

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5545 Main Street, Williamsville, New York on Monday, May 13, 1991 a 7:35 P.M.

Present: Ronald Daniels, Mayor
James Hayes Trustees
Yvonne Kaye
Patrick Kelly
Mary Lowther

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

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:35 P.M.

Mayor Daniels stated we have in attendance a very honorable gentleman who has been an integral part of the Village of Williamsville for many years and in many capacities. Ed Brand is a resident on Monroe Drive. Years ago Mayor Daniels first met him through the Southeast Amherst Homeowners Association when we were in dispute with the (Massaro) Diesel company project on Werhle that was going to put a diesel repair facility between Youngs Road and Cadman Drive. Ed Brand was the president of that association at that time and was very instrumental in the successful fight against that project. Mayor Daniels' respect for him has grown over the years and he is also pleased that the Village was able to take advantage of Mr. Brand's many skills. He has been a member of the Zoning Board of Appeals for 10 years or more. He's still very much involved and interested in the work of the Village but he did, at this point in time, want to give someone else the chance to occupy the seat on Board. Because of the great deal of wonderful service he has provided to the Village, we would like to present him at this time with a plaque commemorating that service and thank him for his service.

Mr. Brand stated this is really a great occasion for him. He expressed his sincere thanks to all the Board members. He assures the Board he is grateful for it and that it will hang in his den at home. Thank you all so much.

Mayor Daniels stated he also would like to recognize Scout troop #85, who is here in attendance with their leader, Spencer Scofield, another very involved resident in the Village. This is a part of their government badge work.

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ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the regular meeting of the Board of Trustees held April 22, 1991 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the special meeting of the Board of Trustees to adopt 1991-1992 Village budgets held April 29, 1991 were approved.

Unanimously carried.

Mayor Daniels reported that to the audience's right is now suspended a very large map of the Village and it's streets. Quite often residents will come with a specific problem to be addressed. Even though we know the Village, sometimes it's hard to imagine a certain street corner or a certain situation. If we're able to specifically see it on the map it will help the resident describe his problem or concern and also for the Board to understand it. We asked Bissell Inc. and Wesley Stone, who is a member of our Planning Board, to expand the map to that size.

Mayor Daniels also reported we now have an answering machine, not only at Village Hall but at the DFW for any of the residents who have questions when we are closed or on holidays or weekends. We will be able to intercept those calls and get back to the resident the next time someone is in Village Hall. Also on that tape is the ability to leave a message of the upcoming events, whether they're recreational activity or a street paving project, a trash pick up schedule, or plowing schedules. Anything that might be of interests will be on those 2 tapes.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, vouchers in the amount of \$266,997.72 covering 4/21/91-5/9/91 were approved:

payroll fund w/e 5/4/91	\$	16,370.24
general fund		201,303.10
water fund		27,707.12
sewer fund		451.36
Trust & Agency fund		20,688.41
Glen Park Joint Activities fund		477.49
Capital fund		-0-
Community Development fund		-0-
Grand Total		<u>266,997.72</u>

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Large Vouchers:

Erie County Water	\$	23,411.68
Browning Ferris Industries	\$	16,536.88

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the Water Fund:

FROM		TO	
06-1900-1991-4000	\$5,274.00	06-8000-8340-4500	\$ 315.00
06-8000-8340-4164	<u>1,852.00</u>	06-8000-8340-4030	102.00
		06-8000-8340-4010	3,765.00
		06-8000-8340-4160	932.00
		06-8000-8340-4260	<u>160.00</u>
		06-8000-8340-4600	<u>1,852.00</u>
	<u>7,126.00</u>		<u>7,126.00</u>

Unanimously carried.

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

07-1900-1990-4000	<u>\$9,840.00</u>	07-8000-8120-4161	\$2,375.00
		07-8000-8120-4162	685.00
		07-9000-9040-8000	6,000.00
		07-9000-9060-8000	<u>780.00</u>
	<u>9,840.00</u>		<u>9,840.00</u>

Unanimously carried.

