

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, August 23, 1993 at 7:50 P.M.

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

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

Also Present: Sherry Brink, Recording Secretary

The Clerk read the notice of public hearing being held by the Board of Trustees on Monday, August 23, 1993 at 7:30 P.M. for the purpose of hearing all persons interested in discussing a proposed local law which will add Chapter 11 to the Village code pertaining to Brush, Grass, and Weeds.

ON MOTION by Trustee Kelly, seconded by Trustee Kaye, it was moved to open the public hearing at 7:50 P.M.

Unanimously carried.

Trustee Kelly thanked Trustee Kaye for handling the public hearing in his absence at the last meeting. He has reviewed several of the comments from the public. He knows there was a big concern from Ms. Avery that this law was going to penalize residents with compost piles. He is going to add a section in the code saying that it has nothing to do with compost piles. The other point is Administrator Cummins raised is whether there could be an administration fee assessed. After finalizing with Administrator Cummins what a fair fee would be, he will add that to the code. It appears to him that around \$100 - \$250.00 would probably be adequate. He spoke with David Sutton about this today. After Mr. Sutton's initial concerns that the law was going to be overly burdensome, he now feels he can support this 100%. Other people had concerns that the Village was going to be spending \$40,000 or \$50,000 for trying to take care of somebody's property. Trustee Kelly doesn't think they read the law. This has to do with brush and grass and has nothing to do with repairing somebody's house. It has nothing to do with putting railings up or painting somebody's house. A property has to get real bad for \$40,000 or \$50,000 worth of debris to accumulate on the property. If it ever did get that bad, it just means that the people in the Village are not doing their work. It seems to him that there are seven or eight properties in the Village that this proposed law applies to more than anything else. Anyone who has a property on their street that looks like this knows what he means. There are five or six properties that he saw today that have grass and weeds growing up to his hip level, quite a bit more than the 10" level. There is also a number of properties also that have debris laying all over the place.

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Not only is it a health hazard and attractive nuisance, but he has had a number of people complain about a particular property on his own street. They are now having a problem five or six houses down the street with raccoons raiding their property at night and they've traced it back to this particular property. It's also a situation where with the Village residents paying so much in various taxes and trying to take care of our properties, that to have something like that next to you is truly an abomination and the Village should be enforcing laws such as this.

Trustee Lowther stated at the public hearing at the last meeting, she had made a comment about the wildflower issue being very subjective and she had asked Attorney Troy if there were items in the New York State Building Code that were redundant within this law.

Attorney Troy stated he has a whole file. It is his understanding that this was going to be discussed this evening as an informal meeting under the auspices of Trustee Kaye. It was Trustee Kaye's intention to get information from the Board. He is waiting to hear what the Board thinks.

Trustee Lowther stated she has a number of concerns that have been raised by both the Village Prosecutor and David Sutton. She understands Dave Sutton and Glen Murray will be here this evening because she really wants to go over those. They took the time and the effort to reduce their concerns in writing to the Board.

Trustee Kelly stated he has had the opportunity to read those also. It seems to him that a lot of their comments have to do with setting policy. When you ask a prosecutor for their legal opinion and they write back to you saying they don't know if the Village should be involved in the expense of doing this, that is the Village Board's decision as policy makers as to whether it wants to do that. If Trustee Lowther is asking for a cut and dry legal opinion, he will be happy to listen to them later since we are not passing the law tonight. It's been very frustrating to him as a Trustee to sit on the Board for two and a half years and to complain meeting after meeting about getting something done with very bad properties in the Village and having nothing being done about them. He hears from the Village Attorney that there is nothing that can be done and from the Village Building Department that the laws are too vague, so he tried to set something out that is a lot less vague than what exists. It seems to take care of most of the problems that we have in the Village with respect to weeds and debris and to not taking care of your property and it is his intention at the next meeting to move forward with this law. He will be happy to listen to any minor changes that anybody wants to make to it.

Trustee Lowther stated she thought that the vast majority of what is in this new proposed local law is already covered under the New York State Code. Her feeling is that the Village doesn't have the proper enforcement and that is where the Village's problem lies, not in the creation of new local laws to address one piece of property or two pieces of property which is what she thinks we are dealing with.

Trustee Kelly stated he believes it addresses every piece of property in the Village. If they are out of compliance, they should be brought into compliance.

