

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, May 24, 1993 at 7:46 P.M.

*Present: Ronald Daniels, Mayor
Yvonne Kaye Trustees
Patrick Kelly
Mary Lowther
Basil Piazza*

*Theresa L. Cummins, Village Administrator, Clerk-Treasurer
Thomas Troy, Village Attorney
David Laubisch, Supt. of Public Works*

Also Present: Sherry Brink, Recording Secretary

The Administrator read the notice of public hearing being held by the Board of Trustees on May 24, 1993 at 7:30 P.M. in the Village Hall for the purpose of hearing all persons interested in discussing a proposed local law which would amend Sections 8.1(a) and 8-5 of the Village of Williamsville Animals Code.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to open the public hearing at 7:46 p.m.

Unanimously carried.

Trustee Lowther stated the Village has had continuing problems in the past with the feeding of wildlife in Glen Park and the other Village parks throughout the Village of Williamsville. Other communities have had problems with the same thing. By feeding the wildlife, residents end up attracting rodents, making a mess and ruining the ecosystem. The Village is continuing an education program to let people know that they shouldn't be feeding the animals and why they shouldn't be feeding the animals. We posted this information in showcases throughout the parks in the Village. While we have made a very good attempt at reducing the number of people who are feeding the animals, we still do have a continuing problem. We are looking at enacting a code that will prevent people from feeding the animals. The proposed amendment to Section 8 of the code would read: Section 8-1 Definitions- Wildlife: Any nondomesticated animal, migratory or otherwise including but not limited to mallard ducks and Canadian geese; Section 8-5- Miscellaneous provisions-At no time shall any person feed or otherwise provide or make available any food to any wildlife at any public place or park within the Village of Williamsville.

Peggy Santillo, Councilmember of the Town Board and liaison to the Glen Park Joint Board along with Trustee Lowther, the Village Board liaison, stated she is in favor of this ordinance. It seems kind of funny to have to pass an ordinance about the feeding of wildlife, in particular, ducks. Since it is something everybody likes to do and it seems harmless. But it really isn't harmless as far as what is going on in Glen Park and some of the other parks in the Village. It's really causing a problem. There is a tremendous overpopulation of ducks in the park, especially in Glen Park. It's causing a problem with the ecosystem there.

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There's rotting food all over the place, in the pond and along the ponds. The feeding interferes with the ducks natural tendencies to find food on their own and they become dependent on the feeding. It attracts more and more of these ducks. There have been counts as high as several thousand ducks in that park at some times. There are pictures of them, especially in the middle of winter, when it is extremely crowded with ducks. Cheektowaga already has an ordinance like this and it has had a positive impact on the problem that they were having with the food attracting rats. We do have a rat problem in Glen Park. It's not out of control yet but it could become out of control. She thinks it is very positive of the Village Board to consider this ordinance at a time before we really have gotten to a point where we are having a major problem with rats. She encourages the board to pass this ordinance. The Town Attorney in Amherst has reviewed it and also feels that it is a good step. His concern was strictly on enforcement. It's always good when you are going to pass an ordinance to make sure you clarify how you are going to enforce it, if you are going to. Her feeling is that just passing the ordinance will serve as a community education tool and it will enable us to add "Please don't feed the wildlife as per ordinance in the Village of Williamsville" to the bottom of the signs. That will add a lot of encouragement so the people will not feed the ducks in Glen Park, in particular.

Dr. Lawrence Beahan, member of the Glen Park Joint Board, stated on CNN today there was a story about Venice, California that's famous for it's canals and it's duck population. They have ducks like we have ducks in large, excessive quantities because the people love them and feed them. There is a controversy going on because their ducks are now infected with duck plague and they are dying. The Fish and Wildlife Service is terribly frightened that they are going to infect millions of ducks that fly up and down the west coast flyways. They are afraid that they are going to lose hundreds of thousands of ducks to duck plague and so their solution is to poison all the ducks in the Venice Canal. We are sitting on a situation very similar to that. It happened here in Cheektowaga in 1991. Fortunately the epidemic didn't escape from their park ducks and it was brought under control without a catastrophe. Dr. Beahan has invited two experts to speak tonight, John Deleo from the Erie County Health Department and Eric Derwith from the Iroquois Wildlife Preserve.

Mr. John Deleo from the Erie County Health Department stated his office investigated a complaint several months ago. One of his inspectors found many rodent holes on one of the islands in Glen Park. He thinks that is the real problem that this feeding is causing. The rodents are opportunistic. If there is food, shelter and water, you are going to see them explode and you will never get rid of all of them. That is the problem we have throughout the county. We can knock them back but we can't get rid of them. Offering them an ideal situation to breed and to expand only makes matters worse. His suggestion is to reduce the feeding or eliminate it if possible to prevent the rodent population from exploding.

Trustee Lowther asked if limiting their food source would hold back the population.

Mr. Deleo stated not if they are established. Once they are established, removing their food only means that they will spread out, they will try to find food some place else.

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They will spread out over a larger area. What's got to be done is to bait for the rodents, knock down as many as you can, remove the feeding and then go in and get the rest of them. Just stopping the feeding is not going to eliminate the rodents. They will just move to find food.

Trustee Lowther stated it is her understanding that there have been rodents in Glen Park for many years, back to the amusement park days.

Mr. Deleo stated we have rodents throughout Erie County. The problem is when life is good for the rodents, they really expand and you will have hundreds of them in a small area. Once the food source is stopped, then they head out in all directions trying to find it which will cause a problem for the rest of the Village.

Mr. Eric Derwith, Wildlife Biologist at Iroquois National Wildlife Refuge in Alabama, New York stated he is not here to speak on whether he agrees or disagrees with feeding waterfowl. It's something that is prevalent across the United States. The Department of Interior Fish and Wildlife Service has put out numerous publications to discourage people from feeding waterfowl, primarily wild waterfowl because once birds are fed in a semi tame situation, you tend to attract more and more birds. The food that becomes available is not as nutritious as the food that they would normally find in the wild and it also tends to concentrate them an abnormally large concentrations and tends to hold them over later in the migration period when they would normally migrate. At this latitude, the birds would normally end up going down to the mid-Atlantic coast or southeastern United States and without open water most of the birds would leave this area sometime from mid to late November. The high concentrations of waterfowl will cause disease to become more prevalent in the duck populations and the ramifications of that can be quite severe as Dr. Beahan just noted. When we do have outbreaks of wildfowl disease, there are state and federal agencies that will act to contain the problem. You can actually find yourself in a situation where all the waterfowl in the park may have to be killed off to prevent spread of disease to neighboring wild populations. It's not against the law as far as the Fish and Wildlife Service to feed the ducks but the Service has gone on record as discouraging it, especially where wild waterfowl can intermingle with domestic waterfowl.

Gartley Weller, 129 Mill Street, stated he agrees with everything that has been said. Glen Park, to the Village, is a jewel right in the heart of the Village and we want to preserve it. We want to keep it that way. It's a natural wonder. You don't find many Glen Falls throughout New York State or around the country. When the park was first built, he was a member of the commission. We did not build a duck pond, we built a people pond. We have it today. We can use it, enjoy it and be proud of it. We can also abuse it. We can also use it in the wrong way and this we must be careful of. We either do it one way or the other. He says let's use it, enjoy it and be proud of it.

