Street, stated she hopes the Village Board is not being pennywise and pound foolish by rejecting the security bids. As a Trustee she worked with Professional Services, Inc. These people are very professional. They did away with the vandalism in our parks. The Board has rejected the bid of a proven factor, an organization that has proved themselves in the Village of Williamsville.

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She's not saying if you get a lower bid that the people will not be
professional. But she would have like to have seen the Board accept the
bid from Professional Services.

Mayor Brenton stated that the bid from Professional Services was for 2
separate entities, our Village parks and our jointly owned Glen Park.
The hourly rate submitted for Glen park was much higher than for Village
parks. It would be inconsistent of the Board to accept a bid proposal of
that nature. He thinks we could almost be criticized for allowing the
same firm to provide the same protection only at an hourly rate much
greater in one park than the other parks.

Trustee Kaye stated this was not a quick decision. We had it on the
agenda last meeting as well and decided to pull it. We have enjoyed the
services. However the increase was substantial. We did try our best to
see what we would do with those bids to keep them. We just were not able
to do that.

Trustee Bindert commented that one of the criticisms, as Ms. Schlifke
knows since she served on the Board, was the fact that there was a price
difference between what we were paying at Security for security at Glen
Park versus over at Garrison and Island Park. This was always a
criticism. For this very reason, this is why the Glen Park Committee put
this out to bid. The price that we got back on the single sole bidder
was substantially higher than what we were previously paying at Glen
Park.

Ms. Schlifke stated that's fine. However you did not go out to bid
because in order to get equity between the two parks, you went out to bid
because the Attorney General's office told the Village to bid this item.
The Village was slapped on the hand for not going out to public bid for
this particular service. The Village interpreted it as a professional
service for which we do not have to go out to bid normally. When Audit
and Control came in to audit us, approximately 1 1/2 - 2 years ago, the
Village was put on notice that the next time when this contract ran out,
it must go to public bid. That is why it went to public bid.

Trustee Bindert stated he differs with Ms. Schlifke. The reason that
this went to bid was because the Glen Park Committee wanted to bid this
item. They wanted to bid it last year, however we did not meet the
deadline for cancelling the prior contract.

Ms. Schlifke asked Trustee Daniels to explain some articles which
appeared in the Amherst Bee regarding what is referred as the "Miller
Property" on Cayuga Road. While this property lies outside the Village
boundaries, Trustee Daniels has been rather outspoken about the property.
Some of the remarks that she reads in the paper, she finds difficult to
relate to what actually happened.

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One of the remarks Trustee Daniels made in the 2/14/90 issue of the
Amherst Bee - "The Village owned land in a former dump on Hopkins Road
which it was to deed to the Town in the purchase of the Miller property
in 1984. He believes the Village sold the land instead as it felt there
were other priorities for funds gained from the sale possible including
the Village Hall. Daniels said in hindsight, not purchasing the property
was an error". She asked Trustee Daniels where he got the information
that the property was offered to the Village for purchase back in 1984?

Trustee Daniels stated he got them from articles in the Buffalo Evening
News and Amherst Bee.