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

01-1900-1991-4000	\$38,000.00	01-1000-1010-4010	\$ 6.00
01-5100-5110-4271	10,691.00	01-1000-1010-4450	28.00
01-1100-1110-4190	2,698.00	01-1100-1110-4030	16.00
01-8100-8160-4161	<u>8,199.00</u>	01-1200-1210-4450	47.00
		01-1400-1410-4040	128.00
		01-1400-1410-4110	528.00
		01-1400-1410-4160	1,573.00
		01-1600-1620-4230	1,607.00
		01-1600-1620-4450	181.00
		01-1600-1640-4160	1,200.00

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01-1600-1640-4261	35.00
01-3300-3310-4450	22.00
01-3400-3410-2030	22.00
01-3400-3410-4220	3,997.00
01-5000-5010-4450	60.00
01-5100-5110-4110	607.00
01-5100-5110-4161	2,532.00
01-5100-5110-4273	25,250.00
01-5100-5142-4161	89.00
01-5100-5142-4290	3,929.00
01-5100-5142-4450	7.00
01-5100-5182-4450	270.00
01-7100-7110-4070	945.00
01-7100-7110-4350	650.00
01-7100-7110-4430	1,686.00
01-7100-7110-4450	237.00
01-7100-7110-4490	101.00
01-7100-7100-4670	104.00
01-7100-7100-4900	15.00
01-7100-7100-4910	25.00
01-7100-7122-2020	2,069.00
01-7100-7122-4450	110.00
01-7500-7530-4440	543.00
01-7500-7550-4400	72.00
01-7500-7550-4410	558.00
01-7500-7550-4950	62.00
01-8000-8010-4030	565.00
01-8100-8140-4161	393.00
01-8100-8161-4030	145.00
01-8100-8170-4160	780.00
01-8500-8510-4450	87.00
01-8500-8560-4450	108.00
01-9000-9030-8000	6,107.00
01-9000-9040-8000	185.00
01-9500-9552-0000	<u>1,907.00</u>

59,588.00

59,588.00

Unanimously carried.

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

RESOLVED THAT the Village Clerk is hereby authorized to make additional budgetary transfers after all adjustments have been placed upon the books at the end of the fiscal year.

Unanimously carried.

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

RESOLVED THAT the following residents are hereby appointed Seasonal Laborers in the Department of Public Works:

<u>NAME</u>	<u>EFFECTIVE DATE</u>	<u>RATE OF PAY</u>
Mark Tudor	May 15th	\$5.00 per hour
Michael Kiebala	May 15th	5.00 per hour
Scott Tudor	May 20th	4.50 per hour
Michael Way	June 1st	5.00 per hour
Daniel Bryce	May 20th	5.00 per hour

Unanimously carried.

Mayor Daniels stated it may be noted that the ones who are working at the \$5.00 per hour rate are workers that were employed in previous years. The additional .50 per hour is based on the experience that they've had in the past.

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

Unanimously carried.

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

RESOLVED THAT David Laubisch is hereby authorized to attend the Highway Superintendent School in Ithaca, New York from June 3-5 and the cost not to exceed \$500.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

Unanimously carried.

Trustee Lowther reported we've had alot of activity going on in the Village the last few weeks. Glen Park had Girl Scout #1004 and Cub Scout pack #617 working on May 4th to clean up and remove litter. She was very pleased that they could help us out.

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Trustee Lowther reported that the Beautification Committee will be planting this weekend at all their locations on Main Street. If anyone wants to walk by and make their comments, we'd love to see you on Saturday and Sunday.

Trustee Lowther also reported that the Performing Arts has 2 final performances coming up. The first one, this Friday, will be Renaissance Music for Spring. It's a concert by Musica Intimma on Friday evening at 8 P.M. We also have coming up on WUSO, On the Air, which is a musical salute to the USO, one of the stars being Mary Kate O'Connell. That's going to be May 24th and 25th at 8:00 P.M. at the Williamsville Meeting House on Main Street. The tickets will be \$8.00 for everyone. Normally we have a reduction for seniors but this production is going to be a major fund raiser for our Railroad Restoration Committee. They are restoring the depot on South Long Street and 25% of the proceeds for both performances will go into their funds to help with the restoration work.