Mayor Daniels asked the experts if it is legal or illegal to net the ducks and transport them elsewhere.

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Mr. Deleo stated it is illegal. You need a permit which can be obtained from the DEC or the Fish and Wildlife Service. Although these birds are not captive birds and they are able to fly, they may not choose to fly yet they are classified as wild waterfowl.

Trustee Lowther stated it is her understanding that is usually not a successful way to deal with an overpopulation of ducks because many times the ducks do find their way back.

Mr. Deleo stated he doesn't know if that would be the case. It is a question that no one would care to have the waterfowl the Village would want to give away because of situations such as disease. The Fish and Wildlife Service will not take them because they have no idea of what they may be carrying. You do have a problem initially once you minimize the feeding, you will have fluctuations of waterfowl populations. If you wanted to transport or somehow remove the waterfowl from the area, you have a good chance of getting a permit.

Trustee Lowther asked if Mr. Deleo by reducing the feeding that the ducks receive would some of them move along. What would normally happen?

Mr. Deleo stated the population would self regulate. If there wasn't enough food within a certain period of the year, the wild birds would tend to fly off. He doesn't know what happens to the pond in the middle of winter. As long as you have open water flow you will have some birds around because the water is there and everywhere else is frozen. They need the water to survive and the food is also an excellent incentive. They are a social species.

Mayor Daniels stated a good portion of domesticated ducks end up being taken there by people who no longer want them and you will see some mottled looking combinations of ducks in the area plus some solid white ducks. You know that some of them started out life as domestic ducks.

Mr. Deleo stated the domestic ducks would not be classified as wild waterfowl.

Trustee Lowther stated normally the SPCA comes and picks those up and removes them. We call them once or twice a year.

Dr. Beahan stated it is his understanding that there wouldn't be much danger right now if we stopped feeding the ducks. There might be if you stop in the winter time. Right now they will just go some place else.

Mayor Daniels asked if Cheektowaga has prosecuted anyone for feeding the ducks.

Dr. Beahan said he doesn't believe they have.

Mayor Daniels stated it's like "Please don't smoke in this area". It's a law people will hopefully respect and cut down the feeding naturally.

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Dr. Beahan stated it's possible that at some point someone might be ticketed but he doesn't think it would happen very often.

Trustee Lowther stated she hopes people will respond to it as they do to "No smoking" signs. Being a part of our Village code will give it a little more teeth than the signs in the park in the past. This code will apply to any park in the Village. You would still be able to feed animals in your own yard and in private areas. This is only in public areas in the Village and in parks. It wouldn't infringe on anyone's personal rights as far as their own home.

Trustee Piazza stated it is a commendable idea. He is concerned about the potential rodent situation. We also have to address that at a future time.

Trustee Lowther stated it will be discussed at the next Glen Park meeting.

Dr. Beahan stated we asked an exterminator to come to Glen Park and Joyce Troy and Dr. Beahan toured the park with him. The exterminator backed up what the health department said and he gave us an estimate on the cost of controlling the rats through baiting. It was \$200.00 the first trip and after that about \$100.00 a month. It is not money that is beyond the pay

Trustee Lowther stated if we bait Glen Park and they all go to Island Park, we are going to have another whole set of problems.

Dr. Beahan stated if we bait the park, they won't go anyplace. They die and they stay there. The problem is if we stop feeding them and we don't bait the rats.

Trustee Lowther stated anywhere you have water and the conditions that we have with this wildlife, you do have rats. We have parks, water, animals and food and that is the perfect combination when you connect Island Park to Glen Park. You have the same problem.

Dr. Beahan stated we can control that for about \$100.00 a month.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved to close the meeting at 8:10 p.m.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

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, May 24, 1993 at 7:45 P.M.

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Patrick Kelly
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Thomas Troy, Village Attorney
David Laubisch, Supt. of Public Works*

Also Present: Sherry Brink, Recording Secretary

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:45 P.M.

Mayor Daniels asked for a moment of silence for the tragic passing of Christine Gallagher, the daughter of one of the former trustees of the Village Board.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the regular meeting of the Board of Trustees held May 10, 1993 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the public hearing of the Board of Trustees held May 10, 1993 to amend Section 103-17 of the Vehicle and Traffic Code to provide for 2 hour parking on Main Street were approved.

Unanimously carried.

ON MOTION by Trustee Lowther, seconded by Trustee Kaye, it was moved at 7:46 P.M. to open a public hearing for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 8.1(a) and 8-5 of the Village of Williamsville Animals Code. (The meeting closed at 8:10 p.m.)

Unanimously carried.

Mayor Daniels thanked the seniors for inviting him to their spring luncheon last week. They always do a great job. Rita Andrews is now the chairman of that committee. He thanked Lois Idzak for her many years as chairperson for the Evergreens. They do such a great job with all the senior citizens in the Village. He hopes that Rita increases the accessibility of that group and advertises the fact that we do have such a good group for seniors to participate in such as the great trips to Atlantic City, plays, and to New England.

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Mayor Daniels stated the Beautification Committee has started planting in the Village. It is a red, white and blue year for flowers this year. We've got the World Games and that is the official tri color for that event, additionally, the Septcentennial, the 175th year of the Town of Amherst has also suggested red, white and blue. So all the flowers that the committee plants at the triangle at Main and Evans, in front of Village Hall, in front of the Meeting House, Memory Garden, etc. will be a red, white and blue combination. He would like to thank the volunteers including Trustee Piazza for lending a hand. He would also like to thank the Town Compost facility for allowing Mayor Daniels to take about 5 cubic yards of their compost to spread on the ground there before we planted. It is very rich, black looking compost that will turn the triangle into a variable plethora of botanical pulchritude. It all has to be done before the Memorial Day parade so it looks good to all the people watching the parade and the marchers in it.

Mayor Daniels reported the Water Authority has finally answered the Village's request to be present at a meeting with the Village to address their new rate structure. We did approve their higher rates. It is the third increase in as many years but we still have an objection to the summer surcharge in which anyone who uses 20% more water in the summer than in the winter months, pays an additional \$.50 per thousand gallons. There are a lot of different problems involved with the surcharges. Joseph Crangle, the Chairman of the Erie County Water Authority, will be here on June 14th to address any of the questions that the Village regarding for the Erie County Water Authority.

Mayor Daniels stated he noticed there are some residents from North Long Street present tonight and he assumes they are here regarding the pond near them. He has been in contact with Alan Alexander from the DEC who came from the Minerals office in Olean to look at the situation. Apparently there is an artesian well in one of the back yards on North Long Street that is emitting hydrogen sulfide gas. The well was tested and there are some real problems. Mr. Alexander will be sending the residents a letter. Mayor Daniels was in contact with Paul Bowers, as well, from the Town of Amherst Engineering Dept. Further testing of that hydrogen sulfide gas plus other tests for oxygen phosphates is going to be done Wednesday morning. Mr. Alexander is going to have a fellow from Earth Dimensions, Don Owens, present at the same time. Mr. Owens was retained last year to do some preliminary work on why that stream dried up gradually over the last few seasons. He is very knowledgeable. The indications are that this is a natural gas occurring through the strata of rock. You've got the Onadaga escarpment and below that the Birdie formation which is 120' down. It may be the source of this artesian well. They do have some possible solutions including piping that would go into the well to eliminate the contact between the water and the gas. There are other solutions as well. The well may have to be capped. If that's the case, then the real question is what do we do for water supply for that area and what happens to the castle structure that is an extremely unusual piece of art. Mayor Daniels thinks that Mr. Oeschner built that as well. There are also some questions on mineral rights and who's responsibility is where and if there are any easements.