Ms. Schlifke stated she spend a couple days in the Public Library where
there is a microfiche. You can run all the old back copies of the
Amherst Bee in it. She also spoke to former Mayor Kuzon who was the
Mayor at that time and he informed her that no offer of that property was
made to the Village. The offer was made to the Town. In her research
she did find some articles in the Amherst Bee. She also recalls sitting
in the audience back in 1984 with Mr. Kindel of the Town Board, came and
showed a slide show to a Village Board meeting because the Village was
the owner of some of the land that he was going to want for his Great
Baehre Swamp Development. He was asking for property owners to donate
the land. He put on a slide show for the public and informed the Village
Board at that time that these donations of land would be tax deductible.
As the Village of Williamsville is a municipality it does pay income tax.
The Board at that time did not donate that land on Hopkins Road to the
Town of Amherst. On February 22, 1984 there is an article in the Amherst
Bee which states "Town Gets Attractive Land Deal". A meeting was held
between Mr. Miller, Supervisor Sharpe, Mayor Kuzon and Assemblyman
Sheffer where Mr. Miller offered the 12.2 acres of land at \$9,500 an acre
for a total of \$115,900 stating that it must be used exclusively for
conservation purposes. Mr. Miller would give the remaining difference
between the sale price rate and the appraised fair market value. He also
would contribute his time and equipment to doing whatever was required on
the land. Ms. Schlifke pointed out to the Board and to Trustee Daniels
that that article says "Town Gets Attractive Land Deal". The property is
not in the Village. It also had nothing whatsoever to do with the land
on Hopkins Road. That particular property was not sold to the Town until
May 14, 1987, 3 years later. The reason that property was sold to the
Town was because the Town of Amherst again approached the Village of
Williamsville asking them to sell the property because they needed it.
The Village at that time had also just received a notification from the
Town that they were going to cut off our dumping right because they no
longer had the room to store our trash, which meant that the Village
would have to go somewhere else in order to get rid of our trash. We
could not afford to give away that piece of land on Hopkins Road. The
Village Board at that particular time set a price of \$84,000.

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It bothers her to see things in the paper which mislead people in the
Village of Williamsville when they read them. What you are saying is the
Village turned something down in 1984. That is not true. The Village
was not offered that land in 1984. When we sold the piece of land on
Hopkins Road, it netted the Village \$84,000, this is something the
Village could not afford to just give away. While your efforts in
preserving that piece of land as a conservation area are to be commended,
she certainly hopes that the Board doesn't expect the Village of
Williamsville taxpayers to spend Village tax dollars in any way to
acquire that land. That land is in the Town. If it's going to be a
conservation area it should be the responsibility of the Town. If it is
going to protect flooding for the people on Los Robles, then that is also
a Town problem or something that should be turned over to Senator John
Sheffer with his study of Ellicott Creek. Let the state see if there is
a serious flooding problem there and that they do something about it.
She certainly doesn't want to spend any Village tax dollars to acquire
that piece of land.

Mayor Brenton stated that what Trustee Schlifke has indicated here is
basically true. She did mention the fact that the article indicated the
Village needed the money for the Town Hall. That is not true. We were
prohibited from utilizing that money for that purpose. The information
Trustee Schlifke has provided here is definitely as close to the actual
occurrences as possibly could be.

Trustee Daniels stated the information that he received and thought to be
accurate was reported in both newspapers. At no time has he ever
suggested that the Village enter into a financial part of this deal.
Secondly, the deal is one of those things that appeals on more than one
basis. Regarding flooding, it's actually the Lehn Springs area that it
affects. Also Willowbrook and Oakgrove because those are in the same
area. We are also considering the development of seven homes off of
Garrison Road which is Castle Creek. It will also have an effect on
that. So it is to the Village's benefit to preserve this as a wetland
area to be dredged out and ponded with retention areas so that when the
creek rises and falls this area will fill instead of Lehn Springs,
Oakgrove and Willowbrook areas. It's not going to solve every flooding
problem that Lehn Springs or Willowbrook or Oakgrove have because there
are so many swings with that it may not affect a 100 year flood, but he
thinks it would have a very beneficial effect on any 10 year, 15 year
type of flood. He has approached the Town Board and suggested they get
an appraisal of the property in order to see whether the figure that
Warren Miller wants is a realistic figure. Secondly he suggested that
the Army Corps of Engineers include the Warren Miller parcel in their
study of the flooding problems on Ellicott Creek in regards to the Lehn
Springs area, which they are going to try to do. The first study was the
reconnaissance report, the second phase is \$150,000 phase which discusses
positive steps to help solve the flooding problems on Ellicott Creek.