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

<u>FROM</u>		<u>TO</u>	
09-7000-7141-4101	\$ 1,704.00	09-7000-7141-2000	\$ 410.00
09-7000-7141-4101	2,200.00	09-7000-7141-4162	440.00
09-7000-7141-4165	1,320.00	09-7000-7141-4250	25.00
09-7000-7141-1000	<u>3,500.00</u>	09-7000-7141-4351	245.00
		09-7000-7141-4430	475.00
		09-7000-7141-4450	105.00
		09-9000-9040-8000	4.00
		09-7000-7141-4164	<u>7,020.00</u>
	<u>8,724.00</u>		<u>8,724.00</u>

Unanimously carried.

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

Unanimously carried.

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ON MOTION by Trustee Lowther, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT Ruth Strohman, 116 Eagle Street is hereby appointed to the Environmental Advisory Council until the end of the 1991-1992 official Village year.

Unanimously carried.

ON MOTION by Trustee Lowther, seconded by Trustee Hayes, the following resolution was hereby adopted:

RESOLVED THAT Mary Ann Piazza is hereby appointed Chairperson of the Beautification Committee until the end of the 1991-1992 official Village year.

Unanimously carried.

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

Unanimously carried.

Trustee Kaye reported there is still an opening on Traffic and Safety. There is a meeting this coming Thursday at 7:30 P.M. if anyone would like to attend.

Trustee Kaye also reported a new barricade had been erected in the municipal lot approximately 4 weeks ago. It was put up by the Town of Amherst at the request of Hutchinson Hose so that our new fire equipment could always get in and out of their truck bays safely. There were some complaints and concerns that it wasn't as visible as we hoped it would be so now large reflectors have been mounted on the barricade so it can be seen day or night.

Trustee Kelly reported the Youth Board needs 2 more members and if anyone's interested, the committee meets tomorrow night or you can contact Trustee Kelly here at Village Hall at any point in time to sign up. Youth does a number of things in the area. We work with the town youth committee on some projects. There is a fishing derby; they are involved with the Halloween parade; they put on a number of movies in the parks during the summer and there are a number of other events including working with Savor the Flavor. Trustee Kelly thinks anyone that got involved would find it quite enjoyable. It's a very active committee and we're looking forward to 2 new members.

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Trustee Kelly stated he is also liaison to safety and inspections. We have hired a new Safety Inspector, Dick Delo. In working with the Building Department, we found a number of people are putting in fences and other items and they're not bothering to get permits. It's very important that before anyone does any improvement to their property that they look to the Village Building Department to see whether a permit is necessary. Sometimes the Village is going to have to play tough guy and after you do an improvement, the Village may make you take it out if it violates the Village law. Any questions at all, especially with fences, you can call the Village and ask for Judy and she'll be happy to sit down with you and make sure you're getting a proper permit.

Trustee Kelly stated his first resolution has to do with Safety and Inspections and to some degree with the recycling program. At times the Superintendent of the DPW has to search around for one of the inspectors (who) can issue citations for various violations. We feel it's much more important to allow the Superintendent to be able to issue these violation citations.

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

RESOLVED THAT the Village Clerk publish notice of public hearing to be held at 7:30 P.M. on June 10, 1991, in the Village Hall, 5565 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in discussing a proposed Local Law which would amend Section 7.03(C) of the Village Building Code to include the Superintendent of Public Works as an official who shall have the power to issue a summons to any person or persons in connection with a violation of the Uniform Code or any local law.

Unanimously carried.

Trustee Hayes reported on the very successful clean up day the Village Parks Committee held on Saturday. We had a cleanup in Island, Garrison and the Lehigh Memory Trail that was attended by volunteers from our Parks committee, Scout troops and some other Village citizens who showed up and gave some sweat of their brow to get the parks ready for the warm weather season. Trustee Hayes said a special word of thanks to all the volunteers who participated, especially to the Parks Committee members, Jonathan Guillame, Matt Bierl, Steve Barufi, Maureen Goia and chairperson Carolyn Schlifke.