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It is our attorney's opinion that although the Village Board is very concerned about the resident's concerns, the Village is not the direct link between the residents and the hydrogen sulfide gas and the DEC who are the main players and whatever attorneys become involved. It's a kind of feeling of helplessness because personally, Mayor Daniels doesn't want to see anything done without sensitivity to the residents there. The stream is a part of the drainage system of the Town and one of the things that was brought out was the possibility of covering all of that over and putting piping in there so that there is no exposed water at all. He will personally be involved and he knows that the board will be too although we have no real jurisdiction on the actual problem.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, it was moved to suspend the rules for the purpose of a residents comments pertaining to the report.

Unanimously carried.

Gary Breitbach, 70 North Long Street, which is the property in question with the artesian well on it, stated that last week Thursday and Friday some folks appeared, the DEC people, the Village Fire Chief and many others. There were some statements made that he considers to be fairly rash in terms of the stone castle such as having to bulldoze it immediately to deal with this crisis. Having lived there for 15 year and having known very well, the previous resident who lived there for 22 additional years and the people behind them for 32 years, they are having a hard time figuring out what's the problem. The DEC was present two years ago and took some gas measurements right inside the castle when the water was not flowing which measured very marginal of levels, 15 parts per million of hydrogen sulfide. Last Thursday and Friday, they measured higher. When Mr. Breitbach spoke to Mr. Alexander at the DEC today, his comment was it was "greater than 15". Apparently they can read up to 15 and that's that. The perspective that he has is he has lived there for a long time. He hears talk about toxic emissions, people getting headaches. One of his neighbors was present and heard some of these things, this crisis atmosphere of getting right in there and capping the well last weekend. We really felt last Saturday morning we would be facing bulldozers in the driveway. There was talk of the DEC and the Village Fire Marshall contacting the Town Attorney for some immediate action. That is what was stated. The residents are sitting there saying what's happened, where did this come from? Mr. Breitbach works around the structure all the time. He knows the door and the window where the measurements were taken. He spent several hours in the last week planting grass in there, just several feet from this source. He has a little problem with the concern. He thinks the term "toxic emission" is potentially inflammatory. He knows what the numbers are, he knows the basis of some of the numbers, he knows what Osha says about allowable values of hydrogen sulfide. There are a lot of different values depending on exposure time. There is no evidence at this point in time that he is aware of that for the mass mobilization of DEC, Town, Village, Fire Marshall and sewer departments. The only incident at this location in over the 70 years it has been in existence occurred about 15 years ago when the Town chose to go into the pond at 72 North Long, to do some massive dredging with large power equipment.

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As a result of that, which was done at the extreme protest of the previous owner, Mr. Fruehauf at 70 North Long, the dredging was done and it resulted in many of the problems that the board is aware of in terms of the pond sealing and being able to keep the liquid level in the pond when the well doesn't flow. It's all old history. At that time one of the Town workers went on the property with a cigarette and caused an explosion. That's the one incident in 70 years. Mr. Breitbach is concerned that many people may not be aware of the gas situation and the potential of what could happen. As a result of that explosion, the previous owner, Mr. Fruehauf, ended up in a lawsuit for five years that was eventually settled out of court. Mr. Breitbach doesn't have any interest in that. When he looks at the situation he says he doesn't have a problem, his neighbors don't have a problem, if there are any gases, he doubts they cross the property line. He has a real concern about the term "toxic emissions" because the quantities and concentrations are barely measurable. He has a problem with having large numbers of people from various organizations trucking into his back yard doing various things of which he doesn't know anything about and only one of them has to do something stupid and as sure as the sun will rise tomorrow, he is in a lawsuit. He has no interest in that approach. He sees nothing to gain from the whole exercise. He doesn't have a problem. He has some doubts, regarding the decrease in water and the geology of what's going on 120' down in his well that the Town, Village or Fire Chief have the resources to deal with that problem. He's a bit skeptical that any magical answer is going to pop out and put some pipe down there and everything will be hunky dory. That's his judgment, not a fact. He has reasons to doubt that. In the last couple of years action, inaction or attempted action on the water issue makes him skeptical. He has strong reservations about his yard becoming the basis of a research and development effort by various people with various interests measuring the water or gas, this. He is taking the position that he doesn't want people in his yard. He has not discussed the legal ramifications of that but he has yet to hear anything that says that this is a crisis that's any hazard to anybody that is not in his yard. So he asks why should he have lots of folks in his yard doing things that he doesn't think are going to help him because he doesn't have a problem but could cause him personal financial risk if there is an incident. He strongly feels that there is no basis to have lots of folks going through his yard because that is exactly when they have had an incident. He is not trying to hide evidence or information but there is a lot more experience in this neighborhood about this problem than there is in Olean or in the Fire Chief's office or anywhere else. Until he can be convinced that there is something that needs addressing, he is not at all prepared to take the kind of risks that he really thinks are going to happen when a lot of people are going through an area that may or may not be an issue.

Mayor Daniels stated it's a battle between attorneys, the DEC and the authorities. He thinks the DEC and the Town of Amherst are now the authorities who are going to be the ones who want to do things that it sounds like Mr. Breitbach is not prepared to let them do.

Jean Bullwinkle, 50 North Long Street, stated she's been here before talking about the water problem or lack of. Her sister who lives in the Town of Lancaster gave her a call last week that Mr. Alexander, from the DEC, was at her house. She's a recent widow, she has five children and doesn't have many people to turn to when she has a problem. She just built a home and was experiencing the smell of sulfur coming out of her sump pump in the basement.

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The builder said this type of thing happens. Since sulfur is all over the place and that they might have to put a cap on it. She called up the Town and asked them if this was the correct situation and the Town of Lancaster came out. They assessed the situation and then they called the DEC. Mr. Alexander then came out. Ms. Bullwinkle's sister told Mr. Alexander that a man on North Long Street said it could be capped and Mr. Alexander said yes, he's been out there before. He also told her sister he would appreciate very much if she would write a nice letter to his boss. Her sister would attest to the fact that he did say to her that their jobs are on the line and they need to do things like this. She thinks that is why they showed up on Mr. Breitbach's doorstep the very next day.

Trustee Kelly asked if Chief Zymanek was there as the Village of Williamsville representative?

Mayor Daniels stated he was there as Disaster Coordinator.

Trustee Kelly asked if anyone was there from the Village in any official capacity at all.

Superintendent Laubisch stated nobody from the highway dept. was there.

Ms. Bullwinkle stated she has been there 15 years also and there is no health hazard. It would be a hazard if somebody were to throw a match down the well but someone could also come into your house and break one of your gas pipes, light a match and cause a massive explosion.