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The fact that he may have picked the wrong article that was in the press of 1984 has very little bearing on what he is trying to do with this land. To inject that into this at this point, as a disclaimer to the effort, he thinks it is objectionable from many standpoints. Trustee Daniels thinks that the Village has definite things to gain from the acquisition of this land. It would be a nice extension to the Memory Trail. When talking to Dan Ward about this, he wondered if the Town purchased the property, if the Village would be interested in annexing it into the Village land. There's also that option open. None of this has gotten to a stage where we are going to discuss it because there are too many "ifs" inbetween. This is worth pursuing the potential values of it for the residents on Oakgrove and Willowbrook, Cadman Drive, Creek Heights and all of the other areas that line the creek. From that standpoint, Trustee Daniels doesn't think he is out of line. From the standpoint there are no wildlife preserves to save some ducks and bird species that are endangered and other wildlife species and also vegetation in this part of Amherst. It's worthwhile preserving from that standpoint. The Village residents will be the first ones to utilize that area, no matter who owns it. They are going to be the natural ones to enjoy it since they are the closest. For all of those reasons he doesn't think he is out of line in pursuing this.

Mayor Brenton stated to conclude that matter he would like to say to Trustee Daniels that he has every right to pursue these endeavors and he hopes that he has someone on the Town that shows an interest because obviously they would be the ones to bear the biggest if not total sharer of the cost to all Town taxpayers. There is certainly no reason why the Town can't go buy that for Village residents as a park. However in the article which Trustee Schlifke refers to Trustee Daniels did relate the sale of the dump in conjunction with the park as she correctly pointed out. Unfortunately, Trustee Daniels admitted that he didn't use good judgement there because he was unsure of the articles or whatever. As he knew, Mayor Brenton was here at that time, in fact Mayor Brenton negotiated with the Town to sell that property with some very good conditions associated with it which was no longer a value to the Village. Unfortunately Trustee Daniels never came to Mayor Brenton and asked him about that particular situation. Had Trustee Daniels done that, Mayor Brenton could have informed him exactly to what had transpired at that time.

Matt Bierl, 146 Los Robles, stated he wanted to commend Trustee Daniels on doing this work on here. He speaks not only for himself, who used to ice skate in that area but for kids in our neighborhood who can still go over there and skate on the pond, he would hate to see that area filled or a development put in there. He is very pleased and he speaks for alot of people in this area who would use that area if it were available, that are very happy that somebody is pursuing it before a developer comes in and builds a bunch of townhouses.

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He is very happy that this area seems to be solving many problems with
water, flooding and recreational use and wildlife preservation.

Maryanne Avery, 64 Garrison, stated she was invited to sit in on a day
afternoon session with the other Town Board by the Supervisor. Mr.
Southwick suggested that it be assessed because \$800,000 was quite high.
The Supervisor thought it was most appropriate that it would go to the
Village eventually, one way or another. Trustee Daniels came as an
individual and didn't actually go into Memory Trail which might of helped
a little. She thinks probably if we want to put some pressure on the
Town Board, it will probably have to come from more than one person. It
would have to come from a Park's Committee, an Environmental Committee
and probably the Conservation Committee from the Town of Amherst. She
also thinks if it's going to help the flooding situation and the erosion
then maybe the Corps of Engineers could be involved. Obviously, Trustee
Daniels can't do this unilaterally.

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 Kaye, it was moved to
close the hearing at 9:55 P.M.

Unanimously carried.

Theresa L. Cummins
Village 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, March 12, 1990 at 8:11 P.M.

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

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

The Clerk read the notice of Public Hearing on March 12, 1990 at 7:40
P.M. for the purpose of hearing all persons interested in discussing a
Proposed Local Law which would repeal the existing Section 60.10 through
60.99 of the Village Code entitled Traffic Ordinances and Adopt a new
Chapter 60, Sections 60.01 through 60.20 entitled Vehicles and Traffic.

