

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, October 22, 1990 at 7:42 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 7:42 P.M.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the regular meeting of the Board of Trustees held September 24, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of the special meeting of the Board of Trustees held October 8, 1990 were approved.

Unanimously carried.

Mayor Brenton reported that Justice Doyle has approved the Centerpointe connection of Essjay Road to Evans Street within the Village. The Village Board is disappointed with the Justice's position on that particular subject. It has taken a good many years of this Board's time, as well as the developer's time. The normal judicial process has been served, unfortunately, not in the best interest of the residents of the Village of Williamsville. As was clearly pointed out in Justice Doyle's decision, he felt this connection was for the better good of the community at large rather than necessarily the Village of Williamsville. There is a point to be made that this Board and the Board that was previously constructed fought and worked diligently and spent a great deal of time and effort preserving what we felt was the best interest of the residents of the Village of Williamsville. The current Board is not, and he thinks he speaks for the entire Board, as they sit here this evening, and prior Board members, one of whom is in the audience with us this evening, are ashamed in any way of the action the efforts or the fiscal costs that was borne by the Village in trying to preserve the integrity of the Village. The subject is not concluded.

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The Board still has another decision to make regarding advice from our attorneys. This decision making process will take place during the course of this official public meeting in the form of Executive Session, which will occur at the conclusion of this meeting. At that time we will go into Executive Session and make a decision pertaining to Centerpointe Development, reconvene this meeting and announce our intentions pertaining to the Centerpointe Development.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the amount of \$91,618.63 covering 9/21/90 - 10/8/90 were approved:

payroll fund w/e 9/26/90	\$	22,542.87
General fund		49,800.62
Water fund		619.75
Sewer fund		373.86
Trust & Agency fund		8,369.38
Glen Park Joint Activities fund		4,811.94
Capital fund		5,100.21
Community Development fund		-0-
		<hr/>
Grand Total	\$	<u>91,618.63</u>

Large Vouchers:

Lancaster Stone Products	\$	16,431.01
Niagara Mohawk	\$	8,619.24
	\$	

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, vouchers in the amount of \$127,537.45 covering 10/9/90 - 10/19/90 were approved:

payroll fund w/e 10/10/90	\$	17,492.24
General fund		72,481.54
Water fund		27,030.00
Sewer fund		6,752.90
Trust & Agency fund		1,388.60
Glen Park Joint Activities fund		2,392.09
Capital fund		-0-
Community Development fund		-0-
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Grand Total	\$	<u>127,537.45</u>

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Large Vouchers:

United Insurance Agency	\$ 7,072.00
Mazzini Construction	\$ 22,000.00
Lancaster Stone Products	\$ 20,010.83

Unanimously carried.

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

RESOLVED THAT Bond and Capital Note Resolution in the amount of \$240,000 in payment of the following D.P.W. equipment is hereby adopted:

- a: one 1990 garbage packer truck - \$100,000;
- b: one 1990 street sweeper - \$100,000;
- c: one 1990 dump truck - \$40,000.

Unanimously carried.

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

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "AMHERST BEE," a newspaper published in Buffalo, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) Bond and Capital Note Resolution.

Section 2. After said bond and capital note resolution shall take effect, the Village Clerk is hereby directed to cause said bond and capital note resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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Section 3. This resolution shall take effect immediately.

Unanimously carried.

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

RESOLVED THAT Bond Resolution in the amount of \$138,000. in payment of the Island Park Pavilion is adopted as follows:

Total cost thereof is \$138,000, appropriating said amount therefor, including a \$50,000 grant from the State of New York and the appropriation of \$4,400 current funds to provide the required down payment and authorizing the issuance of \$83,600 serial bonds of the Village to finance the balance of said appropriation.

Unanimously carried.

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

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "AMHERST BEE," a newspaper published in Buffalo, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice of the adoption of the Bond Resolution.

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

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Section 3. This resolution shall take effect immediately.

Unanimously carried.

Mayor Brenton stated his seventh resolution deals with 1990 Village taxes that haven't been paid. These must then be turned over to the County of Erie, who acts as the Village's collection agency pertaining to these unpaid taxes. The County then places these uncollected Village taxes on the County roll for collection.

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

WHEREAS the Village Clerk has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$39,307.27 (see attached listing) containing description of the land upon which taxes are unpaid as the same were placed upon the tax roll, together with the amount assessed and interest thereon, and

WHEREAS the said Village Clerk under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

WHEREAS upon receiving such account from the Village Clerk, the Board of Trustees compared the same with the original tax roll of the Village, and

WHEREAS said Board of Trustees find such account to be a true transcript and has certified to the effect that they have compared it with the original tax roll and find it correct,

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Village of Williamsville is hereby credited by this Board of Trustees with the amount of said account in said return, and

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BE IT FURTHER RESOLVED that a certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$39,307.27 and reciting that the account has been compared and found to be correct; and that the Clerk transmit said account and certificate to the appropriate officer of the County of Erie within 15 days to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried.

Mayor Brenton stated his eighth resolution deals with the Village's Water department employee who will be authorized to attend a class on Cross Connection Control outside Erie County. Cross Connection Control are the necessary back flow prevention devices which prevent water from the resident's homes or other building from filling back into the public system.

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

RESOLVED THAT Donald Dehn, Water and Sewer Maintenance Man, is hereby authorized to attend the Cross Connection Control Annual Meeting in Batavia, New York, on October 31, 1990, and the cost, not to exceed \$50.00 to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kaye reported that at the Meeting House the top coat of paving has been placed in that parking lot and it has been completed. Trustee Kaye thanked Carolyn Schlifke for bringing it to the Board's attention so that it was completed before the bad weather came.

Trustee Kaye also reported that the Parks Committee has been working on various ideas in terms of what to spend the "Savor the Flavor" monies on for beautification of our parks. They have comprised a list and Trustee Kaye reviewed a few of them. The Committee will make a final determination at their next meeting. 1) In Island Park, gutters on the large pavilion-the Parks Committee would like to landscape around the new pavilion with flowers and flowering bushes and have determined that some gutters were needed in order to make that happen. There's been some discussion about putting some landscape timbers in there to hold the landscaping in place. 2) Also in Island Park they would like to add some additional trees and also a small water line that would go to the large pavilion. This would provide water to the large pavilion for cleaning and drinking purposes.

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We have found in the last year's performance that we have a need to have a source of water right there so we can make sure that our pavilion is always clean. 3) In Garrison Park, as well as in Island Park, some additional benches are needed, as well as some planters. 4) In Garrison Park some 2 or 3 rail split fencing to go on the Park Street line of Park to help people stay off the grass. We've experienced some problems and many complaints from the area residents. The people have a tendency to drive up into the parks. 5) At South Long to plant some trees and to put in some benches. 6) The Committee is also pressing for the memory tree garden plantings for Lehigh Memory Trail. It looks like we're almost in the final process with 7 varieties of trees available for the public to choose from. Three would be flowering, 4 would not be. We would actually have a nursery plant them and we have had several contacts with a variety of nurseries. We would also offer some shrubs such as lilac bushes. There would also be a plaque mounted in the ground and we would have a set fee for the whole process. So by the next time the Parks Committee meeting is concluded, we should have a letter to the Board saying what those final outlines of the program will be and then let the community know how the trees can be purchased and what the exact cost will be.

Trustee Kaye reported we have had a survey done on the baseball diamonds at South Long Street. There has been some concern about the size of the fields and about the different fields crossing each other. We have given that survey to Roy McCready, an Architect, so he can determine the feasibility of moving one of those diamonds to make for better use of both fields and possibly allow for both fields to remain open.

Trustee Kaye also reported that last Saturday, Hutchinson Hose Fire Co., held their open house. It was an overwhelming success. About 350-400 people came and the firemen have gotten rave reviews from the community. We are very pleased that Hutchinson Hose had the ability to offer this open house to the public. It was so well received from the community.

Trustee Kaye stated her first resolution deals with sending some of our firemen from Hutchinson Hose to an Auto Extrication Workshop in Orlando, Florida. This is actually a national competition that they will be participating in. Hutchinson Hose came in second with New York state and that has afforded them the opportunity to participate in the National Competition, which is in Orlando, Florida. We wish them the very best in this national auto extrication competition.

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

RESOLVED THAT Rick Meldrum, Mike Meldrum, Chris Petrie, and Peter Strobel are hereby authorized to attend the Auto Extrication Workshop in Orlando, Florida, from November 1st - 5th, 1990, and the cost, not to exceed \$100.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED THAT Michael Way is hereby appointed Temporary Laborer in the Department of Public Works, at the rate of \$8.12 per hour, from October 22, 1990 until the permanent employee returns from compensation leave.

Trustee Bindert asked if the employee is going to be working 40 hours per week or is he going to be a part-time employee?

Trustee Kaye stated her understanding is that he will be a full-time employee since he is replacing a full time person.

Mayor Brenton stated it should be noted that Mr. Way will be replacing Michael Olszanski.

Unanimously carried.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for one 1990 Recirculating Air Sweeper, and,

WHEREAS Rupp Rental and Sales Corp., Buffalo, New York, submitted their low bid for an Elgin Crosswind Series G recirculating air sweeper, which met all specifications,

NOW, THEREFORE, BE IT RESOLVED, that the contract for the purchased of one 1990 Elgin Recirculating Air Sweeper is hereby awarded to Rupp Rental and Sales Corp. for their low bid of \$96,449., with trade.

Trustee Daniels asked what are we trading in on this?

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David Laubisch, Superintendent of Public Works, stated our 1970 sweeper, approximately \$3,000.00.

Unanimously carried.

Trustee Sweeney stated he has no report and no resolutions this evening.

Trustee Bindert reported that several months ago the Board received a petition from the residents of Ellicott Street and Park Drive around Garrison Park. This petition asked for the installation of a stop sign, a 4-way stop, on Ellicott and Park Place. Presently there are signs on Park but not on Ellicott Street. The residents wanted signs to be installed on South Ellicott. Trustee Bindert presented this petition to the Traffic and Safety Committee and they turned it down on the basis that a stop sign is there for the regulation of traffic. The stated purpose of the stop sign according to this petition was basically not for traffic but for child safety. We are proceeding with putting up "playground" signs, not only on South Ellicott, but also on Garrison, where the traffic is 10 or maybe 30 times heavier. The wrong signs were ordered, however, we are going to install those until the new signs do come in. We have "Children at Play" and that is an inappropriate sign.

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

RESOLVED THAT the next election in the Village of Williamsville will be held on Tuesday, March 19, 1991, and,

FURTHER RESOLVED that the following offices will be filled at that election:

One (1) Mayor for a four (4) year term;
Two (2) Trustees for a four (4) year term each; and
one (1) Village Justice for a four (4) year term.

Unanimously carried.

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

RESOLVED THAT for the election to be held March 19, 1991, the Village of Williamsville shall be divided into three election districts as follows:

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- District #1 - Includes the entire area east of Ellicott Creek, south of Main Street
- District #2 - Includes the entire area west of Ellicott Creek, both sides of Main St.
- District #3 - Includes the entire area east of Ellicott Creek, north of Main Street.

Unanimously carried.

Trustee Daniels reported that trees have been ordered and we will be planting those around the Village November 10th. Volunteer groups will be manning the shovels and placing the trees in an effort to save some money. The trees traditionally ran around \$200.00 per tree and we were able to get them for about \$70.00 - \$80.00 a piece if we picked them up and planted them ourselves which means we can plant alot more trees. This could be the first step in trying this new procedure. Some of the trees that were ordered will be planted in the Spring. Mr. Avery's Bradford Pear, according to the grower, does better in the Spring planting situation rather than the Fall. If planted in the Spring, it will grow into a beautiful flowering tree for him. These are trees that are planted in the right of way and the Village owns those trees. From now on in order to request a tree, a resident can come to Village Hall. There will be a form to fill out stating the type of tree desired. You can put a diagram of your home on the lot, where you would like the tree, phone number and other information on the bottom. We will call you and arrange for that tree planting. In addition there is a book with color pictures available at the front desk from which you select the particular tree that you would like. There's probably 50 different ones to choose from. We'd like that manual to stay here so more residents can look through it. There is a nice variety of trees being planted around the Village on November 10th. The largest group will be planted at Wellington where there are 13 trees being planted.