Don Hellenbrook, 45 North Union Road, stated he has lived there since 1975 and has not experienced a problem with this well. He is concerned what would happen if this were capped. This hydrogen sulfide is going to go somewhere. He is hoping it doesn't appear in his basement. He thinks we should find out now who will be sued when hydrogen sulfide gas appears in the basements of the neighborhood. Will the Village be liable, the Town, the DEC or someone as nebulous as the ghost we seem to be trying to put the finger on now. He thinks that is worth considering and guarding against before we open ourselves up to some problems with lawsuits from straying hydrogen sulfide gas. It was mentioned earlier about the drainage ditch. This is not so much really a drainage ditch as it is truly Forest Stream. It appears on records of significant waterways in Western New York, second only to Ellicott Creek as a source of water. It is not your basic drainage ditch. However, it's been called that and used very much in that way but right how it is probably the only source of water but it is also Forest Stream.

Mayor Daniels stated if he were to ask what the residents want from the Village Board, what would it be.

Terry Otto, 60 North Long, stated she lives right next door to the Breitbachs. She would like the Village to encourage everyone to leave the residents alone. Her yard borders the castle, her water flows right next to their water. The water divides her yard in half. Mr. Alexander mentioned the gas was so dangerous that on a warm, still night it would be so strong just lying on top of the water that it would give you a headache if you stood near it. That is completely absurd.

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She lives there. Nothing like that has ever happened. She is much more afraid of hordes of people traipsing around in their yards and possibly smoking and dropping a match down the well. At the Town meeting last week the possibility of dredging the pond was brought up again as a solution to the diversion of water problem. She would like to encourage the Village to encourage the powers to be to leave the residents alone.

Attorney Troy stated it's not a matter for the Village at all. It is a concern for the private citizens who live there. If they want action, let them take action. The Village has neither the capacity nor the right to enter into the situation like this unless there is a clear defined human hazard to health and there is no evidence of that at all. It's a matter for those residents to decide among themselves. The Village should not involve itself in any way. There is nothing the Village can accomplish or assist the residents. It is not a concern of ours. If the DEC feels that it has a problem, then let the DEC work it out. The Village has no interest in this matter. He advises the board not to involve itself in any way of any kind.

Trustee Kaye asked Attorney Troy what his guesstimation of why the Amherst Disaster Coordinator was involved if, in fact, it's in the Village.

Attorney Troy stated he got a call on Friday afternoon from the Village Administrator advising him a situation had developed and he would be hearing from Chief Zymanek. At that time someone had indicated high hazard. He was a bit skeptical because his own experience was that there was a situation like that a number of years back. He waited and Chief Zymanek called him and they discussed it and decided it was not a matter for the Village to involve itself in. He stands by that at this time. This is a natural development. We are not in a war against nature as a corporate entity at this point. We neither have the funds or the ability to do so. There are private remedies available if people are concerned about it constituting nuisance. They can consult with their attorneys, but it is not a matter for the Village.

Mr. Breitbach stated we don't have a nuisance we want to deal with, we don't have a nuisance that we would like no one else to deal with. We look to the Board as one layer of our elected representatives to help us to get others to not act.

Attorney Troy stated his advice to Mr. Breitbach would be for him to consult with his attorney. It's not a public matter.

Trustee Kaye asked Mr. Breitbach if he had spoken to the Disaster Coordinator, James Zymanek.

Mrs. Breitbach stated she spoke to him on Friday and he told her this was imminent.

Trustee Lowther asked Mrs. Breitbach if she asked Mr. Zymanek how he was involved.

Mr. Breitbach stated Mr. Alexander told him he had originally spoken to the Building Inspector and was directed to speak to the Williamsville Fire Marshall.

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Trustee Lowther stated Mr. Zymanek has two separate areas.

Attorney Troy stated Mr. Zymanek appeared there in the capacity as Town Disaster Coordinator. He was not there as the Village Fire Marshall.

Mr. Breitbach asked why did the Fire Chief respond to the Village Attorney and not the Town Attorney.

Mayor Daniels stated the residence is within the Village. He assumes that is what the Fire Chief was thinking.

Mayor Daniels stated to him it is a very confused issue and he doesn't understand why we have no input.

Mrs. Bullwinkle stated she agrees with what Attorney Troy said and she is in agreement with Mayor Daniels. This is an issue for the residents. Her concern is if the Town of Amherst gets heavily involved in this and becomes a proponent of the DEC. This would be a very simple solution to the problem we've been bringing up here continuously. If they filled in that whole back area, they would never have to deal with the residents again. Is there any recourse that we, as the Village, can take that can speak for the residents to the Town. The Village is saying they should stay out of it, she understands that, but the Town is not going to stay out of it, they are going to get involved.

Attorney Troy stated he doesn't know that the Town has any interest at all in getting involved in it. Why not relax and see what happens? He doesn't think the Town is any more interested than the Village.

Mayor Daniels stated they are involved. They are paying for the analyzations of the gases that are coming out. They've retained Earth Dimensions as a consultant. They are sending a team out there to analyze the water in the pond that is coming directly out of that well.

Attorney Troy advised the residents to consult with their attorneys. His guess is that if there is any nuisance at all, it is a private nuisance and you have the available remedies, as property owners, to defend yourself against that sort of thing. The Village has no authority under any law in the State of New York to act in this matter.

Trustee Kaye asked if the residents have spoken to anyone in the Town.

Mrs. Bullwinkle stated there is no water along the creek. This would be a solution that would cost us and the Town and it would eliminate the residents being down there at a board meeting trying to get someone to listen to the problem. They are residents in the Village. Can the Village help them out.

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Attorney Troy stated it is no different if she has a next door neighbor who has an ugly tree creating a mess in her backyard. It's a private matter. The Village has no authority to act in those areas. John Lane is the Town Attorney if they want to contact him.

Mr. Weller, member of the Historical Society and the Historic Preservation Board, stated they are interested in preserving landmarks as well. How close is this landmark to this well.

Ms. Breitbach stated it is right over the well.

Mayor Daniels stated it could have been a naturally occurring artesian well, according to Alan Alexander, and they just built the castle as a decoration over it. Mr. Alexander says that the problem is that the castle serves to trap the gas in higher concentrations than if there was no structure over the gas which would dissipate more quickly and not be as concentrated for potential inflammation.

Mr. Weller stated suppose we designate that as a historical site.

Mayor Daniels stated he doesn't think there is anything wrong with that. He doesn't know if the DEC is going to back off from their initial stand on this but the question is whether this is a hazard to health and safety in the area. If that's the case, they have the power to eliminate that hazard. They would have to prove that it is a hazard to many people in the area. They are currently going on the premise that this is a potential hazard to the health and well being of the residents in that area.

Trustee Lowther asked if they normally act without a complaint.

Mayor Daniels stated they have been monitoring this well forever.

Ms. Breitbach stated she is sure the complaint is because the residents keep attending at the Town meetings about the lack of water in their ditch.

Trustee Lowther stated that's hardly the way to get the residents to calm down and increase the water in the Forest Stream behind their homes.

Ms. Breitbach said if they had to cap the well then there would be no water, it would dry up and there would be a mosquito infestation and then they would have to fill it in. The residents would be left with no choice. That would be a really easy solution for the Town.

Ms. Bullwinkle stated that water still is going to come down there when it rains. They are creating more and more problems. The more people that touch this area, the more they mess it up.