Trustee Sweeney stated that the existing local law Section 60.00 has been
amended enumerable times within the last 2 years. The document has been
changed, revised, added to, supplemented so many times that it has become
a real burden to read and make sense of it. The proposed local law
Chapter 60.00 Vehicle and Traffic goes a great measure in eliminating the
confusion and contradictions and presents a much more logical order of
facts and conditions. The substance of the code, that is, the streets
that were one-way, remain one-way in the new code. Truck routes, no
standing, no stopping, intersections are largely or entirely the same as
in the existing code. The code provides for the regulation of parking,
establishes a Parking Enforcement Officer, sets speed limits, regulates
abandoned illegally parked vehicles, provides for the process of issuing
summons, penalties, designates streets as one-way, and prohibits U-turns
and left turns at certain intersections. It provides the documentation
of intersections where stopping is required and where yield signs have
been erected. Trustee Sweeney pointed out a change in Page 28 of the
Proposed Local Law, dealing with no parking in the public right of way,
Section 60.18B. The provision is as follows: "In all other commercially
zoned areas, no person shall stop, stand or park motor vehicle on that
part of the public right of way between the curblin and the outer edge
of the public sidewalk. Where no sidewalk or curblin exists, the public
right of way for the purposes of enforcement, of this section, shall be
the area within 8' of the pavement edge". Trustee Sweeney stated that
the Board made the decision to specify the "right of way" as 8' from the
pavement edge.

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Kathy Tobia, 25 Creek Heights Drive, stated she has a petition signed by
the residents of Creek Heights regarding commercial vehicles parked on
their street. (Copy attached). Ms. Tobia stated she has another petition
which she did not read now, but provided to the Board regarding the
condition of the residents' property.

Mayor Brenton stated the Board will refer this over to the Building
Department and to our Code Enforcement Officials. He assumes that these
charges are based on our current law and will be answered for the
residents through the normal channels.

Elroy Avery, 75 Rinewalt Street, questioned if there were any weight
limit for the one commercial vehicle that's allowed in his driveway? He
stated the code says a trailer can be parked 26' from his neighbors
driveway and it's legal. Also there is no weight limit. He could have
his dumptruck there or whatever.

Trustee Sweeney stated the section Mr. Avery is referring to is in the
Zoning Code which is not the subject of this public hearing. There is no
weight limit or requirement as part of this Vehicle and Traffic Code that
applies to parking within a driveway. There is a section that addresses
commercial parking in the public right of way. That does not provide any
weight limit. There is a section of the proposed local law concerning
vehicles and traffic that addresses parking of commercial vehicles within
the street. But this entire code does not generally apply to parking on
private property. It does address private parking lots. The basic
revision that you're dealing with is covered under the zoning code, not
this local law.

Carolyn Schlifke, 192 Evans Street, stated she is very familiar with the
code due to the years she served on the Traffic and Safety Committee.
She sees a few things that should be addressed. The first is on Page 9
regarding the one-way streets. About 6 or 7 years ago she questioned why
Milton Street is one-way from 8 A.M to 1 P.M. on Sundays only. It's due
to the church services, but it's the type of code that is almost
impossible to enforce, inasmuch as the cars would already be on the
street before they would ever see the sign, which she believes has been
missing for many years. It's a section she believes should be removed
from this code.

The second on Page 11, 60.13 is regarding Truck Routes. She was under
the impression that the Village had removed Wehrle Drive as a truck
route. Trustee Sweeney stated she is correct and that is an oversight.

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Ms. Schlifke stated the next item is on Page 14 covering stop signs.
Going to Franklin Street, the stop sign is to the east for N. Ellicott
and the west for Orchard Place. Those directions are reversed. On Page
24, the east side of E. Spring Street, and on the west side of E. Spring
Street it says there is no parking between Main Street and the point 100'
north of Main Street. There is a sign that says No Parking This Side.
So it's the whole side, not just 100'.

Mayor Brenton stated the sign should indicate No Parking with an arrow
pointing a southerly direction. It should be located approximately 100'
from Main Street.

Ms. Schlifke stated the sign that's there now says No Parking This Side.

Mayor Brenton stated the sign should be placed to correspond with local
law, assuming this section of the local law is identical to what we now
have. The sign should be placed wherever necessary to comply with the
requirements of the law with the arrow pointing in the direction where
the parking is to be eliminated.