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Also a special word of thanks to Superintendent David Laubisch and Don Dehn from the DFW for their assistance in getting things prepared for us before Saturday's event. Also, a special thank you to a friendly business neighbor, Bakerman Coffee and Donut Shoppe, who provided free coffee and donuts for the volunteers who turned out on Saturday. It's Trustee Hayes' hope that the committee will be able to expand on this event in future years and make it an annual event because it was such a success.

ON MOTION by Trustee Hayes, seconded by Trustee Kelly, the following resolution was hereby adopted:

RESOLVED THAT the Mayor is hereby authorized to sign lease agreement with Hutchinson Hose Company for Station #2 covering the period June 1, 1991 to May 31, 1992, in the amount of \$6,000.00.

Unanimously carried.

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

RESOLVED THAT the following firemen are hereby authorized to attend the Fire Chiefs Convention in Monticello, New York, from June 9-June 12, 1991:

James Zymanek and James Olivieri, at a cost not to exceed \$600 each to be paid by the Village of Williamsville.

Edwin Lavery, Peter Strobel, and Albert Weisser, at no cost to the Village of Williamsville.

Unanimously carried.

Trustee Hayes stated his third resolution is something that came to his attention from a member of the Hutchinson Hose Fire Company. It involves a proposal that's currently before the New York State Senate in voting a bill that would mandate individuals who run periodic games of chance such as bingo to attend an instruction course in the management and operations of such games of chance. A training seminar would cost as much as \$100.00 for each person attending. This is certainly something that could create a severe hardship on charitable organization, fraternal and social organizations, who run these games of chance and he would like to see the Village Board go on record against this proposal.

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

WHEREAS, the proposed State Senate Bill No. 569, could, if implemented, have a serious effect on the operation of Games of Chance by various fraternal, religious, service and volunteer organizations as well as other "not for profit" organizations and

WHEREAS, this bill would require periodic courses of instruction in the management and operation of games of chance, and the New York State Racing and Wagering Board would be permitted to charge for this instruction, and,

WHEREAS, an estimated cost per person for instruction could be about one hundred dollars which would impose a severe hardship on charitable organizations, so therefore, be it

RESOLVED, that this Village Board formally opposes Senate Bill No. 569 as the fees would impose hardships on the not for profit volunteer organizations of the Village of Williamsville.

Unanimously carried.

Trustee Hayes stated he would like to ask the Village Clerk to send a certified copy of this resolution to our State Senator John Sheffer and also to our State Assemblyman, Rick Anderson, for their information.

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

RESOLVED THAT the hours for the Island Park and Garrison Park pools for the 1991 Summer season are as follows:

Dates open - from June 22 to September 2nd

Hours open - from 11:00 A.M. to 8:00 P.M. daily.

Unanimously carried.

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Mayor Daniels stated we already know that Trustee Hayes is liaison from the Village Board to the Hutchinson Hose Fire Company. He's taken that one step further and he's applied for membership in that organization. Mayor Daniels is sure the firemen will make sure he is very well aware of every facet of firematic service. Mayor Daniels is very happy and pleased that he's taken his job so seriously that he wants to know even more and have a chance to help the community while doing it.

Superintendent David Laubisch stated he received a letter from the Erie County Health Department. They are very concerned this year with the possibility that raccoons in Erie County are going to test positive for rabies. He knows some of our parks, Glen Park, Island Park abut creek areas and wooded areas. He has seen raccoons in his own yard. Their word of caution is that if you see a raccoon you may believe that it's injured, it could be infected with rabies. They say if you see a raccoon that is not behaving in a normal fashion or acting strangely that you do not go near it but call them at 858-6089. Again, just a word of caution. If you see a raccoon and it's acting strangely, please do not try to help it or attempt to handle it.

Superintendent David Laubisch also reported that starting tomorrow we are going to start our annual trash pick up for the summer months. He reminded Village residents that it's the second and fourth weeks of the month starting on Tuesday. The reason he says starting on Tuesday is because with all the material residents have placed out, it's going to take us the better part of the week to clean up the Village. Residents should be patient. We will be around sometime this week to pick it up. He stated we no longer pick up loose debris. Any grass clippings or materials of that nature must be containerized for pickup because of the type of trucks that we now haul them in.

Superintendent Laubisch stated we still do take tires but you must bring your tires down to the DPW yard. There will be a charge. Currently the Village is assessed \$1.10 to dispose of passenger car tires. This will be passed through to the Village resident and the Village will then transport the tires to a DEC permitted disposal site.

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

Unanimously carried.

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Dr. Daniel Fahey, 14 Ledgeview Terrace, on the escarpment, stated he is here with his wife, stepson, and his immediate neighbors, the Ruslanders. The escarpment has a lower terrace which belongs to us for about 50' out and then another 10 or 15' and it drops off again for about 14' where Hidden Ridge Common is making their final push for a development in Phase four. We saw a couple of yellow stakes all last winter where the proposed road was going to be constructed as we were aware. However, last Wednesday his stepson witnessed the destruction of part of a couple of 80' - 100' tall Pine trees as well as a regular hedge that had given us some privacy. Part of that hedge belonged to the Hidden Ridge Common but they then moved into our property for about 30'. Some huge machine that we hadn't witnessed before was able to just come up the Dedecker lot where the incline is a little less severe and start to take down this hedge and throw pieces of wood which hit their deck. Also, one of their casement windows has got a crack in it. In either event we were shocked the next morning when we went down to see this ruined area of our property. The Ruslanders had some damage to their property as well, since the lot line goes along at a diagonal. We tried to contact the owners of the property but there are various owners as well as developers. Milhurst is the contractor with the heavy equipment with various other names on it. We also contacted our lawyers. Mr. Hayes came over Sunday afternoon to survey the area. We just wanted to inform the Board of the situation.

Trustee Lowther asked Mr. Fahey if he had been in touch with the Town of Amherst Building Department yet.

Mr. Fahey stated no. Trustee Lowther stated they would have priority over that entire development.

Mr. Fahey stated his stepson indicated he had spoken with the Building Department. The Building Inspector stated that the part that was damaged on the Village side is his problem. Our side is Village and the other side is Town.

Mr. Harold Ruslander, 12 Ledgeview Terrace, stated on the other side of him going west is the Shookus family. He has taken pictures, having lived at Hidden Ridge at one time. He has been photographing what is taking place. When the Faheys called the problem to his attention, he paid a surprise visit on Thursday morning to find a bulldozer in his back yard and had immediate conference with his attorney. He called the Amherst police to his residence so they can make their own observation. There are reports with the Amherst police department, both last Thursday and again today. He has had his attorney out to survey the situation and also he appreciates that Mr. Hayes came.

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The important issue here that he wants to point out is that Hidden Ridge is a development and the road that they're putting through has been planned for a long time. They are changing from town houses to residential homes. They are bringing the road in closer to what the original drawing shows. He has varying copies of these drawings that they started with 8 or 10 years back to the more recent ones that show they are going to cut in deeper. This will take a current natural slope, as Dr. Fahey pointed out, to about a 12'-14' drop and they are not planning to put a retaining wall in, resulting in 3 conditions. They have the condition of the elements washing the soil down and then further causing problems. The first thing he did when he bought his home 6 months ago was put in a retaining wall in of stone to beautify it. This will loosen up. We have the condition of children who could walk off what would be a cliff in time. We also have the condition of land sliding down onto what will be a street. Another thing he would like to add is originally they were going to put townhouses there and develop this right on through. They do not have permission yet to do this either. But the road is going in and it's just going to be a road with nothing there for quite sometime. He asked the Board what they know of this situation, what support can you give us as homeowners, and what does the Board advise as the next step.

Trustee Hayes stated he has gone over to the property after a call from both families and surveyed the situation over there and it's heartbreaking. When you take a look at what actually happened and the damage that was done to their personal property, it really is something to break your heart to see. As a follow up to that visit on Saturday afternoon, he contacted the Building and Zoning Clerk, Judy Ames, and alerted her to the situation. He also contacted Attorney Troy to get some advice on how we might best proceed with this matter.

Attorney Troy stated he will add to what Trustee Hayes has stated. Our problem here is that this is a private matter between adjoining landowners. The authority of the Village and the mandate of it's law does not stretch into that area. He was certainly very sympathetic as he suggested when he called here today. He was greatly alarmed by it. But Attorney Troy is not sure that under the present set of circumstances there is anything the Board can do. You are, however, represented by very adequate counsel, Mr. Simon and his colleagues and Mr. Rosetti. Attorney Troy thinks with that type of legal skill and talent, you shouldn't have any problem in getting rectification in this matter. At the present time he couldn't recommend that the Village actively intervene. We wouldn't have any authority to do so, as much as we may like to.

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Mayor Daniels asked if there was any infiltration onto property owned by Mr. Ruslander and if the work they're doing is a variation of what they submitted to the Planning Board.

Mr. Ruslander stated over the years the drawings have changed to make space they have to hold that road or street as close to the property line as they can get. This is very hard to describe and that's why he asked Mr. Hayes to come over. You have to see how much land they're going to have to cut away. You're taking a gradual slope and making it a steep cliff. He raised the question of a retaining wall. It's the Village line with the Town and it gets to be a cumbersome thing to handle because when you call the owner he'll say "you better talk to the contractor", when you talk to the contractor he says "well, I'll have to take that up with the subcontractor". Then when you go to the subcontractor, he's subcontracted to somebody else.

Trustee Kelly said that speaking not only as a Board member but as an attorney, Mr. Ruslander certainly does have an action against any adjoining landowner who causes damage on your own property. There's also a provision in the law that will allow for triple damages for trees that are taken down from somebody's lot without permission. You do have an adequate remedy in law and by all means you can enforce it. If you're concerned that additional work is going to be done on your property, you can request that your attorneys get some sort of restraining order. Trustee Kelly sympathizes with Mr. Ruslander tremendously because he has clients that go through this all the time; however, this is actually one private landowner violating the rights of an adjoining landowner. As a Board we don't have any right to have him do anything. He begs to differ with what the Town Building Inspector told Dr. Fahey because certainly if someone is doing work on a lot and pushing debris or going past the lot line, he's violating the work that he was allowed to do and certainly the Amherst Building Inspector does have a right and in fact should be acting to protect them in that instance. If the Board wants to go on record with a formal notice of objection against what's being done, he has no problem supporting something like that but the Board has no legal remedy as a Board but you certainly do as a homeowner.

Mr. Fahey asked if it would be appropriate for Mr. DeLo to be able to find out what their plan is for this road, the exact location and what's going to be between the Amherst property and the Village property?

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Attorney Troy stated he has no objection to Mr. DeLo looking into it, although he believes all the construction activity, the proposed road and anything that requires public assent is within the limits of the Town of Amherst and to that extent our hands are tied. We have no authority or jurisdiction beyond the Village limits. Mr. Fahey has very fine counsel and there are legal remedies here that should be pursued. But he doesn't think the Village Board is the agency which would be effective in assisting him.

Trustee Kaye asked Mr. Ruslander if he had actually spoken to anybody in the Town Planning Board and seen the actual plan that's been approved by the Planning Board for the residential units and exactly where the road will be and the conditions that were placed on it by the Planning Board.

Mr. Ruslander stated he has older sets of drawings in his possession. He does not have a set of the drawings that Milhurst Construction is using, although he has looked at them.

Trustee Kaye stated if you do go to the Town of Amherst Planning Board they'll be able to let you look at it or supply you at a cost with the actual set of conditions that the Planning Board approved for that road and whether or not there is a retaining wall. That might enlighten all of us as to whether Milhurst is actually complying with the regulations and stipulations of the Town Planning Board or not.

Trustee Kaye also stated that Tom Ketchum from the Town Building Department might also be of assistance to Mr. Fahey and should be contacted.

Mr. Ruslander stated we're here tonight because we've been counseled to go on record and we're making note of what the Board says.

Trustee Kaye stated we should discuss submitting a letter to the Town Planning Board requesting a retaining wall be installed, if it is not already in the plans.

Mayor Daniels stated as a first step we can go on record as a Board protesting the way this project is progressing, especially how it's impacting the land of the residents along the other side of the Hidden Ridge Complex and send that to the Planning Board with concern that your attorneys are going to be in contact with them and they should expedite this matter and cooperate with the attorneys. Also, in that letter we can say that the work being done will have a negative environmental impact in the future especially with erosion and we're very concerned as a Board.

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Trustee Kelly strongly suggested that if they are doing work on their property, if the Town of Amherst won't help you, your attorney can walk into court and get a temporary restraining order if they're doing damage to their property. That can be signed as soon as court opens tomorrow if there's continuing work on it. Certainly, if you fear that some additional damage is going to be done to your property, that's a very good ground to get a temporary restraining order and it will cause the owner of that property to answer in court fairly quickly as to what's going on. It will bring the whole issue to light very quickly.

Trustee Lowther stated if there has been an approval for this project, which she is assuming there is, there has to be something on file in the Planning Department. If they're in violation of it, if they're building it incorrectly or it isn't laid out exactly the way it should be or if they aren't following the exact specifications of their Planning department in Amherst, the Building Commissioner, Tom Ketchum, can issue an immediate stop work order. He can go down there and he can stand in front of a bulldozer with a stop work order and tell them to quit and get out. It's effective. He has done this on previous occasions and if they're in violation of what was approved he can do this immediately.

Mrs. Fahey stated the real problem is what was approved is in the Town of Amherst and what they're violating is in the Village of Williamsville. So when this plan went through, there was no one in the Town to protect that portion that is Village of Williamsville. It would seem to her that there must be some mechanism when you're at a Town line like this, a border line, the Town of Amherst isn't going to care how this affects or impact the Village. Nothing has been set up in that plan to protect that ground from eroding since there is no retaining wall. According to the Milhurst Construction Company, who were there with the police department this past Thursday, there is no retaining wall on their plans .

Trustee Lowther stated she would strongly recommend that Mr. Fahey go to the Town and ask them why there isn't one. She would start at the Planning Department and get a copy of the most current plan that they have approved. She thinks it's really important that he has it when he is talking to the Town. If they are in violation the Building Department can stop work immediately. They don't need a court order. The Building Commissioner can shut down the entire project.

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Mayor Daniels stated the secondary issue is through your attorneys. If you feel warranted, you can initiate some sort of lawsuit for damages that have already been done. Your first step is to research it at the Town Hall in the Planning Department and then the Building Department and then through your attorneys. In the meantime, we'll send a letter of strong protest to the way it's being handled.

Mr. Spencer Scofield, 153 Highland Drive stated members of Troop #85 are here for their "Citizenship in the Community" merit badge. This is one part of a 10 part aspect of that badge. It's one of the 11 required merit badges for scouting and certainly the discussions tonight have been very helpful. Your clerk, Terry Cummins, has been very gracious in providing us with copies of the existing budget, which these 18 scouts are going to evaluate in every great detail. We've been very happy to participate in clean up of Ellicott Creek in the past. We thank the Board for being able to attend here tonight.

Mayor Daniels thanked them for coming. The Village level is a great place to start since it is very accessible to the people of the community. Generally, problems can be addressed and taken care of very quickly at this level. The way it's set up with a small Board of Trustees and a Mayor is very understandable. He's always thought that the government course at the high school level should start with the Village and use that as a model from which everything grew in this country. We welcome questions at any time. If you need any more information on the budget or any way that the Village operates, please feel free to call Clerk Cummins.

Elroy Avery, 75 Rinewalt Street stated about 2 meetings ago he came to the Board asking for help and helping the Williamsville Lions find a place for storage of their flags and their loan closet, which handles crutches and the wheelchairs. Through the efforts of David Laubisch, we were able to come up with what we hope will be a permanent area at the Drexel Hill apartment complex. He wanted the Board to know and everyone else that we certainly appreciate Dave and our flags will fly because of you.

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

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to adjourn the meeting at 8:35 P.M.

Unanimously carried.

Theresa L. Cummins
Village Clerk/Treasurer