Trustee Daniels reported that for many years the senior citizens has had a program called the "Vial of Life" through Amherst and the Evergreens in Williamsville Village. This would apply if you have a disability or are infirm for any reason or have some type of medical condition that would require an immediate response during an emergency call. The Vial of Life is a vial that is placed in your refrigerator with any pertinent information that you might need to let the rescuers know of any problems. These vials regularly are available for 50 cents through the senior citizens. It's one of those programs however, that's not really well advertised.

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On Election Day there will be tables set up for seniors to purchase these for 50 cents so they can put them in their homes if they would like them. That will be happening on Election Day.

Trustee Daniels stated the Mayor initially started the meeting with a report characterizing the position of the Board on the recent Centerpointe decision. Trustee Daniels would like to say that those remarks did not characterize the total opinion of the Board. He was in the center of alot of it. He is very surprised that anything will transpire to require an Executive Session to consider further litigation in this issue. He sees very little that could be gained by anything further. He feels that we fought a good fight, we spent alot of money, much more than he thinks people are aware. To spend even more, to Trustee Daniels, is not in the best interest of the tax payer since very little substantially will be gained by it.

Trustee Daniels stated his first resolution has to do with Glen Park. Right now we are doing some rehabilitation work on the pond areas. We're adding more stones. There's a walk down to one of the ponds now so the grass will not erode from people digging a path. We had some money that was not spent from last year's budget that we'd like to transfer into this year's budget in order to pay for the renovation.

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

RESOLVED THAT the following transfer is hereby made in the Glen Park Fund:

	FROM		TO
Prior Years Surplus	\$2,624.00	9.7141.4165	Capital Reserve \$2,624.00
Prior Years Surplus	\$1,300.00	9.7141.4102	Landscaping \$1,300.00

Unanimously carried.

David Laubisch, Superintendent of Public Works, stated he would like to remind all Village residents that starting tomorrow will be the last regularly scheduled trash pick up throughout the entire Village that runs from May through the end of October. He also reported that the Village crews have already covered the entire Village once in a leaf pickup and we will be continuing with that through the remainder of the months of October, November and December.

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

Unanimously carried.

Elroy Avery, 75 Rinewalt Street, stated as Mayor Brenton had mentioned, the state supreme court Judge Vincent Doyle has authorized a connection of Evans Street and Essjay Road over Village property. As president of the Williamsville Homeowners Coalition for Preservation, he thanked the Mayor and the rest of the Board for the time and effort put into this and for the financial input that they have provided to assure the residents of the Village of Williamsville their rights. It has been appreciated. If it wasn't for things like this, many years ago we could still be England, many years ago we could be W. Germany, we could be E. Japan if we did not spend money to protect our rights.

Dan Chase, 157 Highland, commented on Trustee Bindert's report regarding the 4-way stop sign at South Ellicott and Park. That particular intersection is an accident waiting to happen. Many children use that area to ride bicycles, as well as some mothers with their buggies. There have been some close calls with cars that proceed through the intersection without stopping while persons transgressing that area think they're going to stop.

Trustee Bindert asked why do they pick on that street when Garrison has 20 times the traffic?

Mr. Chase stated it's a residential area where people are more unaware. On Garrison Road residents know there's alot of traffic. Their ears perk up. In this little area with alot of trees inside a little residential area, with houses on all 4 corners there is a tendency to want to just cross without looking. What does it cost to put up a 4-way stop sign? We're only talking a couple of bucks to put up a stop sign. It might save somebody's life.

Trustee Bindert stated this has been presented to the Traffic and Safety Committee. Stop signs are for regulation of traffic, not for pedestrians. We are putting up signs to make the public aware that it is a playground area. If Mr. Chase feels so strongly he should come and present his case to the Traffic and Safety Committee. They would be more than happy to talk to him about it. In Traffic and Safety there are certain things you can do and there are other things you can't do. If you were to take Mr. Chase's position, you would have "Children at Play" signs throughout the entire Village on every street. People are not supposed to be notified of an existing condition. Children play on all streets at all times of the day. It is a mindless driver that drives down the street without paying attention to the minors that are playing or might run into the street.

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Mayor Brenton stated the Village Board has various committees that serve the Village in a productive way. The Traffic and Safety Committee was presented this request and have stated that this is not the way to go. The Traffic and Safety Committee is very professional and has some very good people on that Board including Amherst policemen and former heads of the Town of Amherst Traffic and Safety Committee. It's a professional organization. They reviewed the request for the stop signs and in their expertise feel that the request is unwarranted. Without a question of a doubt the request is warranted on the human side of the issue, but unfortunately, governments are not permitted to always respond to the human side of issues.

Maryanne Avery, 64 Garrison Road, stated that Mrs. Baruffi, who lives very near the corner of South Ellicott, is out there practically every day with her kids and she sees many near misses. That is why her husband went out and circulated a petition. What's unusual about South Ellicott Street is it happens to run along the border of the park. Not every street in the Village or the Town does that. That makes a difference. She thinks there should be a sign there that indicates there is a park, "you're approaching a park". There ought to be something there to indicate that there's something going on.

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

Unanimously carried.

Mayor Brenton stated the Board will now be going into Executive Session. Trustee Daniels stated he does not know why they are going into Executive Session. The Board is requesting information from their attorney and he has a party to that request. The Board is going to review that information now and make a determination on the input of that. This was part of our action and special meeting which took place on October 8th and Trustee Daniels was at that meeting. That is why we are going into Executive Session now.

Trustee Daniels stated at that meeting he thought the Board had decided on a course of action. He was very surprised that there is not a resolution on this agenda which was the end result of our conversation after that Executive Session.

Mayor Brenton reminded Trustee Daniels that he was in Executive Session and he is not allowed to discuss Executive Session at all. That is something that you keep within yourself forever. Trustee Daniels just attempted to tell the public and everyone else what went on in Executive Session.

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Mayor Brenton stated he hoped it would be the last time he would have to publicly chastise Trustee Daniels for discussing what occurred in Executive Session.

Trustee Daniels stated he said no more or less than the Mayor did. Trustee Daniels stated that Mayor Brenton said further action was going to be discussed.

Mayor Brenton stated that Trustee Daniels proceeded to discuss what occurred in Executive Session.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to go into Executive Session to discuss pending litigation.

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

Mayor Brenton stated the Board has discussed the Ciminelli roadcut onto Essjay. We have discussed this, not only in the previously aforementioned special sessions but again in the Executive Session that was held this evening as to what action the Board should take. The Board is relying on the advice of their primary attorneys in this matter pertaining to the resolution that he will now propose. This resolution in essence limits the involvement of the Village in this particular matter and involves the control over that portion of Essjay which lies within the boundaries of the Village of Williamsville. Mayor Brenton feels his position is the Village Board should have control of that portion of Essjay which is in the Village of Williamsville. Village law, the law of the state of New York, which governs the functions of our Village, states that the Village does have control over Village roads. The Village Board has every right, every duty, every obligation to pursue this matter.

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

RESOLVED THAT the law firm of Magavern & Magavern be continued as legal counsel for the Village in the matter of litigation among Ciminelli Development Corp., the Town of Amherst, and the Village of Williamsville in the matter of the Essjay Road connection into Evans Street at a fee, not to exceed \$5,000.00. The firm is hereby retained to appeal from the decision of Justice Doyle on the legal issue of whether the Essjay extension within the Village, if allowed, would come within the jurisdiction of the Village, or any other issues of law on which the attorneys for the Village may, in their judgment, deem to be appealable.

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Roll call:	Trustee Bindert	yes
	Trustee Kaye	yes
	Trustee Sweeney	yes
	Trustee Daniels	no
	Mayor Brenton	yes

Motion carried. (4-1)

ON MOTION by Mayor Brenton, seconded by Trustee Kaye, the meeting was adjourned at 9:12 P.M.

Theresa L. Cummins
Village Clerk/Treasurer