Ms. Schlifke stated the last item is Page 27 - East Spring again, on both
sides. At some point, she believes there was a 2-hour limit on E. Spring
Street, both sides, between N. Cayuga and Rock. Those signs have not
been there for about 10 years. If the signs were placed there, she
believes it would be a great hardship on the business community, inasmuch
as that is the parking they use for the employees. She would like to see
that removed.

Trustee Sweeney stated the committee and himself, especially, do not
claim infallibility. This is one of the reasons for holding a public
hearing so that those residents in the community who are familiar with
the day to day workings of the real world can help to advise those who
sit up on this ivory tower how things should be organized and what would
be practical or enforceable.

Dan Sapienza, 50 Swan Place, stated he wants to talk about the traffic on
his street and see if some of these things don't apply to these changes.
First he would like to know if Swan Place is considered a one-way street,
inasmuch it's no more than an alley. It really can't accommodate two-
way traffic and if it isn't, what is the rationale?

Trustee Sweeney stated he does not believe it will be one-way. The
rationale is basically that this proposed local law carries over most of
the provisions that were in a less easy to follow ordinance but were not
enacting or restrictive in most cases.

Mr. Sapienza recommended that Swan be made one-way. Secondly, he
questioned whether tractor trailer trucks are allowed on his street?
Even if it is a hazard and blocking the alley?

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Trustee Sweeney stated they are allowed to make deliveries. It's a
public thoroughfare and there is no weight limit on that roadway. There
is no parking of that commercial vehicle in the public right of way. So
if that's the problem, that can be reported as a violation. A delivery
truck can make a delivery to an establishment, front or back if that's
their normal service entry. The Board will take Mr. Sapienza's comments
regarding one-way under advisement. His basic understanding is that to
try and limit the weight of delivery trucks would be prohibited. It
would be against the State Vehicle and Traffic Code.

Trustee Bindert stated that as Trustee Liaison to the Traffic and Safety
Committee, he would like to thank some of the members who are here at the
meeting and participated in this discussion and brought some oversights
to the attention of this public hearing. He would like to commend the
job that has been done in regards to the realignment of the Traffic Code.
He believes that this is passed through the Traffic and Safety Committee
and a couple of recommendations were made.

Trustee Sweeney stated he doesn't recall the specific changes that were
recommended.

Trustee Bindert stated he doesn't have them before him but knows there
were several changes that the Traffic and Safety Committee recommended
that should be incorporated into the new code.

Mr. Avery said he would like a clarification on Traffic and law and
order. Right outside of the Village Fire Department there is a yellow
line that has been painted on the street. He understands that is No
Parking since this is the driveway up into the Fire Department. There is
also a No Parking sign with an arrow pointing east. The other one on
Cayuga is pointing east also. Which comes first, the sign or the yellow
line? He was parked on the yellow line or the "zebra zone" as he calls
it, and he got a ticket even though he was before the No Parking sign.

Mayor Brenton stated that question is not germane as to this change in
local law and it would be best asked at the suspension of rules. The
Board knows exactly what he is talking about. Superintendent Laubisch
will make a note of it and see that the signing is correct. People who
park in the striped area will not be ticketed if they are outside of the
sign. Mayor Brenton thinks probably the best thing to do would be to
remove some of that striping with black paint. He thinks the signs are
alright as long as emergency vehicles can exit the radius of the curb
safely and there is no vehicle protruding into the path of the emergency
vehicles.

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ON MOTION by Trustee Sweeney, seconded by Trustee Bindert, it was moved
to close the public hearing at 8:40 P.M.

Unanimously carried.

Theresa L. Cummins
Village 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, March 12, 1990 at 7:43 P.M.

Present: Lawrence R. Brenton, Mayor
Robert V. Bindert Trustees
Ronald Daniels
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 on March 12, 1990 at 7:35,
P.M. for the purpose of hearing all persons interested in discussing a
Proposed Local Law which would repeal the existing Section 24.00 of the
Village Code entitled "Landscape Law" and Adopt a new Chapter 24.00,
Section 24.01 through Section 24.05 entitled "Landscaping".