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Ms. Breitbach stated she asked the DEC if there was any threat to her daughter who plays on the bank near the water all the time. They said absolutely not. There is no threat unless you throw something flammable down the well.

Mr. Breitbach stated the well is totally enclosed and the door is nailed shut. You can't do it unless you try to do it.

Mayor Daniels stated we need more information from the DEC before the board knows where it is all going and now that the Town engineers are involved as well. We can look into it to see if we have any power or authority in this matter; however he suspects that the Village Attorney is correct and that it is the resident's back yard and it is a matter of health and welfare. The Village can't obstruct that.

Mr. Breitbach asked if the board could through the appropriate contacts with various committees in the Town, whether it is the DPW or Environmental, can convey the residents opinion. In the opinion of the residents, it is a real bad idea. We will follow the advice that's been given in pursuit of a few other more formal channels to try to stop this well but perhaps the board can add some flavor as to why the residents have a problem with this and that they are more concerned with creating a problem than they are concerning how to solve a nonexistent one.

Trustee Lowther asked if the residents have a Homeowners Association. They might want to consider a letter to the Town expressing to them what was just expressed to the Village Board. She thinks it would be helpful with their signatures on it indicating that they would like a "hands off" approach to it and let the Town respond to the residents. She is sure the residents understand what the Village position is and what the Village Attorney has advised the board. It might be good for the residents to have one person as a spokesman and have all the residents sign the letter and have somebody come back to the them with all the information.

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

Unanimously carried.

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, May 24, 1993 at 7:45 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$77,787.76 covering 05/07/93 - 05/20/93 were approved:

Payroll fund w/e 05/19/93	\$24,528.98
General fund	43,954.14
Water fund	504.81
Sewer fund	475.21
Trust & Agency fund	8,210.36
Glen Park fund	<u>114.26</u>

Grand Total \$77,787.76

Large Vouchers:

Occidental Chemical Co.	\$7,603.93
Niagara Mohawk Power	\$6,789.00

Unanimously carried.

Mayor Daniels stated May 31st is the end of the Village's fiscal year. Our budget closes out at that point. When we construct the budget at the beginning of the fiscal year, we make estimates of what is going to be spent in each budget line. Obviously, we are not dead on in every category. At the end of the year we transfer money from budgets with a surplus to budgets with a deficit depending on the budget pattern that the year has seen. These resolutions refer to all of the budgets in the Village and their reconciliation up to this point.

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

RESOLVED THAT the following budget transfers are hereby made in the 1992-1993 General Fund:

<u>FROM</u>		<u>TO</u>	
1900-1990-4000	30,000.00	1000-1010-4010	8.00
1900-1991-4000	8,870.00	1000-1010-4450	150.00
1100-1110-2000	560.00	1100-1110-4010	115.00
1100-1110-4190	2,500.00	1100-1110-4040	300.00
1300-1355-4040	100.00	1200-1210-4450	405.00
1400-1410-4010	3,000.00	1400-1410-1000	2,700.00
1400-1420-4040	100.00	1400-1410-2000	160.00
1400-1420-4450	100.00	1400-1410-4040	350.00

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1400-1450-1000	500.00	1400-1410-4050	30.00
1600-1620-1000	267.00	1400-1410-4060	375.00
1600-1620-4071	236.00	1400-1410-4160	18,675.00
1600-1620-4230	1,800.00	1400-1410-4160	1,060.00
1600-1620-4260	2,000.00	1400-1410-4450	10.00
1600-1620-4450	262.00	1400-1420-1000	400.00
1600-1640-4071	104.00	1400-1450-4080	185.00
1900-1950-4000	173.00	1600-1640-1000	3,500.00
3300-3310-1000	4,000.00	1600-1640-4070	3,900.00
3300-3310-4040	200.00	1900-1910-4000	405.00
3300-3310-4160	100.00	1900-1920-4000	500.00
3300-3310-4231	3,707.00	3400-3410-4070	1,920.00
3300-3310-4240	450.00	3400-3410-4220	1,060.00
3300-3310-4700	1,000.00	3400-3410-4750	360.00
3600-3620-4040	100.00	3600-3620-4010	170.00
3600-3620-4110	200.00	3600-3620-4620	25.00
3600-3620-4480	100.00	5000-5010-1000	1,330.00
4000-4020-4450	42.00	5000-5010-2000	315.00
5100-5110-2000	600.00	5000-5010-4040	475.00
5100-5110-4040	312.00	5100-5110-1000	24,239.00
5100-5110-4110	1,000.00	5100-5110-2100	7,250.00
5100-5110-4161	2,000.00	5100-5110-4111	460.00
5100-5110-4250	6,000.00	5100-5110-4180	620.00
5100-5110-4260	700.00	5100-5110-4600	240.00
5100-5110-4271	35,700.00	5100-5142-1000	2,275.00
5100-5110-4272	2,375.00	5100-5142-2000	37,167.00
5100-5110-4273	1,000.00	5100-5142-4161	1,185.00
5100-5110-4610	306.00	5100-5142-4290	1,555.00
5100-5142-4163	994.00	5100-5142-4450	4,010.00
5100-5182-4110	8,500.00	5100-5182-4450	115.00
7300-7310-4370	2,000.00	7100-7110-4040	12.00
7500-7530-1000	800.00	7500-7520-4520	450.00
8000-8010-4030	130.00	7500-7530-4440	995.00
8000-8020-4040	50.00	7500-7550-1000	625.00
8000-8020-4450	100.00	7500-7550-4400	260.00
8000-8090-4450	200.00	7500-7550-4410	1,045.00
8100-8140-4162	600.00	7500-7550-4500	65.00
8100-8160-4330	6,000.00	7500-7550-4960	15.00
8100-8162-4010	50.00	7600-7620-1000	85.00
8100-8162-4030	250.00	8100-8163-1000	5,000.00
8100-8162-4161	200.00	8500-8510-4450	20.00

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8100-8162-4260	650.00	8500-8560-4160	115.00
8100-8162-4600	300.00	8700-8745-1000	400.00
8100-8162-4700	2,000.00	9000-9030-8000	9,210.00
8500-8560-4340	1,500.00	9000-9040-8000	1,000.00
8500-8560-4450	50.00	9000-9060-8000	<u>13,375.00</u>
8700-8745-4160	878.00		
9000-9071-8000	6,000.00		
9000-9010-8000	4,025.00		
9500-9552-0000	<u>4,930.00</u>		
	150,671.00		150,671.00

Trustee Kaye stated it is her understanding that for the next meeting Administrator Cummins is going to prepare something for the board to look at about how to avoid the over spending of line items that has occurred here in these numerous areas so that we will have a system of checks and balances so that we do not have this happen.

Administrator Cummins stated yes.

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the 1992-1993 Water Fund:

<u>FROM</u>		<u>TO:</u>	
1900-1990-4000	8,000.00	8000-8310-1000	1,430.00
1900-1991-4000	2,00.00	8340-4070	260.00
8000-8340-4010	330.00	4160	1,230.00
4030	200.00	4260	205.00
4040	400.00	4450	5.00
4110	500.00	4600	5,112.00
4163	1,200.00	4610	390.00
4165	1,888.00	4900	550.00
9000-9030-8000	<u>1,039.00</u>	9000-9040-8000	555.00
		9500-9552-0000	<u>5,820.00</u>
	15,557.00		15,557.00

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, May 24, 1993 at 7:45 P.M.

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the 1992-1993 Sewer Fund:

<u>FROM</u>			<u>TO</u>	
1900-1990-4000	1,000.00		9000-9040-8000	1,000.00

Unanimously carried.

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

RESOLVED THAT the following budget transfers are hereby made in the 1992-1993 Glen Park Fund:

<u>FROM</u>			<u>TO</u>	
7000-7141-2000	1,165.00		7000-7141-4070	75.00
4101	589.00		7000-7141-4163	235.00
1000	2,300.00		7000-7141-4164	4,960.00
4161	300.00		7000-7141-4166	470.00
4162	370.00		7000-7141-4166	510.00
4430	535.00		9000-9040-8000	<u>250.00</u>
4351	180.00			
4105	40.00			
4352	180.00			
4102	611.00			
9000-9030-8000	<u>230.00</u>			
	6,500.00			6,500.00

Unanimously carried.

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

RESOLVED THAT the Village Administrator is hereby authorized to make additional year-end transfers after all accruals and adjustments have been placed on the books.

Unanimously carried.

Trustee Piazza reported the Parks Committee is working on "Savor the Flavor" which will be held Tuesday, July 20th. The Lehigh Memory Trail Improvements are still in process. As far as Garrison Park is concerned, we are still waiting for a third price on the gazebo roof before we move on that and also for a third price on the pavement around the pool in Garrison. Security services began this past weekend. They will continue up through the summer into the fall. The company seems to be doing a fairly good job so far. The Long Street diamonds are now being handled by the Town of Amherst and everything seems to be working fine. At present, they are maintaining the diamonds, they are taking care of the scheduling and whatever income comes out of that. As far as the pool attendants are concerned, interviews will be taking place this Thursday and Friday. We have several people wanting to come back from last year and the year before that so we will have a good crew of pool attendants this coming summer. Applications have been sent out for the Craft show that will be held later this summer. There has been some advertising already but they are now being taken and being processed. The next Parks Committee meeting is June 16th.

Trustee Piazza reported the Local Government Advisory Board has been broken up into several subcommittees. We're looking at grants, cable TV, water study and government review. Each of those subcommittees are pursuing their specific areas. The meeting for the entire group is June 2nd.

Trustee Piazza also reported the senior citizens had a very nice luncheon on May 17th. They will be involved with the Amherst Septucentennial picnic which will be July 31st. More information will be coming out on that. The next senior citizens meeting will be this coming Wednesday, May 26th.

Trustee Kaye stated this past week we had a Zoning Board of Appeals meeting which is held only as an on need by basis for items that require variances. This is the first meeting that they have had since October of 1992. One of the proposals that did come out of that Zoning Board of Appeals meeting is that there will be a recommendation coming from that body to the Village Board to look at increasing penalties for "as built" variances. These are individuals who come and request a variance from the Zoning Board of Appeals after something has actually been built. This has been a source of concern for the Zoning Board of Appeals that we do not have penalties in place that would discourage people from waiting to receive a permit until after the fact.

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The past five meetings have dealt with someone who has actually built the structure and then come back and requested the permit and requested the variance. That proposal will be coming for more discussion from both our Building Inspector David Sutton and from the Zoning Board of Appeals to the Village Board. There also will be suggestions coming from that group on looking at changing our Village code regarding front yard setbacks as well.

Trustee Kaye reported the Youth Committee will be having it's first official event for the season the Fishing Derby, on June 6th from 1:00 p.m. to 4:00 p.m. That will be the same day as the firemen will be having a special viewing of all fire trucks, antique and our brand new pumper that we have just received. The next Youth Committee meeting will be June 8th.

Trustee Kaye stated her resolution is to appoint someone to the Youth Committee for the balance of the 1993-1994 official Village year. This person had expressed interest when we had our reorganization meeting in early April. The Youth Committee did not have an April meeting so that she could attend one until the last meeting which we had approximately two weeks ago. It has been Trustee Kaye's unwritten policy as a trustee to have people come to the meetings prior to appointing them to make sure that people really understand and like the committees and before she moves forward with their appointment.

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

RESOLVED THAT Valerie Sweetland, 214 Hirschfield Drive is appointed to the Youth Committee until the end of the 1993-1994 official Village year.

Mayor Daniels stated the members of the board know the procedure for appointing residents to committees is being looked into by the Local Government Advisory Committee as one of their projects because there has been a rather haphazard type of appointment structure in the past. As Trustee Kaye said, we want to make sure the people appointed are suited for the committee. For this particular appointment, he wanted to appoint someone else at the reorganization meeting. This is the second person proposed for the Youth Committee and he would like to table this resolution and further committee appointments until such time as we have some sort of a form recommended by the Local Government Advisory Committee.

Trustee Lowther said it was stated during the work session that it would probably be a minimum of 4-6 weeks before the board would be able to fill this appointment and if we waited for the Government Advisory Council to come up with a policy and we need people on our committees now.

Trustee Kaye stated this is a very active committee and most of their activities will be starting prior to the four to six weeks.

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Mayor Daniels stated he is asking for it to be tabled until the Local Government Advisory Committee has the opportunity to come up with a formula which will not put residents in the middle of a situation.

Trustee Kaye stated as a matter of technicality the name Mayor Daniels proposed was not on the agenda but it would have been a suspension of rules. If it was on the regular agenda, she could have called Mayor Daniels in advance and they could have had some discussion about it. Her experience on for the past four to four and a half years is that if there is someone whose name will appear for appointment that either the liaison or the chairman of that committee generally knows or is contacted in advance either by another trustee or someone on that committee so that this kind of incident doesn't occur. We had a discussion two weeks ago about this. When she talked about it she did say that this position needs to be filled, that there was a meeting coming up that happened the Tuesday after our last board meeting and that she would be moving a name forward at this meeting. She would graciously hope that this board would go ahead, vote on this evening and approve this volunteer for the Youth Committee which certainly does need the help. She looks forward to hearing from Government Studies so that we can have a clear outline to follow that we all understand and agree upon for moving appointments forward and how to handle them. She thinks that it has always been informal and that taking some of the past circumstances into account that have happened with some appointments, she thinks is very important, that we have a clear outline of how this will happen. She doesn't know of any other openings that we have that would need to be approved prior to this.

Mayor Daniels stated he believes the Local Government Advisory Board might have one.

Trustee Kaye stated we are not aware of any at this point. She hasn't been notified that we have an opening on Local Government.

Mayor Daniels asked if Trustee Kaye doesn't see a problem with appointing one person over another at this point in time to serve on the committee.

Trustee Kaye stated no, not when the other person she spoke with told Trustee Kaye that she was not that interested and may not be here two months from now. She also did not come to the Youth meeting that night. Ms. Sweetland came to the meeting. The person that Mayor Daniels is speaking of indicated to Trustee Kaye that if there was someone who really wanted to be on the committee that's what should happen. She was not that interested. She was doing it as a favor for Mayor Daniels.

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ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved to table the resolution.

Roll Call:

Trustee Lowther no
Trustee Kelly yes

He would like this cleared up before he makes a vote. He doesn't know either of the individuals that are being proposed. He doesn't have anything against either one but he would like it cleared up.

Trustee Kaye no
Trustee Piazza abstaining for lack of information
Mayor Daniels yes

Motion fails.

Roll Call on original resolution:

Trustee Piazza yes
Trustee Lowther yes
Trustee Kelly yes
Trustee Kaye yes
Mayor Daniels no

Motion Carried.

Trustee Kelly reported our new pumper is here and it will be on display on June 6th. He welcomes everyone to come to take a look at it. It's a really impressive machine.

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

RESOLVED THAT James Zymanek, D. Anthony Schueckler, Jr., and Al Weisser are hereby authorized to attend the NY State Fire Chiefs Conference in Kiamesha lake, New York from June 12-16, 1993 and the cost, not to exceed \$350.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

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

WHEREAS the Village of Williamsville has advertised for Compliant Pressure demand Self-Contained Breathing Apparatus with 4500 psig cylinders, and

WHEREAS Comprosec Corporation, Williamsville, New York submitted the only bid,

NOW, THEREFORE, be it resolved that the contract for the Breathing Apparatus is hereby awarded to Comprosec Corporation for \$10,344.96 as follows:

- | | |
|---|-------------------|
| A. Four (4) complete masks as specified | \$8,296.32 |
| B. Two (2) spare cylinders with reduction | \$ 761.06 |
| C. Two (2) spare cylinders with reduction | <u>\$1,287.58</u> |
| | 10,344.96 |

Unanimously carried.

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

RESOLVED THAT the Village Clerk is hereby authorized to advertise for sealed bids for the Sale of (1) one 1987 Plymouth Reliant K Station wagon which has been declared to be surplus DPW equipment. Bids to be opened at the Village Clerk's office at 2:00 P.M. on June 10, 1993.

Unanimously carried.

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

RESOLVED THAT Bond Resolution in the amount of \$70,000.00 for one truck chassis and one truck mounted sewer cleaner is hereby adopted.

Unanimously carried.

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

THE BOARD OF TRUSTEE 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 the prior bond resolution cause it to be published, in full, in the "AMHERST BEE," a newspaper published in Williamsville, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and have it posted in at least six (6) public places in the Village.

SECTION 2. After said bond resolution shall take effect, the village Clerk is hereby directed to cause said bond 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.

SECTION 3. This resolution shall take effect immediately.

Unanimously carried.

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

RESOLVED THAT Bond Resolution in the amount of \$125,000 for one (1) 1500 GPM pumper for the fire department is hereby adopted.

Unanimously carried.

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, May 24, 1993 at 7:45 P.M.

ON MOTION by Trustee Kelly, seconded by Trustee Piazza, 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 the prior bond resolution cause it to be published, in full, in the "AMHERST BEE," a newspaper published in Williamsville, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and have it posted in at least six (6) public places in the Village.

SECTION 2. After said bond resolution shall take effect, the village Clerk is hereby directed to cause said bond 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.

SECTION 3. This resolution shall take effect immediately.

Unanimously carried.

Trustee Kelly stated the next resolution has to do with the Superintendent of Public Works going to Cornell University for a local roads program. Last year he brought back a wealth of information and really saved a lot of money in our street paving program. Hopefully this program will be as good.

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

RESOLVED THAT Superintendent of Public Works David Laubisch is hereby authorized to attend the Highway superintendent School sponsored by the Cornell Local Roads Program in Ithaca, New York, from June 7-9, 1993, and the cost not to exceed \$500.00 to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED THAT Timothy Petrie and Michael Vogel, Williamsville Firemen, are hereby authorized to attend the Erie County Fire School at Edinboro University, Pennsylvania, from June 11-13, 1993 and the cost, not to exceed \$200.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Lowther reported last Sunday afternoon a neighborhood watch meeting was held at the Glen Park. About 30 people including some members of the Joint Board were present. We had a very informative discussion with two detectives from the Amherst Police Department. We disseminated a lot of information and we showed the Glen Park video. It was a very successful afternoon. The Environmental Advisory Council meeting will be held this Thursday evening at 7:30 p.m. here in Village Hall. Anyone who is interested in attending is welcome.

Trustee Lowther reported she also spent one afternoon this past week down at the DPW and saw the new sewer jet. Unfortunately, she did not see a demonstration but, it looks like a wonderful piece of equipment.

Trustee Lowther reported the Memorial Day Parade on Main Street in the Village is May 31st at 2:00 p.m. There is also a ceremony that takes place in the Williamsville Cemetery at 11:00 a.m. which honors the veterans of the past.

Trustee Lowther stated her resolution to provide for two hour parking on Main Street is being held for two weeks because there is a question as to how quickly the signs can be changed on Main Street and how costly it will be. It should appear on the next agenda since we'll have the information we will need at that point.

Trustee Lowther stated her first resolution is a transfer of dollars from a Glen Park account into the Glen Park budget for the 1992-1993 budget year. These are not tax payer dollars. These are monies that were donated to the Glen Park dating back to the 1970's that have been in a savings account earning interest and have grown to \$4,529.68. We want to transfer that into our budget now so that we can utilize it, do some landscaping work in addition to our already set budget.

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

RESOLVED THAT the Glen Park budget is hereby increased as follows to reflect contributions for landscaping 9950-0100 Glen Park Revenues account #2770 - Gifts and Donations - \$4,529.68;

7000-7141 Glen Park Expenses - account #4102 - Landscaping - \$4,529.68.

Unanimously carried.

Superintendent of Public Works, David Laubisch, reported on some of the subjects to be covered at the Public Works School in Ithaca, New York sponsored by Cornell Local Roads Program. This year's program will cover work zone safety, how to set up a budget, computer training, field drainage, dealing with the press, problems with public relations, intermunicipal agreements and hot mix paving practices. There have been great inroads made with hot mix paving. Each year at these programs they try to relate all the current information in these various fields to municipal representatives so that they can keep abreast of the changes. In this world today, every five years great inroads are made and many dollars can be saved by updating programs. For example, we purchased a new street sweeping machine a year and a half ago. With the old sweeper we were sweeping approximately eight to ten streets a day. With the new machine we can sweep up to 16 streets a day so it's almost a 50% increase in work output with the same amount of man-hours.

Mr. Laubisch stated trash pickup week starts tomorrow in the Village. He would like to remind residents that loose materials must be containerized to be picked up. We gave out quite a few notices last week to residents who did not do this. We came back about two days later and they had complied. We try to stay on top of this and make sure that the material is put at curb side according to Village ordinances.

Mr. Laubisch reported on the Niagara Mohawk program for disposing of refrigerators. If you have two refrigerators in your residence and you would like to eliminate one refrigerator, they do have some cash incentives to eliminate one of these refrigerators in order to conserve energy. If you go out and purchase a refrigerator to replace one that you have, it is not eligible for the incentives. There are many aspects to this program. We do have a toll free number residents can call which is 1-800-836-1010 for more information. We will have this number on record at the DPW. Anybody who is interested in this refrigerator rebate program can either call the Village Clerk's office or the DPW and we will be glad to give the telephone number.

Trustee Kaye asked Mr. Laubisch about people who have tires out in front of their houses. Is he giving these people notices about the change in the ordinance.

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Mr. Laubisch stated yes we are. We're going out around the middle of the week to hand out notices and get everybody started off in the right direction and he thinks it will make the trash pick up schedule go along very expeditiously for the rest of the season.

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

Unanimously carried.

Maryanne Avery, 64 Garrison Road, asked about the informational meeting on Thursday evening at Academy Street School. Besides Mayor Daniels and Mary Lou Rath, is there going to be anyone there from the County?

Mayor Daniels stated both John Loffredo and John Gugino, Commissioner of Highways and the Deputy will be there.

Ms. Avery wondered about setting precedence with several other county roads in the Village.

Mayor Daniels stated in 1978 the Village took over Cayuga from the County. She doesn't think the traffic is quite as heavy on Cayuga as it is on Garrison.

Mayor Daniels stated there are pros and cons on both sides of the issue and nothing formal is being done at all at this point. We're just getting the facts together and looking at options given the fact that the County has done a horrendous job with their road maintenance program and the fact that their budget doesn't have the ability to fix the 800 deficient road miles that they have in a 1,200 mile system. The Village has been writing and asking them to do something about Garrison at least for five years, to his knowledge, and nothing has been done. In conversations with Commissioner Loffredo and Deputy Commissioner Gugino there is nothing in the foreseeable future, that is within the next several years other than cold patch and hot patch to that road because there are so many roads in the county that need attention. The County of Erie has more county road than any other county road in the state. This goes back to the time when the county was run by a Board of Supervisors. Every time a supervisor didn't want a town road they gave it to the county and now we have too many of them to maintain.

Ms. Avery asked how many names were on his petition.

Ms. Avery stated the problem with the Garrison Road is that it really needs to be reconstructed with a lot of under drains. What she is trying to figure out is how is the village going to extract this money from the county if it can't even get them to come in and throw one layer of pavement on it. How is the Village going to get them to come in and do this super job which they should have done years ago.

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Mayor Daniels stated the county already has bipartisan support for this program. He's been to four meetings on the county level. It's Republican and Democratic. One of the strongest proponents of the program is Charlie Swanick.

Ms. Avery asked if the Village gets this, what is going to be the reaction in the rest of the county?

Mayor Daniels stated they want to make this a pilot program and they want this to be a sample of what can be done county wide. There are much worse county roads out in the South Towns areas that get 50 cars a day. By one legislator's estimate there are potholes so big that she can lay down in one and have a truck drive over and not be touched. At 50 cars a day it's not going to get the priority of a road that is getting between 7,000 and 10,000 a day. They admit that Garrison needs repairing. It should have been repaired years ago but they have no money to do it. If they do come up with money to pay to have it fixed at this point, it would have to come from budget transfers and they are looking into that 16.1 million dollar surplus in the county budget. The curbs will be a V shaped troth that lead into receivers for drainage. It's not going to be a curbed road. There will be a V shaped troth on each side and a storm sewer installed on either side of the road probably six months before it gets paved over.

Ms. Avery asked if it will be covered with asphalt or gravel.

Mayor Daniels stated it is asphalt. It will be a fine surface instead of what it is now. It's been something that he has pursued personally with the county not committing the Village to anything other than to talk and the County has agreed to talk. They see it as an option to become a win/win situation. He sees the Village losing a couple of things if it takes it over, one is \$1,200 a year at today's rate for the snow plowing and the other is the cost of future maintenance. They predict the road surface, if they do it would be good for about ten years. Then we would have to pick up the cost of maintaining it. On the positive side, we would control the road. We would determine the speed limit and all signing. If they want to widen it, we can say no and they can't widen it and for a lot of residents on Garrison, it's certainly worth the few dollars trade off. We have to decide in our own minds whether we want to wait for the county to become accountable which probably won't happen or do we want to get this road fixed and be a serviceable road and also have control of it because in the plans they are widening an awful lot of that area, Wehrle Drive etc. We would have an actual hour glass effect and they admit that this is not a great thing, the fact that in the middle of a county road system you've got a little stretch that is a Village street that they, at this point, are willing to overlook for the sake of a pilot program. He thinks it is a great opportunity for the Village to be able to determine our traffic which is everybody's concern in this Village.

Ms. Avery stated she wouldn't argue with that. She just wants to be sure that the drains are in good shape when the Village takes it over because it's going to be a continual problem.

Mayor Daniels stated the deal would be that they fix it up so that it has a completely new under drain system, completely new surface and good for at least ten years of service without touching it.

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Ms. Avery asked who decides that it is in great shape.

Mayor Daniels stated Mr. Laubisch and the Village has retained a firm that we are going to consult on the exact costs of rebuilding that road and they are doing deflection tests starting within the next week to week and a half. Before we come up with any solid figures we will want to assemble our own figures. The County says the cost will be \$500,000, the Town says \$163,000. He suspects it will be somewhere in between those two figures.

Ms. Avery stated if the County wants to spend \$500,000. then let them go ahead and do it.

Mayor Daniels stated haven't and that's why it hasn't been done. They have certain specifications that the Village doesn't need and they have the County labor force and they have a budget that is nonexistent right now.

Ms. Avery asked how does he know the Village doesn't need those specifications?

Mayor Daniels stated you have to rely on experts.

Ms. Avery was wondering if you cut down on the weight, the use of the road, then would the specifications of the road be the same?

Mayor Daniels stated specifications are based on use patterns and traffic generation. This is a high moderate traffic road. He is going by what Pat Lucey said and the County agreed. He was present when it was discussed with Mr. Loffredo and Mr. Gugino. There are some people that want the potholes to remain because it cuts down on speed. Personally, he drives it enough that the alignments and safety is important too and speed should be handled by police enforcement but some people like potholes over speed.

Trustee Kaye asked Mayor Daniels about Thursday's meeting. She appreciates all the hard work he has put into this project but wonders why we aren't having this kind of full discussion with the Board and with our Superintendent of Public Works and Attorney prior to a public information session?

Mayor Daniels stated he thinks that if people as a whole don't want it or don't see much use for it, there is no sense going any further. If we get more than 80 people, the Village Hall is too small. He doesn't know what the responses will be. We may only get 30 people but we may have several hundred people interested in this issue. This will be a fact finding session with the County in trying to get people's feelings on the Village level to see whether or not we should continue to pursue the project.

Trustee Kaye asked what is the opinion of the Superintendent and the Attorney at this point.

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Superintendent Laubisch stated he doesn't have any information at this time. When the firm that we hired arrives, we will ask for their advice and will defer to their expertise. We don't design roads and never have to accommodate 10,000 vehicles a day. We will then pass their information onto the trustees.

Attorney Troy stated his only input up to now has been an inquiry as to whether or not this was feasible and permissible under New York State Highway law. He checked it out and found out it was correct, it is permissible and beyond that there has been nothing at this point.

Trustee Lowther requested that this meeting on Thursday be tape recorded so that it is available for the other members of this board to hear if they can't be there. She is assuming there are going to be a number of residents who are going to have questions and concerns and that evening she has an Environmental Advisory Council meeting for here in Village Hall.

Administrator Cummins stated someone can take the tape recorder to the meeting.

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 at 9:17 P.M. to adjourn to meeting.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer