

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, June 11, 1990 at 7:34 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

Absent: David Laubisch, Supt. of Public Works

The Clerk read the notice of a public hearing that will be held by the Board of Trustees in the Village of Williamsville on June 11, 1990 at 7:30 P.M. for the purpose of hearing all persons interested in discussing the Ciminelli application for a roadway permit to extend Essjay into Evans Street. This public hearing is required under Section 50.11(E) under the Village Code.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, it was moved at 7:34 P.M. to open a public hearing.

Unanimously carried.

Mayor Brenton stated that as the clerk has just read, this evening we have scheduled the public hearing regarding the Ciminelli Corporation application for a roadway permit to extend Essjay into Evans Street. We have not developed all of the information necessary for the public hearing that is required by our local law regarding this type of application. Section 50.11(E) of the Village Code states the Village Board must receive recommendations of the Traffic and Safety Committee and the Planning and Architectural Review Board prior to holding a public hearing. These have not yet been received. Mayor Brenton then read a statement pertaining to the reason for recessing tonight's meeting. (Copy attached.) Mayor Brenton stated the Board will be reconvening this hearing on June 25, 1990 at 7:35 P.M. He cautioned the audience that although the Board allows for a suspension of rules at the end of the official public meeting this evening, that anyone that would want to speak about Centerpointe during suspension of rules would be exercising their due right, however, those comments would not be germane nor would they have any bearing on the final resolution of that application.

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ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to recess this public hearing to June 25, 1990 at 7:35 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk/Treasurer

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

Absent: David Laubisch, Supt. of Public Works

Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:30 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, the minutes of the regular meeting of the Board of Trustees held May 14, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the minutes of the public hearing on the Proposed Rezoning of various properties from R-4 to R-3M and from C-2 to R-3M held May 14, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the public hearing on the Proposed Local Law-Amend Section 7.03 (C) regarding Fire Safety and Code Enforcement Officials held May 14, 1990 were approved

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to open the public hearing on the Ciminelli application for a Roadway Permit to extend Essjay into Evans Street. (The public hearing was recessed to June 25, 1990 at 7:35 P.M.)

Unanimously carried.

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Mayor Brenton reported information has been received by this office pertaining to the Pfhof Brothers Landfill. The Williamsville Public Library and the Cheektowaga North Branch Public Library have the 1990 stream and soil samplings plan and their testing protocol for the fish study and dioxins in fish. This information is there for the perusal of anyone who should be interested in furthering their knowledge of the Pfhof Brothers Landfill.

Mayor Brenton stated we received a letter from Senator Sheffer pertaining to our request to be included in the supplemental addition to the New York State Budget. Senator Sheffer informs us that the Village of Williamsville has been granted \$45,000 for the purpose of rehabilitation of our business district which will conclude the rehabilitation of the business district within the Village. It will involve installation of brick pavers similar to what is now on the north side of Main Street and iron grates around the trees where they can be fitted. The Village is beholden to Senator Sheffer as well as Assemblyman Anderson, both of whom have expended a great effort in order to allow the Village to be awarded these additional funds. This should conclude our Main Street Rehabilitation project.

Mayor Brenton stated the Village Board has received our report pertaining to the feasibility of the Erie County Water Authority taking over the Village of Williamsville's water system. Presently we have our own water system within the Village of Williamsville. We purchase our water from the Erie County Water Authority, and distribute this water to our customers. The Village finds it necessary to increase the water charges dramatically from that which is charged by Erie County Water Authority to its individual customers. It's hoped that the Authority will use the feasibility study which has been forwarded to them to develop. Terms which would allow them to enter into a Lease Management Agreement with the Village. The water system would be taken away from the Village of Williamsville's control and the price of water would be lowered to charges that would normally be found with the Erie County Water Authority. We are hopeful that we will receive an answer to our report within the near future.

Mayor Brenton stated the sidewalk rehabilitation program, which has been going on for 4 years, will be concluded this year. The contractor has started work on the east end of Main Street and Hirschfield Drive and will be marching down Main Street. He's afraid the contractor is going to get the central business area before our brick paver contractor is going to be ready to go to work. We are going to have a little bit of a problem because the concrete contractor will be removing all the concrete that's called to be removed.

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Where the replacement would have been brick pavers we are going to have an open area where we will have to address that as time goes by.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, vouchers in the amount of \$99,861.63 covering 5/12/90 - 5/29/90 were approved:

payroll fund w/e 5/19/90	\$	18,928.52
General fund		31,755.41
Water fund		22,920.33
Sewer fund		11.23
Trust & Agency fund		6,702.43
Glen Park Joint Activities fund		314.05
Capital fund		19,229.66
Community Development fund		- 0 -
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*Grand Total*	\$	<u>99,861.63</u>

Large Vouchers:

Erie County Water Authority	\$	22,547.22
J & I Disposal	\$	11,965.75
Occidental Chemical Corp.	\$	10,535.24

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, vouchers in the amount of \$74,012.32 covering 5/30/90 - 6/7/90 were approved:

payroll fund w/e 6/2/90	\$	17,395.36
General fund		24,679.32
Water fund		26,679.32
Sewer fund		257.09
Trust & Agency fund		4,744.66
Glen Park Joint Activities fund		70.00
Capital fund		-0-
Community Development fund		-0-
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*Grand Total*	\$	<u>74,012.32</u>

Large Vouchers:

M&T Bank	\$	33,090.00
Blue Cross	\$	3,588.54

Unanimously carried.

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Mayor Brenton stated his third resolution deals with Mr. Keily who resides at 24 Academy Street who has discovered that the Village has billed him erroneously for sanitary sewer charges for the last 3 years. The reason being that he does not hook into a sanitary sewer. Our code is very clear on that. If an individual is over 150 feet from the sanitary sewer, he does not have to pay sanitary sewer charges. If he is less than 150 feet, then he does have to pay the sanitary sewer charges. Mayor Brenton thinks the reasoning behind that local law is that it encourages people who are within the 150 feet to tap into the sanitary sewer system which would not be all that much of an expense. Once it gets beyond 150 feet, it can be quite cost prohibitive. As long as their septic system works, this allows them to not have to be engaged in the sanitary sewage treatment and transportation which most residents are taxed for. Mr. Keily has asked for a relief for the amount overcharged.

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

WHEREAS Section 41.10 of the Village Sewer Rent Code specifies that only properties within the Village that are located within 150 feet of a sanitary sewer shall pay a sanitary sewer charge, and

WHEREAS the property of Mr. Charles E. Keily at 24 Academy Street is located 168 feet from the nearest sewer line, and

WHEREAS Mr. Keily has paid sanitary sewer fees for the periods 1988-89 and 1989-90 and the charge appears on his 1990-1991 Village tax bill,

NOW, THEREFORE BE IT RESOLVED, that the sanitary sewer charges paid by Mr. Keily for 1988-89 and 1989-1990 in the amount of \$281.26 be refunded to him and the 1990-91 charge of \$75.44 be deleted from his tax bill.

Unanimously carried.

Trustee Kaye reported the Village has received the new garbage truck. The new garbage days, Tuesday - Friday are now in place. If anyone has a question they should call the DPW. She hopes everyone has received, either in their tax notices or in their door, the updated garbage collection and information sheet. The Village also does have twice a month trash pickup (continuing. Residents) can call 632-5024 if they have any questions about their trash pick up or their garbage pickup.

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It is her understanding that the first garbage pick up went very smoothly. We have had a few calls and questions, but overall the transition has run very smoothly. Trustee Kaye stated she appreciates everyone's cooperation. You may also notice the people that are working on the garbage trucks wear a bright, florescent orange t-shirt that says Village of Williamsville Department of Public Works for safety reasons and also so that you can easily identify those people who are out in front of your home.

Trustee Kaye also stated that we have had questions from time to time about what do you do about hazardous waste? The Erie County is holding a waste drop off on June 16, 1990. It's for household hazardous waste, and will be held at the Erie County Highway Garage, 1870 Military Road in the Town of Tonawanda. That will be collected from 9:00 A.M. to 2:00 P.M. that day.

Trustee Kaye stated we are installing safety surfacing underneath the wooden piece of play equipment in Island Park. Some soil has been removed underneath that piece of play equipment so we can place ample amount of safety surfacing. We are using Fibar this time. We have also used that in Lehigh Memory Trail under the exercise equipment and on the path. We are testing it under that particular piece of play equipment to see how it meets with community approval and how it holds up. We are interested in your input. She also stated that a new bike rack has been installed in Garrison Park.

Trustee Kaye stated the pools in Island and Garrison Park will open up this Friday, June 15th and they will remain open through Monday, September 3rd, which is Labor Day. Their hours will be 11:00 A.M. to 9:00 P.M. The Village will be holding a dedication of Lehigh Memory Trail on Saturday, June 30, 1990 at 2:00 P.M. in the park. We would like all residents to attend. The Trail has almost been completed and we have many people to thank for making that happen. We'd like to honor those people and say a special thank you to all of those people who made this a reality. We're meeting with the Landscaper tomorrow so that some finishing touches will hopefully be resolved prior to the dedication.

Trustee Kaye read a letter that was sent to Joel Lamphear, who is an Eagle Scout, who is doing an Eagle Scout project for his badge. (Copy Attached.) Trustee Kaye stated we certainly appreciate Joel's effort. Originally for his Eagle Scout project he was just going to build the birdhouses for the Lehigh Memory Trail. He and his group got so involved that they built them for the two other parks. The Village has gotten many positive comments and it looks like there are lots of new residents living in them.

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

RESOLVED THAT Richard P. Harvey, 37 Monroe Drive, is hereby appointed Seasonal Laborer in the Department of Public Works effective May 21, 1990, at the rate of \$4.50 per hour.

Unanimously carried.

Trustee Kaye stated her second resolution deals with the Fire Department and sending 4 members of the Fire Department including the Chief and the Assistant Chief to training schools, the Utility Training Conference in Oswego and the Fire Chief Seminar at Monticello.

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

RESOLVED THAT Chuck Martin and John Doerfler, Williamsville Fireman, are hereby authorized to attend the Utility Training Conference in Oswego, New York, from June 23-24, 1990, and the cost, not to exceed \$225.00 each to be paid by the Village of Williamsville, and further,

RESOLVED THAT James Olivieri and James Zymanek are hereby authorized to attend the N.Y.S. Fire Chiefs Seminar at Monticello, New York, from June 10-13, 1990 and the cost, not to exceed \$500.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye stated her third resolution deals with the parks security other than Glen Park. The Village put the park security out to bid. We did have an organization that accepted it as the low bidder and then they declined to perform that service. We went to the second lowest bidder at that point and asked them if they had an interest in accepting the bid at their bid figure. They are RJD Security and they patrol the Marina downtown on the lake as well.

Mayor Brenton stated the name of bidder who refused to perform should be pointed out. He thinks that when someone bids on a job and then they refuse to live up to their bid price for no apparent reason other than the fact that they probably bid too low, he thinks that firm should be mentioned.

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Trustee Kaye stated Burns Security was the company.

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

WHEREAS the Village of Williamsville advertised for Park Security and awarded the contract to the low bidder on April 23, 1990, and

WHEREAS the low bidder has declined to perform the security service,

NOW, THEREFORE, BE IT RESOLVED, that the contract for Village Park Security is hereby awarded to RJD Security, Inc., 120 West Chippewa Street, Buffalo, New York, as they were the second low bidder, effective June 1, 1990, at the rate of \$6.74 per hour, plus 10 cents per hour per radio rental, per their proposal of May 29, 1990.

Unanimously carried.

Trustee Kaye stated her fourth resolution addresses the appointment of pool attendants for this year. Several have agreed to work on a fill-in type basis so that we make sure that we always have coverage in case someone calls in sick or needs a day off or for those people that go back to school early. The pool attendants start at \$3.75 per hour and those who come back year after year receive a quarter hour raise. That is why there is a differentiation in rate per hour.

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

<u>NAME</u>	<u>ADDRESS</u>	<u>RATE PER HOUR</u>
Andrew Adams	97 Los Robles	\$3.75 per hour
Adina Garfinkel	230 Bentham East	3.75 per hour
Holly Hartman	4950 Pineledge East	3.75 per hour
Jennifer Hitzges	73 Basset Road	3.75 per hour
Agnes Banks	84 W. Royal Parkway	3.75 per hour
Margory Jaeger	135 Northledge Drive	4.25 per hour
Jennifer Kibby	24 Garrison Road	4.50 per hour
Scott McKee	5 Columbia	4.25 per hour

Unanimously carried.

Trustee Kaye stated her fifth resolution deals with last year's state budget monies for the beatification of Main Street.

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

RESOLVED THAT Mayor Lawrence R. Brenton is hereby authorized to execute agreement between the Village of Williamsville and the New York State Department of Transportation in the amount of \$75,000 covering 1989-90 Executive Budget - Other Aid Projects as follows:

To the Village of Williamsville in Erie  
County for Street Renovation -  
\$30,000 and  
To the Village of Williamsville in Erie  
County for Beautification and  
Renovation of the Main Street  
Business District - \$45,000.  
Contract No. CB95056

Unanimously carried.

ON MOTION by Trustee Kaye, seconded by Trustee Sweeney, it was moved to suspend the rules for a resolution not on the agenda.

Unanimously carried.

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

RESOLVED THAT the wading pools in Island and Garrison Park be officially opened on June 15, 1990 and closed Monday, September 3, 1990 and

THEREFORE RESOLVED, that the weather permitting, the pools will be open daily from 11:00 A.M. to 8:00 P.M.

Unanimously carried.

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

Unanimously carried.

Trustee Sweeney stated the Village Historic Preservation Commission has submitted a letter of it's recommendations regarding permit application from the Ciminelli Corporation. In consideration of the postponed hearing, he did not read that letter at the present time.

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Trustee Sweeney stated that regarding Ciminelli, a second meeting has been scheduled by the Village Planning Board. It's next meeting will be June 18, 1990 at 7:30 P.M. at which time they will deliberate on this subject and render their decision.

Trustee Sweeney stated his resolution deals with a town owned building within the Village. This Historic Preservation Commission is working on designating as a historical site the Amherst Youth Board Building, which previously went by a number of other names.

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

RESOLVED THAT the Village Clerk publish notice of public hearing to be held by the Board of Trustees on June 25, 1990 at 7:30 P.M., in the Village Hall, 5565 Main Street, for the purpose of hearing all persons interested in discussing the proposed designation, pursuant to Chapter 6, "Historic Preservation," of the Village Code, of the Amherst Youth building/Old Schoolhouse at 72 S. Cayuga Road as a historic structure in the Village of Williamsville.

Unanimously carried.

Trustee Bindert reported there is a meeting this Thursday with the Traffic and Safety Committee to consider resolving the Ciminelli/Evans/Essjay cut. That meeting will be open to the public.

Trustee Bindert stated that for many years the Town and the Village has held their Annual Fishing Derby. It went off yesterday quite miraculously without too much of incidents because there was also, by scheduling mishap, a Pfhof Landfill Committee in the park who held a pep rally at the same time. Ellicott Creek is adjacent to the Pfhof swamp and it is their concern that there is pollution in the water. They did have a canoe in the water but there was no confrontation. He didn't feel it was the wisest selection to schedule a children's event along with someone that is concerned about the safety of the water in the same park at the same time. It went off fairly smoothly considering the situation.

Mayor Brenton stated that was an inadvertent slip on the part of one of our clerical staff that really constituted not much of a flack actually. We will be more careful about scheduling in the future. Fortunately, as Trustee Bindert indicated, there was no problem regarding the 2 bodies that were back in Island Park at approximately the same time.

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Trustee Sweeney stated he doesn't want to make too much of an issue of inadvertent or inappropriate scheduling. He thinks the Village Board has given rather general instructions to the Village Clerk staff in allowing and reviewing applications. While it was perhaps an unfortunate coincidence to have 2 groups with diverse views of the use of Ellicott Creek in the park at the same time, he thinks the Board desires to avoid screening or censoring groups who will use the park. Therefore, he is not really upset or concerned that we had those diverse individuals or groups meeting at the same time.

Trustee Kaye stated she wanted to commend the Youth Board for doing such an excellent job. They did go to the DEC and receive their permit from the DEC. She thinks it is important for us to also evaluate the water over the course of the next year if we have to answer any questions that may be brought up by the Citizens Action Group over the Pfohl Dump and the water quality of Ellicott Creek around the Island. She thinks it should be clear that the Parks Committee doesn't actually schedule any park functions. There seems to be some misunderstanding on the part of the Trustee official according to a memo we received that it was the Parks Committee Chairman and Committee who scheduled park events. She did want to commend the Youth Board because she thinks they did an excellent job in handling the situation.

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

RESOLVED THAT the salary of Michael Way, Laborer in the Glen Park, is hereby increased to \$5.50 per hour, effective June 4, 1990.

Unanimously carried.

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

WHEREAS the Village of Williamsville advertised for Glen Park Security and awarded the contract to the low bidder on April 23, 1990, and

WHEREAS the low bidder has declined to perform the security service,

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NOW, THEREFORE, BE IT RESOLVED, that the contract for Glen Park Security is hereby awarded to RJD Security, Inc., 120 W. Chippewa Street, Buffalo, New York, effective June 1, 1990, at the rate of \$6.74 per hour, plus 10 cents per hour per radio rental, per their proposal of May 29, 1990.

Unanimously carried.

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

RESOLVED THAT Paul Stachera is hereby appointed Seasonal Laborer in Glen Park at the rate of \$4.50 per hour effective May 21, 1990. Salary to be paid from the Glen Park Joint Account.

Trustee Bindert stated he certainly hopes this is the last time that we hire a Laborer. It's getting a little redundant. He thinks this if the third time now. He hopes this person will stay and enjoy the job.

Unanimously carried.

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

Unanimously carried.

Elroy Avery, 75 Rinewalt Street, questioned why did the Board wait so long to cancel the public hearing on the Ciminelli proposal?

Mayor Brenton stated in order to hold a public hearing pertaining to the request, the Board must first have input from the Traffic and Safety Committee who will input to the Planning Board who will then make their recommendation to the Village Board. We could not proceed in any other fashion and still be consistent with the Village local law.

Mr. Avery stated the recessing of the hearing put him right in the middle because as President of the Homeowners Association, they set up their committee to attend. After Saturday's paper came out, we had to call our committees off. It would be nice if someone would notify us that there's no meeting. Is that a possibility?

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Mayor Brenton stated unfortunately, he on behalf of the Village Board wants to apologize for any inconvenience that Mr. Avery's group has encountered resultant from this inability of ours to notify the group in sufficient time or give you the erroneous opinion that we would be going through with the public hearing this evening. He apologizes and assures Mr. Avery that it is the Board's intention to hold this public hearing on June 25, 1990 at 7:35 P.M. and we will certainly go through with it at that time.

Cliff Horey, 106 Highland Drive, stated the garbage collection is wonderful. You can go up Main Street today and people who had their garbage picked up Friday have already got it sitting out on the curb. I don't know how you contact these people. The Williamsville Businessmen are always in here and want us to do something with their traffic. Maybe they ought to help us out a little bit, send them a letter or something. People are having rubbish out on Hirschfield Drive, Scott and Columbia for 10 or 12 days. The rubbish law didn't change. It's still the second and fourth Tuesday. Some of the streets are really filthy.

Trustee Kaye stated she spoke with Tony, the President of the Business Association today about that subject.

Mayor Brenton stated maybe we should develop some type of information sheet about the new method of picking up garbage since we do have someone that's engaged to this Solid Waste effort. Information could be placed in the door of the offending party and it would indicate to them what the schedule is. He thinks that will help alleviate some of these conditions.

Peggy Santillo stated as Chairman of the Parks Committee she has some deep concerns about Trustee Daniels' actions regarding park projects. Several times in the past, you have chosen to go to members of the Town Board to discuss Village Parks' projects. We kind of let that go by, although we've discussed that concern            in the Parks Committee. A recent memo from Councilman Kindel was responding to a phone call that you made concerning your apparent concern about the Pfhof citizens rally and the children's fishing derby taking place in the park at the same time. It's mentioned in the memo that questions should be referred to her as the Parks Chairman indicating perhaps that the Parks Committee has the responsibility of scheduling both of these events. About a year ago you contacted members of the Town Board regarding the pea gravel in Garrison Park. Recently you have been in negotiation regarding the Miller property. If the Town were to buy it, this would affect the Parks Committee who have expressed their concern about not being involved.

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She would like to request of Trustee Daniels that in the future if he has a question related to the Parks, they would be happy to have him come to one their Parks Committee meetings. This Wednesday at 7:30 P.M. we will be discussing many of our projects that we are going to be doing this summer if you'd like to come and express any concerns. She has a particular concern that we are going to be experimenting with the Fibar underneath the wooden play piece in Island Park. We have been working very hard to find an alternative safety surface to go under the play equipment. She requested that if Trustee Daniels has a problem with the Fibar once it is put in that he come to a Parks Committee meeting and express that problem directly to us and not to the Town.

Mayor Brenton stated he has already instructed Trustee Kaye to address a letter to Councilman Kindel. There was some concern on the part of the Village Board that our volunteer people who comprise these committees were slighted. He felt that this situation is significant and has been taken care of. Mrs. Santillo's comments are well taken.

Trustee Daniels stated the letter from Councilman Kindel is his opinion and his opinion only. He agreed that the committees put in many hours for the good of the Village. There was no effort on his part to demean their efforts.

Trustee Daniels stated regarding the Big Toy issue, the original pea gravel that was installed at the Big Toy in Garrison Park was defective material. The Parks Committee did remove that original pea gravel and replace it with another type of pea gravel assuring us that the problem would be solved. It appeared that was the case. Although this spring, a couple weeks ago, I checked under the play equipment and it was again compacted to such a point that it was a concrete surface. It's not only in the Big Toy area, but in the swing/slide area in Garrison Park underneath the slide especially. Another thing that's wrong with it is that it migrates out of the forms that hold it in. Every time a child goes into that area, they are coated with dust, they kick the gravel out of the enclosure and it kills all the grass surrounding. The gravel that is in the slide/swing area migrates out onto the Macaden path that bisects the park and creates a ball bearing like surface which is extremely slippery. A problem is also created when someone in a wheelchair uses the handicapped access, because the chair becomes mired in the pea gravel.

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Trustee Kaye stated as Liaison to the Parks Committee, she feels strongly that the Parks Committee doesn't have the same level of support from Trustee Daniels, as a Trustee of the Village, as they do ~~from~~ other fellow Trustees. Her general feeling is that many times the Town may be appraised of his thoughts and concerns before his fellow Village Board members. If she remembers a conversation correctly Superintendent Laubisch also expressed a concern last year that the Town was appraised of the pea gravel situation prior to him being appraised of Trustee Daniels' concern of the hardness of it. When he was notified he did correct it immediately, but Councilmen Kindel and Collier were on the scene prior to us as the Village being aware of your concerns. Last year Fibar was not available at the time we did install the Big Toy. As has been stated, we are experimenting with it. We're not at a point that we want to rip out anything until we know what kind of durability and what kind of performance we get from fibar. She continues to have concerns that on a consistent basis she feels Trustee Daniels does attack the Parks Committee. She doesn't appreciate that level of antagonism and she doesn't think the volunteers, who have worked so diligently do either. They are very offended by Councilman Kindel's letter and they wonder what prompted his call to the Town.

Peggy Santillo asked Trustee Daniels if he would like to come to the Parks meeting on Wednesday and discuss his problems directly with the Parks Committee.

Ms. Lowther, 122 Chalmers Street, asked how the Village goes about annexing property and who on the Village Board can be treading around town to find out about it. She's a little concerned about what Trustee Daniels has to say meeting several times with Mr. Miller. She thought some of the conversations Trustee Daniels was having were on a personal side with him. We're talking about permanent easements, about purchases of land. Who has the ability and/or the right to be doing these types of transactions?

Mayor Brenton stated no Trustee should have their initiative restricted. There is no way that a Trustee can be limited from any activity that he or she deems fit. It is representative of even a minority group within the Village, even if that minority group is just himself or herself. A Trustee is not controlled in anyway nor precluded from going out in the public and discussing any situation that he or she feels free to discuss. As to whether a Trustee has any power to make lasting, binding agreements with any party pertaining to any particular subject, the answer to that would be obviously no.

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In the event that a Trustee thought that something was worthwhile, i.e. annexation of property, then he or she would bring that to the attention of the Village Board and in order for annexation to occur, it requires a public hearing on the part of the Town of Amherst or whatever Township that it might involve where the property lies and a public hearing on the part of the Village in order to discuss it and come to an agreement on the part of both Boards that said property can be annexed.

Mayor Brenton stated he has communicated with Supervisor Ward to the effect that while this subject has been discussed with regards to the Miller property, the Village Board has taken no position on it in cautioning him that we have not acted officially on it.

Mayor Brenton stated there is no expenditure of funds without approval.

Mr. William Regan, an attorney for the Ciminelli offices, discussed the public hearing that was recessed earlier in the meeting and questioned the reason given by the Mayor for the recess. He presented a synopsis of the process which has led to the public hearing including Justice Doyle's decision and the meetings held by the Planning Board and Traffic and Safety Committee and the special meetings to be held within the next week.

Ms. Santillo asked if someone could clarify for the record what the format is going to be at the Traffic and Safety meeting? Since Mr. Regan is going to have the opportunity to ask Mr. Frandina some questions, will members of the public including perhaps our Attorney or the members of the coalition or just regular people out in the community all have that same opportunity? The same with the Planning Board Commission? There was some confusion at the last meeting when they found there was no format that's in place and that's why there was some confusion as to whether there will be a public comment period in which the public can also ask questions about it as well.

Mayor Brenton stated the committees have Chairmen that are duly elected by the Committee members and in some instances appointed by the Village. The committees set their own policy. In that regard, he would trust the judgement of the Chairperson of the committee to conduct their meetings in an appropriate manner which would allow for full review of all the facts. Whether or not there will be public input or input from either side is primarily up to the Chairman of the Committee. In the instance of the upcoming Traffic and Safety meeting, he knows that the Traffic and Safety Committee has requested that a representative of the Frandina firm be available at that meeting. Whether or not anyone will be allowed to cross question him, he has no knowledge. That would be up to the Chairman.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to adjourn the meeting at 9:15 P.M.

Unanimously carried.

Theresa L. Cummins  
Village Clerk/Treasurer