Trustee Sweeney stated this public hearing concerns the Village Landscape
Law which was first enacted in 1980. Although the intent of the Code
Review Committee was not to rewrite this code, it turns out much of the
text has been reworded. However the substance of the document has not
been radically altered. There are several major changes in the Proposed
Landscape Law versus the existing Landscape Code. The most obvious and
dramatic change is a basic administration difference. Where previously
the landscape plans were reviewed and approved by the Environmental
Advisory Council, the new proposal will make the Environmental Advisory
Council serve that function of reviewing and advising for action by the
Village Planning/Architectural Review Board. The change being that no
longer will the Environmental Committee have a final say but will make a
recommendation to the Planning and Architectural Review Board. It's
hoped that that will streamline the procedure and help to avoid
difficulty.

A second significant change is in the applicability of the Landscape Law.
Where previously a landscape plan was only required for new construction
in a manufacturing, R-3M, R-4 or commercial district or if additions in
those zoning categories were over a \$50,000 ceiling, now the ordinance
would require that any new construction, any additions in those zoning
classes, would be required to develop a landscape plan for any addition
requiring a building permit. That change makes the new landscape law
more encompassing, but yet the new law does provide an opportunity for
the Planning Board to grant waivers of requirements for demonstrated
impracticality of the provisions.

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Trustee Sweeney then read the purpose of the Landscape Law as stated in the proposed code. "The purpose and intent of this chapter is to promote the public health, safety and general welfare through the establishment of a comprehensive and uniform plan that establishes minimum standards for landscaping in districts zoned C, R-3M, and M1."

Carolyn Schlifke, 192 Evans Street, stated the way it reads now is that an alteration of an existing zoning could require a landscape plan. This could be construed as just a change of an entranceway, a change of an exterior feature which certainly would not mean that people should have to come in with a landscape plan. She can see the conversion of a building to a different usage or a new construction or an enlargement of a building. But she believes an alteration is stretching the point just a little bit too far as a requirement for a landscape plan that was intentionally made. The way the code reads now is; "Any alteration or modification requiring a building permit, then that structure becomes subject to the Landscape Law provisions", that is assuming that the building modification is occurring in an area zoned C, R-3, or M-1. If the change is significant enough under the state uniform Building and Fire Protection Code, a Landscape plan will be required.

Carolyn Schlifke stated she wanted to go on record thinking it is rather ridiculous.

Jeff Hahn, 99 North Ellicott, commented on Section 24.05, Enforcement and Maintenance, "The Code Enforcement Officer shall inspect the landscaping between the replacement before the bond is cancelled or security returned". Under the old law the inspections were done by the Environmental Committee.

Trustee Sweeney stated this is one of the changes of emphasis that he readily acknowledges. It may not rest well with the Environmental Committee, but the basic emphasis in this revision is to clearly place responsibility with the Planning Board and Building Department. It does not prevent the Environmental Committee from following through or making recommendations concerning replacements or bonds. It shifts the emphasis back to other parties.

Mr. Hahn stated that is their disagreement. Mr. Hahn brought in the plat plan from the hair center down on the corner. When the plan came before them, it barely met code as far as greenspace percentages. The Building Department issued a permit, a Certificate of Occupancy and didn't bother with a substantial section of the greenspace which was behind the apartment building and at the end of their parking lot. Now, cars are hanging over the parking lot in the street all the time. It's an exacerbated situation that the Environmental Committee tried to prevent.

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The Committee suggests that the Code Enforcement Officer and an appointed member of the committee review the completed landscaping so this kind of occurrence can be avoided. Mr. Hahn questioned the point of approving something at the beginning and not being able to follow it to it's conclusion.

Trustee Sweeney stated that the Environmental Committee will remain as the Advisory Committee. The Village Board and it's department, it's employees remain and will be more clearly responsible for carrying out the law. That doesn't mean we will have flawless enforcement, but it certainly places the responsibility where it belongs. Trustee Daniels asked Attorney Troy if it were true that the Environmental Committee cannot enter into this role as Mr. Hahn is suggesting.

Attorney Troy stated our Village is bound by state law which creates the Village. The Board of Trustees runs the Village. Beyond the Board of Trustees, all committees are nothing more or less than advisory to assist, and aid the Trustees in doing their job, except for two, which have statutory authority. These are the Board of Appeals and the Planning Board. Both of those are embedded in the state law and have special prerogatives, privileges, rights and duties. Although the advice and help is of the other committee is invaluable, but they are only advisory.

Mr. Hahn asked if the Board would allow someone from the Environmental Council to write an advisory letter upon completion and before the Planning Board grants the Certificate of Occupancy.

Attorney Troy stated there shouldn't be any problem just as long as it was recognized that the letter was purely advisory.

Trustee Sweeney emphasized that in this change of the law or in other changes affecting the Village's Advisory Committees, the intent is not to diminish the value of the service rendered by those committees but rather to put responsibility where it belongs. The enactment and enforcement of local laws should rest with the Village Board, the Village Prosecutor, Village Justice, the elected officials.

Mr. Hahn stated he doesn't think this is an issue of a turf war but it is a legitimate concern that the original plans that have been submitted are not completed.

Trustee Daniels stated he is Liaison to the Environmental Committee. They have spent a considerable amount of time in driving out to sites and talking with the owners and getting the tape measures out to make sure all the trees are planted correctly.

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The frustration comes as Mr. Hahn stated when the plan is approved and sometimes without their knowledge. He wonders if the Environmental Committee could be advised before a Certificate of Occupancy is issued so that they may accompany the Code Enforcement Officer on that final inspection. They might be able to review it after all the work is done to see if there need to be any further recommendations. They may point out something that might otherwise escape the person reviewing it. It's a matter of a feeling of completion on their part as long as they put in so much time in the preliminary phases.

Trustee Sweeney stated there is nothing in the law that prevents everything you are asking for from happening, except, he doesn't think the Board wants to commit the actions of our paid employees to be subject to an advisory committee's schedule. He will see that the Building Department does notify the Environmental Committee of any bonds being returned or Certificates of Occupancy being issued where landscape plans have been reviewed and/or are still under review. Trustee Sweeney stated he thinks that answers Mr. Hahn's question. He also commented that as in many of the local laws and revisions of local laws that are proposed by the Village Board, this legislation was submitted twice to the Environmental Committee for recommendations. If there were suggestions or some problems, he would have appreciate getting them before the public hearing.

Mr. Hahn stated they had submitted their comments. Perhaps they are in the Building Inspector's Department.

Bob Krieter, 62 Eagle Street, stated if he were the Building Inspector, he would welcome working with the Environmental Committee.

Trustee Sweeney stated he thinks the Building Department, Building and Zoning Clerk, the Fire and Safety Inspector, our Code Enforcement Officials will be happy to work with all advisory committees.

Trustee Kaye stated that also serving on the Environmental Committee for a short period of time, she can certainly appreciate the amount of work that all the individuals on the committee put into that. She would like Trustee Sweeney to take that into consideration when making those revisions.

Trustee Sweeney stated this public hearing will not result in a vote or an action this evening. The Board will review the minutes of the public hearing and before acting they may make further revisions to the proposed local law.

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Mayor Brenton stated that where the Environmental Committee does find a violation of a local law which requires treatment of greenspace to "x" percent or whatever, he does not understand why that establishment would have been provided a Certificate of Occupancy. In the absence of some strong indication of why that would have been issued, then he would have to look at the Building Department with disdain. If any member of that commission finds that, as pointed out by Mr. Hahn, that there is a violation and apparently, a Certificate of Occupancy was issued without compliance with the original, agreed to conditions pertaining to greenspace, then that should be pursued and we should find out why that was done. It should be made clear to whomever that this should not be allowed to happen again.

ON MOTION by Trustee Sweeney, seconded by Trustee Kaye, it was moved to close the public hearing at 8:10 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer