

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, January 14, 1991 at 7:32 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 public hearing being held January 14, 1991 at 7:30 P.M. by the Board of Trustees for the purpose of hearing all persons interested in discussing a proposed local law - repeal of existing Village Code, Chapter 65 entitled Water Department and enactment of a new Chapter 65, entitled Water.

Trustee Sweeney stated it's the normal practice of the Village Board to postpone any decision on public hearings until the minutes have been compiled and we've had a chance to assess the input from the audience at the public hearing. So therefore, there will be no decision this evening on the new proposed local law concerning the water distribution system.

Trustee Sweeney stated his second point is that the issues are sufficiently complex that it is not practical to try to outline all the changes, so he will only make some very limited comments on the changes. At the same time, anyone interested can obtain copies of proposed legislation when we call for a public hearing. In many other instances, the individual calling for a hearing will be able to provide background information prior to the hearing. So if a resident wants more information, it can be obtained either through the Village Clerk or the individual Board members calling for a hearing.

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Trustee Sweeney commented that some of the major changes in the local law, Chapter 65, Water, are largely changes to move towards plain language to eliminate some of the definitions and more technical plumbing. The references that were in the previous code were not really mandating many new requirements. New emphasis is being placed in the requirements for annual inspection and fees for customers of the Village water system who have private sprinkler systems and/or some type of back flow prevention device. The proposed code does increase and make more explicit the power of the Village to require back flow prevention devices based on an assessment of the potential risk that any water customer might pose to the Village water supply system. Those were powers the Village previously had but the revised code certainly makes it much clearer that the Village does intend to implement those programs. There are a number of other changes that relate to billing but those are more the mechanics of how the water department will operate, rather than changes to the requirements affecting the residents of the Village.

Trustee Sweeney stated anyone who wishes to make written comments to the Village Board before any formal decision is made on the proposed chapter can do so supplying written comments within the next 10 days so that we would have an opportunity to evaluate them before our next regular meeting.

There was no comment on the proposed local law, Chapter 65, from the audience.

ON MOTION by Trustee Sweeney, seconded by Trustee Daniels, it was moved to close the public hearing at 7:39 P.M.

Theresa L. Cummins
Village Clerk/Treasurer

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Absent: David Laubisch, Supt. of Public Works

Mayor Brenton called the meeting to order with the Pledge of Allegiance at 7:26 P.M.

Mayor Brenton stated with the eminent situation in the mid east confronting the United States, as well as many other civilized nations in the world and what can take place there and also in consideration of the fact that Mr. Walter Hansen, former Trustee of this Board, has passed away within the last week, Mayor Brenton asked that we bow our heads for a moment of thought regarding those 2 subjects.

Mayor Brenton read a proclamation which goes along with what this nation is all about and what is happening. It was requested by one of our Village residents and declares the month of February as American History month. The daughters of the American revolution participate in and feel very strongly about this topic because it honors the courage of our forefathers. (Copy attached).

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the regular meeting of December 10, 1990 of the Board of Trustees were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, the minutes of the public hearing of the Board of Trustees regarding the proposed local law - repeal sanitary code and enact new Chapter 40 - Sewer Use held December 10, 1990 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the minutes of the public hearing of the Board of Trustees regarding repeal sanitary sewer rent and enact new Chapter 41 - Sewer rents held December 10, 1990 were approved.

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved to open a public hearing regarding a proposed local law-repeal Chapter 65-Water Department and Enact new Chapter 65 - Water. (The public hearing was closed at 7:45 P.M.)

Unanimously carried.

Mayor Brenton recognized the service that our Fire Department has provided in the last week or two. They have fought 2 very difficult fires and have done a commendable job on both of them. He has been personally advised by Mr. Darling that he is, in spite of his loss, very pleased with the response of our Fire Department and of course, Snyder Fire Department at Main & Transit, who came in under mutual aid. Mayor Brenton complimented all those firemen who participated.

Mayor Brenton stated he has issued a memo to the Village Board regarding preparation of next year's budget. He is asking that they have their budget information in no later than February 4, 1991 so that we may proceed with our budgetary process. He pointed out that we are going to lose certain fundings that we've been used to and that they are significant. He is calling for absolutely only necessary expenditures on the part of the Village.

Mayor Brenton stated also this evening, following this active Board meeting, we will be discussing a proposal from the Western New York Railway Historical Society pertaining to their efforts in the general area of the depot which they are rehabilitating. That will be at our work session following this meeting.

ON MOTION by Mayor Brenton, seconded by Trustee Daniels, vouchers in the amount of \$122,705.45 covering 12/8/90-12/23/90 were approved:

payroll fund w/e 12/15/90	\$	20,574.84
General fund		55,529.70
Water fund		31,385.56
Sewer fund		8,210.31
Trust & Agency fund		6,670.19
Glen Park Joint Activities fund		334.85
Capital fund		-0-
Community Development fund		-0-
Grand Total	\$	<u>122,705.45</u>

Large Vouchers:

Erie County Water	\$29,488.92
Key Trust	42,700.00

Unanimously carried.

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ON MOTION by Mayor Brenton, seconded by Trustee Daniels, vouchers in the amount of \$78,512.14 covering 12/24/90-1/11/91 were approved:

Payroll fund w/e 1/2/91	\$	17,588.95
General fund		31,016.94
Water fund		24,747.53
Sewer fund		.76
Trust & Agency fund		4,884.96
Glen Park Joint Activities fund		263.00
Capital fund		-0-
Community Development fund		-0-
Grand Total	\$	<u>78,512.14</u>

Large Vouchers:

Erie County Water	\$	24,517.04
Niagara Mohawk	\$	7,082.71
Occidental Chemical	\$	9,409.22

Unanimously carried.

Trustee Daniels commented on the mideast situation, as was mentioned by the Mayor and a moment of silence preceding the agenda. There is a comment desk at the White House which you may phone to phone in your feelings on the issues. The direct line to the White House desk is (202) 456-1111.

Trustee Daniels reported he has compiled a listing for senior citizens of all the services that are open to seniors in Erie County and the Village. That listing is available at the front desk for any seniors who would like to take advantage of that quick list of the services available.

Trustee Daniels reported that the Performing Arts has a new type of program, the first of which was presented January 6. We are offering a place for outstanding students in Western New York to perform. It's quite often difficult for very talented people to exhibit their talents in a public format. We were able to generate enough income from our series to offer this as a free experience for them and in fact we were able to pay them. The admission was also free to the event. Our first event featured 2 local flutists, who while still in high school, played with the Buffalo Philharmonic orchestra and a guitarist who is 17 years old and is studying at the Cleveland Institute of Music. We expect to have more of these events. The next upcoming event we have is Friday and Saturday, January 25 and 26th at 8:00 P.M. It's Lady's Night featuring Mary Kate O'Connell, Katie Clancy and Ellie Seib.

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It is an evening of Broadway music saluting the ladies of the great "White Way". You'll enjoy listening to songs from "My Fair Lady", "Mame", "Hello Dolly" and all the Broadway musicals. We're offering this in a first time effort as a dinner/theatre package with the Eagle House. You may buy the ticket alone for the performance, \$6.00 or \$4.00 for seniors or as a package with a beautiful dinner buffet at the Eagle House from 6:00 P.M. to 7:30 P.M. preceding the event and then going from there over to the Meeting House. We hope to involve more area businesses in this type of event so even more people benefit from the extra effort.

Trustee Daniels stated his resolution tonight deals with the Glen Park Board. Because of the recent passing of Walter Hansen, there are 3 openings on that joint Board which are comprised of people from the Town and the Village that oversee the functions of the park and determine the different projects that occur in that park. Ruth Hansen, Walter's widow, has volunteered and offered to serve in his place. He would have liked her to do so. Trustee Daniels is sure she will perform admirably in that role. Lori Nickerson, also from the Village, will be on the Glen Park Joint Activity Board. Trustee Daniels also mentioned that Frank Mischler's name will be put forward on the Town as one of their representatives to the Joint Board.

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

RESOLVED THAT the following appointments are hereby made to the Glen Park Joint Activity Board:

RUTH HANSEN, 42 California Drive, until the end of the 1990-1991 official Village year.

LORI NICKERSON, 26 Monroe Drive, until the end of the 1991-1992 official Village year.

Unanimously carried.

Trustee Kaye stated that if you had a live Christmas tree this year and you'd like to put it out in front of your home, the DPW will come around with the chipper and chip the tree for you. These chips are available at the DPW yard between the hours of 7:00 A.M. and 3:30 P.M., Monday-Friday. You can come and pick up Christmas tree chips whether you had a Christmas tree chipped or not.

Trustee Kaye said a special thanks again to Hutchinson Hose and those fire companies that did assist in those fires that we had recently. We're very fortunate to have such an extraordinary volunteer company. We're very proud of them.

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Trustee Kaye announced that the Village received today in writing a letter from New York State Department of Environmental Conservation that a recycling grant that we had applied for has been approved. We're very pleased to have that happen. We had requested a matching grant in the amount of \$120,000 which amounts to \$60,000 and did receive that amount. We're very pleased that we did submit it. She said a special thanks to Senator Sheffer for his help in moving this grant so quickly through the system, as well as Terry Cummins and David Laubisch in their expert preparation in that grant. We are very pleased to receive it. Many communities have not submitted their grant application. We are very pleased we received everything we requested under the LTRR program, which is Low Technology Recovery Resource program.

Trustee Kaye stated her first resolution is to move forward in recycling. We went out to bid for a recycling package that had a variety of options and alternatives in it so we could find the cost to the Village. We wanted to find the best option to be in a full comprehensive recycling program that would be easy for our community to participate in. We feel we've done an excellent job in securing that option.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for the Collection of Recyclable Materials, and

WHEREAS BFI - Niagara Sanitation Company, Inc., Kenmore, New York, submitted the low bid meeting meeting all specifications,

NOW THEREFORE, BE IT RESOLVED, that the contract for the Collection of Recyclable Materials is hereby awarded to BFI - Niagara Sanitation Company, Inc. for their bid of \$238,131.000.

Unanimously carried.

Trustee Kaye pointed out that this is a three-year contract which provides for BFI to make the collections themselves with their recycling truck, to provide the labor and then actually secure the markets and deliver those materials to the markets. It also includes a 25% net revenue rebate back to the Village. Her feeling in making that recommendation to the Board was there is an additional incentive for community members to recycle as much as possible. We've tried to make recycling as easy as possible. She thanked Bob Schick from the DPW, who is in our audience, for all the work he has done on this project in addition to Terry Cummins and David Laubisch.

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Trustee Kaye stated that recycling will start on March 19th and will occur on the same day as your present garbage collection. Each household or stop will be issued a recycling container for putting out the recyclables. Those recyclables will be newspaper, glass, corrugated cardboard, plastic and tin. It will be all co-mingled in your container. It's very important that all material be washed so there is no contamination in it because that affects the marketability of our goods and the amount of money that's received for the goods. Handout slingers, which give lots of information about how to participate in the program, will be passed out. Trustee Kaye showed everyone present the container that they will receive. All stops that the Village picks up now will be included. So there will be some businesses in the community included. Those businesses that have regular garbage pickup and service from the Village, will be participating in the program. For the other commercial business and professional business offices that are not picked up, they are going to work together with BFI to put a recycling program together so they can move into recycling as soon as possible. All communities are mandated to be in recycling programs by September 1992. She is very pleased that we are ahead of schedule and will be having that kind of waste reduction prior to the date of inception.

Trustee Kaye stated recycling isn't really new to the Village. Her understanding from David Laubisch, was that we have been chipping brush and recycling leaves for 22 years. So for the past 22 years we have not paid any disposal fee for leaves nor for chipped brush. Residents place brush in front of their houses and we come with our chipper. So we're very pleased that we have been in that type of recycling for many years. The Village also recycles office paper we use right now. If any of you have received correspondence from the Village, you'll note that it is printed on recycled paper so we have implemented recycling within our own offices. Hopefully we are helping in our small way to encourage the market place to use recycled paper. We also use other paper products within the DPW and parks that are made out of recycled paper. She is very pleased the Village has been able to put this together for the community ahead of schedule. She feels the program will be easy for the residents. We will let everyone know exactly how they will get their recycling container along with the recycling so everyone can have them to refer to at home. Also, in our audience this evening is Dave Balbierz, who is the district manager and vice president for BFI. He is available to answer any questions.

Trustee Daniels asked whether the Environmental Committee was going to help distribute the containers. They had requested that originally. Their meeting is going to be a week from now.

Trustee Kaye stated she has sent a memo to Frank Mischler, their Chairman, asking at what level the Environmental Committee would like to participate. The DPW has also offered to help hand out containers and can be utilized in any way shape or form that you'd like.

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Trustee Daniels stated we can discuss that at a meeting then and decide on a motus operandi. He invited Trustee Kaye to attend their meeting.

Mayor Brenton stated that Trustee Kaye has complemented everyone who participated but she has not mentioned her part. She has worked very hard and done a very thorough job. Her memorandum regarding acceptance of the recycling firm, that was handed here earlier to the Board, was extremely thorough. Her indepth knowledge of which way to go has aided her immeasurably and in assisting the Village Board and understanding what recycling is all about and where we are going. As she indicated, it is the law of the state of New York that all municipalities must be engaged in recycling by 1992. We have taken the initiative to get involved sooner than that and it has been a difficult time trying to determine where there are areas to dispose of the recyclables. We come up with those through the competitive bid process and BFI. He emphasized what we're going to do regarding recycling. We're going to try to reduce and reuse through recycling and those are what they say are the 3 R's and probably it should be the 4 R's. The first one should be rethink, and then reduce, reuse and recycle because we have to almost rethink our whole lifestyle, but in doing so, we do dramatically help the environment and help the entire solid waste problem that we've all been made aware of in the last few years. By recycling we are taking a great step in as far as being environmentally concious and also as cost effective as we can be as a municipality. This was brought to the attention of various department heads and to Trustee Kaye as recently as January 10, 1990 through a memo. Mayor Brenton thinks she has done a very remarkable job and he does compliment her also.

Trustee Kaye thanked Mayor Brenton and said it has been a fun project.

Trustee Kaye stated her second resolution deals with our new contract for ambulance service. This is a joint contract between the Village and the Town and LaSalle Ambulance Service. In the past, we did utilize Town's Ambulance but it's now been changed to LaSalle Ambulance. The Town Board has already passed a resolution. We've been working with LaSalle since the first of the year and it has been working very well.

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 sign Pre-Hospital Emergency Medical Service Contract with the Town of Amherst and the LaSalle Ambulance, Inc., for a three-year period from January 1, 1991 through December 31, 1993.

Unanimously carried.

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Trustee Kaye stated her third resolution is to authorize firemen to go to a special training workshop.

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

RESOLVED THAT the following firemen are hereby authorized to attend training school and the expenses, not to exceed \$175.00 each to be paid by the Village of Williamsville:

James Schiferle and Jeff Richter
to attend the Training Officer Workshop I in Montour Falls from February 22-24, 1991.

Unanimously carried.

Trustee Sweeney stated his first resolution concerns an extension of the existing agreement between the Village Board and the Williamsville Historical Society for operation of the Meeting House on Main Street. The facility has been gainfully employed in the Performing Arts Committee's productions and he is quite happy to see some public use being achieved at that structure.

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

RESOLVED THAT the Village of Williamsville's agreement with the Williamsville Historical Society for the management and occupancy of the Meeting House is hereby extended for one year commencing January 1, 1991.

Unanimously carried.

Trustee Sweeney stated his second resolution is a matter of some personal pride and an opportunity to proclaim the proficiency of Village employees. He personally deals with Judy Ames, sometimes in a confrontational manner, but in any case, she has recently passed and placed number one on the Civil Service test for the position of Building and Zoning Clerk in Erie County. Therefore, the resolution that he is explaining is to appoint Judy Ames to a permanent position. She was previously appointed to that position on a provisional basis. It is a measure of pride for the Village to announce that we have an employee who, at the first opportunity, placed number one on a county wide test. A further indication of the qualifications of the people employed by the Village.

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

RESOLVED THAT Judy Ames is hereby granted a permanent appointment as Building and Zoning Clerk in the Building Department effective January 15, 1991, at the rate of \$9.25 per hour.

Unanimously carried.

Trustee Sweeney stated his third resolution is a call for another public hearing on a revised local law. This is a local law that has been of great concern to the Village in protecting the essential characteristics, the environmental quality and control of the Village. Therefore, we would like to get some significant input from both our committees and fellow Village Board members. The hearing will be held at our first regular meeting of February.

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

RESOLVED THAT the Village Clerk public notice of a public hearing to be held by the Board of Trustees on February 11, 1991, at 7:35 P.M., in the Village Hall, 5565 Main Street, for the purpose of hearing all persons interested in discussing repeal of the existing Village Code, Chapter 50, entitled "Sidewalks and Streets" and enactment of a new Chapter 50, entitled "Streets and Sidewalks".

Trustee Sweeney stated that copies of the proposed legislation will be available to anyone who wishes them at the Village office.

Unanimously carried.

Trustee Sweeney stated his next 2 resolutions deal with enactment of revised sections of the Village Code, which were the subjects of public hearings held in December. We approved the minutes of those public hearings earlier this evening. The sections of local laws deals with sewers and sewer rents.

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

RESOLVED THAT existing Chapter 40 of the Village Code entitled "Sanitary Code" is hereby repealed, and

FURTHER RESOLVED that Chapter 40.00, Sections 40.01 through 40.12, entitled "Sewer Use," which was the subject of a public hearing on December 10, 1990, is hereby adopted by Local Law #1-1991.

Unanimously carried.

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

RESOLVED THAT existing Chapter 41 of the Village Code entitled "Sanitary Sewer Rents" is hereby repealed, and

FURTHER RESOLVED that Chapter 41.00, Sections A-C, entitled "Sanitary Sewer Rents", which was the subject of a public hearing on December 10, 1990, is hereby adopted by Local Law #2-1991.

Unanimously carried.

Trustee Bindert reported that the regularly scheduled meeting of the Traffic and Safety Committee is going to be held this month on the 17th. Anybody interested is welcome to come. He does see a couple of members here. He would like to remind them.

Trustee Bindert stated his first resolution deals with a public hearing for public discussion in regard to community block grant funds. He's sure that many people in the audience are aware that we have been receiving a yearly allowance of approximately \$36,000 and we anticipate another \$36,000 this next year.

ON MOTION by Trustee Bindert, 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 of the Village of Williamsville on February 11, 1991, at 7:30 P.M., for the purpose of hearing all persons interested in discussing the proposed 1991 Community Development Block Grant funding which will amount to approximately \$36,000.00.

Unanimously carried.

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Trustee Bindert stated his second resolution deals with the general election which is going to be held on Tuesday, March 19, 1991.

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

WHEREAS the next Village Election in the Village of Williamsville is to be held on Tuesday, March 19, 1991, and

WHEREAS the hours of voting will be from 12:00 noon until 9:00 P.M. on March 19, 1991,

NOW, THEREFORE, BE IT RESOLVED that said Village shall be divided into three election districts and the places of holding such election shall be as follows:

District #1 - At the Williamsville Methodist Church, 5681 Main Street

District #1 includes the entire area east of Ellicott Creek, south of Main Street;

District #2 - At the Williamsville Village Hall, 5565 Main Street

District #2 includes the entire area west of Ellicott Creek, both sides of Main Street;

District #3 - At the Village Meeting House, 5658 Main Street

District #3 includes the entire area east of Ellicott Creek, north of Main Street.

AND BE IT FURTHER RESOLVED that the offices to be filled shall be as follows:

One (1) MAYOR for a term of four (4) years;

Two (2) TRUSTEES for a term of four (4) years each

One (1) VILLAGE JUSTICE for a term of four (4) years.

Unanimously carried.

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

Unanimously carried.

Maryanne Avery, 64 Garrison, stated the Parks Committee would like to know what's going to happen with the Darling property. As you know, alot of people would like to extend the park as much as they could and we all have heard that Darling was going to expand. She wonders if the Board has any idea what they are going to do now that they've had the fire. Whether they're going to get bigger and stay in the same place or move or what.

Mayor Brenton stated the Darling Corporation has been here for many years and has aided the Village in times of need without charge. They succeeded the Adrian Construction Co., which was located on California Drive, and Darling itself has been here since the 1930's. They have indicated they want to comply with the Village Codes regarding their renovations or demolitions. They have also given considerable thought to staying in the Village. At this time Mayor Brenton doesn't think it is appropriate to comment on what direction they are going to take because they haven't firmed up their plans. Mayor Brenton did note that they are in the process of developing thoughts. It is their intention to remain in the Village and they are aware of the need to beautify the area.

Maryann Avery thanked Mayor Brenton for speaking up for the Williamsville Southeast Homeowners Association, which in a sense has been battling the Town over the guidelines for water runoff from College Park onto Hirschfield. She hopes the Village Trustees will continue to monitor the situation. She is also concerned about the buildup of material under the Main Street bridge, which seems to be now accumulating a whole lot of ice. She wondered if it will be removed before Spring. Before it was just a couple of trees and now it's trees and almost an iceberg.

Trustee Kaye stated she will bring it to the attention of the Superintendent of Public Works.

Bob Krieter, 62 Eagle Street, noted an article he had seen in Thursday's paper and another article in Saturday's paper concerning the Amherst project at the corner of Werhle and Youngs Road. There's going to be alot of water runoff, which it would seem to be natural to go toward the Village of Williamsville to go to the Creek, traffic with almost 300 apartments, school density which will affect our taxes. Is the Village going to take a position? Did they take a position? Just what's happening in regard to the Village? He thinks this is important. It sort of parallels Centerpointe in many areas if not all areas.

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Mayor Brenton stated this is another situation whereby there's a development abutting the corporate line of the Village of Williamsville that if allowed to continue in the manner proposed by the developer, will be detrimental to the quality of life within the Village as well as the abutting property owners and residents of that immediate area. To that end, there was a public hearing scheduled for December 18 and the individual from the New York State Housing Finance Agency, the body that was intended to hold that hearing, did not appear before the public hearing. He has prepared a letter, as the Mayor, pertaining to that subject and has mailed it to Mr. Deacey, who is a Public Information Officer for the New York State Housing Finance Agency. Another hearing was scheduled and at that time residents of the Village and surrounding area expressed their displeasure over what was intended for that property. In his letter the Mayor stated he did comment as to the serious nature of that project and how it could affect the Village as far as drainage, as far as water that would collect and not be allowed to be relieved from that particular area due to the hydric nature of the soil. Traffic congestion will definitely occur resultant from the even present overburdened main arteries. That is the position that he has taken and he has copied that information to the Village Board.

Bob Krieter asked if a copy of the letter went to the Town Board.

Mayor Brenton stated a copy of that letter could be sent to Supervisor Ward. Mayor Brenton stated if Supervisor Ward thought it was pertinent, he is certain he would distribute it to members of the Town Board.

Trustee Daniels stated it would be good to note that the Williamsville Southeast Amherst Homeowners Association is also in opposition to this project and has retained an attorney named Arthur Jockoloni. He has a fine reputation for representing homeowner groups and has had a great deal of success in doing so. He has several suits pending now including that of the Maple Leaf Homeowner's Association. He's also representing a group at the Pavilion project on the waterfront. He came very highly recommended and the lawsuit that may occur will zero in on possible improper action by the Town Zoning Board of Appeals in lifting those 2 conditions, one of substantially brick treatment and the other of owner occupancy within that approximately 260 unit apartment complex. The notice allegedly wasn't given in time and their decision should not be binding on the Town Board and that's the substance of that lawsuit. Should that go to court and the intended resolution of that occur, there is a great chance that the project may indeed not be carried forward. The developer, Trammel-Crow, sought the \$20 million bond issue. It's to be understood that that's not taxpayer money. New York Housing Finance Company derives it's budget from going to the bond market and offering tax exempt bonds to investors. As the resultant lower rate of interest is realized by the developer on that \$20 million, it allows the developer to go forward because of decreased costs.

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As a stipulation of that agreement, they must provide 20% of their housing, approximately about 50 units within that complex as low income housing. The maximum income of that for a single person would be around \$11,750.00 per year. The feeling is that most developers won't incur this type of long drawn out amount of red tape in applying to the Finance Agency if they can fund the project without it. It sounds like this may be a marginally viable project for them monetarily and then if the costs indeed increase or the bonding is not obtained that they will drop the project. Just so you know that the homeowners were raising money and if anyone would like to help contribute to the Williamsville Southeast Homeowners Association, they can see Maryanne Avery and she will gladly talk to you about that.

Trustee Bindert commented that he thinks it is extremely unfortunate that the Amherst Town Board, the elected body of the people of the Town of Amherst, chose not to act. It's really unfortunate and it really shows where their feelings are. They're more pro-development and let the residents be damned.

Trustee Kaye commented that she also has grave concerns about the possibility of flooding and drainage problems that may arise from this complex. Mayor Brenton did ask her before hand at the last public hearing but unfortunately, she already had a commitment that evening and he wasn't able to go. As Mayor Brenton said, he did submit a letter voicing his personal concerns.

Mayor Brenton stated the big overall personal concern is that an agency of the state of New York regardless, utilizes the body of the state of New York, which is the people. That agency has an employee, one of whom, or more, that should have been here on the original scheduled date and wasn't. He doesn't like the idea of planes or trains being late. Get here, that's all there is to it for something of this magnitude. That's one thing that does perturb him. The other thing that does perturb him is when the Town Board allowed the conditions that were apparently unenforceable to be imposed in the first place. That's something that shouldn't be forgotten. As residents of the Village of Williamsville, we are going to be impacted again.

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 go into Executive Session at 8:38 P.M.

Unanimously carried.

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ON MOTION by Trustee Kaye, seconded by Trustee Sweeney, it was moved to return to the regular agenda at 9:00 P.M.

Unanimously carried.

ON MOTION by Trustee Bindert, seconded by Trustee Daniels, the meeting was adjourned at 9:01 P.M.

Theresa L. Cummins
Village Clerk/Treasurer