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He thinks the State code does not allow the Village, according to what Attorney Troy originally told him, on it's own to have this work done, that we need a Village law to be passed for it. It also sets forth what the penalties are and sets them forth in specificity. He keeps getting told by the Building Department and Inspector that the State law was a little too vague.

Trustee Lowther stated her understanding is that it is not too vague and that when David Sutton was hired, he was hired specifically and told specifically at his job interview by this Board that he would be expected to clamp down on these properties that the Village has had problems with. This has not happened during Trustee Kelly's tenure as liaison with the Building Department and not now since Trustee Kaye has taken over. Trustee Lowther wants to know if we have a personnel problem or a legal problem.

Trustee Kelly stated he thinks it is more a situation of over the years that the Board has decided that it is not too nice to push things down people's throats when they are violating the law. Either we are going to get too tired to try and have this taken care of or they will just forget about it or they will just give up for frustration. It has nothing to do with this particular one for grass and weeds but he gives the specific example of 37 Oakgrove. The first meeting he was on the Board two and a half years ago he brought it up. He has brought it up almost every meeting since and it's been extremely frustrating that for years and years to be told there is nothing the Village can do because the people live in Hawaii yet we have every other municipality enforces these codes against people that live away. He just found out today that they are finally be in court in October after two and a half years of frustration on this with promises. It's an example of when you have been in a position for a while, you don't want to rock the boat. It's been a very big frustration for him.

Trustee Lowther asked if the Village never summoned them to court previously because it had verbal promises that this problem was going to be addressed.

Trustee Kelly stated we had the Compliance Committee with Attorney Troy saying that they will take care of it and it just sits there.

Trustee Lowther stated she sees that they have been served a summons after two and a half laws.

Trustee Kelly stated it has nothing to do with this particular law, it's just frustrating to him that people keep saying that the laws are too vague, we don't want to turn into another Kenmore. He wants something that he can point to and say, here, why aren't you enforcing this rather than just the vague notion of well, we sort of followed the New York State Code but the code is a little vague.

Trustee Lowther stated she thinks we have a communication problem with the personnel who are to be enforcing this code. It's going to take a little more discussion before she is convinced that the Village needs another local law, especially one in this scope and in this length.

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She doesn't know if this is redundant; however, she will reserve her decision on it until we talk to the Village Prosecutor. She is curious because now we are prosecuting this person and we've served them with a summons in Hawaii.

Trustee Kelly stated it has nothing to do with grass, weeds or debris for this summons. It has to do with his house. It's a very different situation we have here. This is not brought up to take care of one particular home. There are about a dozen in the Village that have this problem and probably know who they are because you get calls from neighbors all the time asking is there something that can be done here. This code gives specific fines to what the punishment is. It sets forth the possibility if the Village chooses to do it of allowing someone in the Village enter on the property to clean it up and have that person billed, which we don't have that capability to do now. It also puts a very specific definition on how high these weeds can grow and what kind of debris is allowed to be there. It's a situation that he thinks is long in coming and should be done.

Trustee Piazza stated one problem he sees is that people react to this at various levels, they keep putting together housing maintenance resolutions and brush, grass and weeds law. This is specifically addressed to brush, grass and weeds. This person is being issued a summons for a housing violation. Is that correct?

Trustee Kelly stated if Trustee Piazza is asking specifically about 37 Oakgrove, yes, that has nothing to do with this particular law.

Trustee Piazza stated if you look at everyone's response, they always seem to be putting those two things together. He thinks we have to communicate the fact that this is separate from any issue of housing maintenance which is a whole different issue, which is on his mind but not in the minds of the people who are working for us. He thinks that is part of our problem.

Trustee Kaye stated she thinks sitting on that Compliance meeting and the memo that she gave him on August 17th and the literature that she has received, that in the minds of the people who are enforcing it, that they are very similar in many cases. The problem with them both appears to be that they are very subjective in some cases. Even though the proposed local law on brush, grass and weeds is very specific, as Trustee Kelly says, about the height of the weeds and that we must cut our lawns every three weeks between May 15th and September 15th and how high they may be, any growth over 10' outside of such property line, any rank vegetation, any growth of weeds or grass be no greater than 10", she agrees that those are very definite but she thinks it becomes very subjective when you talk about the deposits on vacant land. The feedback that she has gotten from people is that they are concerned from a composting standpoint because in Section 39 we talk about composting and having composting in your back yard which is an incomplete contradiction to Number three, deposit on vacant land of this proposed law. Trustee Kaye stated she can look out the window here from our property on the bank of Ellicott Creek and see that we have wild flowers, weeds or rank vegetation that is growing clearly 10" higher, probably three feet.

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Is that subjective, does that become a violation for either the Town or Village who maintains that and what happens with the subjectivity of people who look at it as wildflowers on one hand and some people look at it as rank vegetation on the other. Yet, she thinks that the question we talk about the enforcement and the people who need to enforce it need to understand the difference between residential maintenance and this proposed law. The feeling that Trustee Kaye has received is that they want to make sure that items of safety and health concerns are not pushed aside by items that could be perceived as subjective and purely visual pollution about what people think is good and some people don't. She spoke to Mr. Sutton today after Trustee Kelly's phone call. She didn't realize that Mr. Sutton and Trustee Kelly had been in 100% agreement. Mr. Sutton told her he still has a few things he wants to iron out but maybe he was talking about housing maintenance. We do need to see if these are already covered and that there seems to be places where it is subjective. She has the fear that we are going to have another situation that we did with the bushes where we have somebody come back to the Village and say here is a list of 25 people who haven't mowed their lawn in three weeks and I'm not going to mow my lawn until these other 25 people mow their lawn or get rid of those four foot weeds. That is where she is not sure she is comfortable at it.

Trustee Kelly stated if someone has four feet of weeds laying on their property, it should be enforced by the Village if this law is passed. Trustee Kaye is concerned about someone having a compost pile on vacant land but his reading of this section and he thinks just about any other person who would look at in a legal sense, is that it is talking about someone cutting their lawn and then dumping the clippings somewhere else, on property they don't own. That is what the word deposit means as opposed to leaving it in your own vacant lot. He can't cut his weeds and everything else and then dump it at the end of Oakgrove where there is an empty lot. If he does that, he has violated the law and he can be fined for that. That is what that section is intended to do.

Trustee Lowther stated maybe it should say vacant lot of land rather than vacant placed upon the surface of any lot. That tells her that is her lot and she can't put anything on it that she wants to. She thinks it is excluding being able to do that on your own property.

Trustee Kelly stated he disagrees with that and if we need to fine tune it, we'll do that. He doesn't believe that is what it reads at all.

Mayor Daniels commented on his feelings on redundancy with the Village Code and ordinances within the State code. You'll notice that we already are redundant in a lot of things that are in the Village Code. They are also in the State code. That does not mean that you can not have repetition. There is nothing wrong with putting them in both if that is the only reason for an objection. It is kind of a silly one because a lot of the things that are in the State code are part of our code right now and that certainly wasn't an objection when those things were written up. He thinks it is nice to have them within the bound volume that the Trustees have and the Mayor has and the Building Department normally refers to when they have a problem in the Village residences. It is yet another step to go into a State code and research things.

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He thinks it is much easier to have it all right at your fingertips in that bound volume that we have with all the codes. He has no objection at all from the standpoint of redundancy with putting anything that is already in the State code within our Village code.

Trustee Lowther stated she would be a lot more comfortable without putting people in prison for 15 days for not complying and just leaving the monetary fine here.

Trustee Kelly stated that is the normal violation for any type of section. He doesn't believe that the court has ever seen fit to enforce that section but he can see instances where it may happen.

Trustee Kaye stated she doesn't think we have that in other sections such as the recycling, garbage or refuse. We have a monetary but not a jail term. She is sure some of the public would question if they haven't mowed their lawn in three weeks why we might put them in jail for 15 days.

Trustee Kelly stated we do have it in the other sections. That is the normal maximum penalty for a violation, rarely used though.

Trustee Kaye asked what his thoughts were about the wildflower issue.

Trustee Kelly it's almost like the issue of pornography. It's hard to define but you know when you see it. You have a Building Inspector who has to make his decision. If his decision is in opposition to be the person who's building it is, they've got two choices, one, they can do nothing, two, they can cut it. If they do nothing, they are going to have their opportunity to come before the judge or the Village Board and press their case. It's not totally subjective. People have the opportunity to be looked at. He doesn't think anybody is looking to take care of somebody's wildflowers. If you drive down, there are a couple on California, on Oakgrove and North Ellicott. If you take a look at it, you'll know.

Trustee Kaye asked in the section where Trustee Kelly is talking about the deposit, he's not talking about someone's own personal property. Is Trustee Kelly saying they can dump on their own property?

Trustee Kelly stated not if you go to the first part of the code.

Trustee Kaye stated if it is higher than 10" and it is something other than weeds, grass or vegetation or dead grass, weeds or brush, then it's okay. The deposit on vacant land, Section 3 lists additional items that are not listed under A which only talks about weeds, grass, rank vegetation, accumulation of dead grass, weeds or brush. However, Section 3 talks about any waste, leaves, brush, hay weeds, straw, litter, waste paper boxes, shavings or any filthy combustible or flammable materials, rubbish, garbage or dirt. Trustee Kaye said she would like some clarification on whether we are talking on someone's property or not on someone's property in each of these situations. She can clearly think of a situation where someone has stored a lot of what she would call rubbish but it is subjective.

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They would call it great treasures in their back yard for almost their entire length of back yard. When we talk about deposit on vacant land, is that the kind of thing Trustee Kelly is trying to irradicate? Trustee Kelly stated yes. Trustee Kaye stated if it is, then what Trustee Kelly stated earlier about this deposit on vacant land is not on someone's personal property but on a private lot so that section wouldn't apply to that situation, nor would Section A because it is not dead grass, weeds or brush.

Trustee Kelly asked if Trustee Kaye's comment is if you are going to have those items on vacant land, she wants it covering all residential property.

Trustee Kaye asked if that was his intention to have it on personal property as well as vacant lots.

Trustee Kelly stated yes.

Trustee Piazza asked if we want to prevent people from doing all of these things on their own property as well as preventing them from depositing it on vacant land.

Trustee Kelly stated he thinks other parts of our garbage code take care of the accumulation and debris outside.

Trustee Kaye stated she thinks that is subjective because if you went to this person they would say, these are my things, these are accumulation, these are treasures. If Trustee Kaye wants to lie in my back yard with dresser drawers and things she has picked out of the trash, she might think that this is really wonderful and someone else may view it as rubbish or garbage.

Trustee Kelly stated that is why we have a court to decide those things. Each side has their opportunity to prove their case and there is a decision maker.

Trustee Kaye stated she wants to be clear what Trustee Kelly's intention was if we were placing that and not allowing people to do that in their own back yards or just in vacant lots. His comment to Trustee Lowther before was that it was just on vacant lots and not on their own parcel of property.

Trustee Kelly stated that was his intention. He thought that our code already in the garbage section covered taking care of your own property.

Attorney Troy stated he is happy to review this whole thing and redraft it once he gets direction from the Board as to what they want to do.

Trustee Piazza asked whether the code already restricts the accumulation of garbage, or what some people may call garbage, on a person's personal property? An example would be 20 tires in somebody's back yard.

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Administrator Cummins stated Chapter 39, which we are adopting tonight, will cover that.

Trustee Kaye stated that any compost or mulch piles shall be retained in a fashion so not to attract rodents.

Attorney Troy stated presently of Chapter 39.6 does address the question. It says "No person shall accumulate or permit the accumulation of refuse on any premise owned or occupied by such person except for the purpose of collection by the refuse collector. The owner or occupant shall keep the same free and clear of all refuse and maintain sidewalks and yard area free and clear of all refuse and upon written notice shall upon within five days cause to be corrected any unsanitary or unsafe condition on or about the premises. Any compost or mulch pile shall be maintained in such fashion so as not to attract rodents or cause the development of any odor or other hazard to the public health and safety" What the Board is doing tonight is simply amplifying what exists right now and being more detailed.

Trustee Kelly stated in that simple reading you can see that is also subjective and many of the laws are subjective. All he is really adding on to this is one, is putting some definition into what a grass area is and not allowing it to become a disaster. Second, he is allowing two methods, at the Village's choice, at how to enforce it. One way is the normal code section of noticing someone, taking them to court and then having it taken care of. The second way is in certain instances the Village has the capability of having the work done and billing the resident directly. We already do it from time to time with respect to public sidewalks and other areas of the law.

Trustee Kaye stated Chapter 39.10, Maintenance of Property also talks about enforcement and penalties. The only thing that she sees that brush, grass and weeds does that is different from Chapter 39 is it outlines in more detail about weeds and the kinds of weeds and when you can mow your lawn.

Trustee Kelly stated Chapter 39 does not cover anything that is growing. It talks about yard waste, which in his opinion is something that is cut down and laying there and it also doesn't put any limits on any type of growth.

Trustee Kaye stated that is where she had a personal problem, when we tell, by law, residents that they have to mow their lawn every three weeks.

Trustee Kelly stated it is a height restriction but it does not say you have to cut your lawn every three weeks. It says if you cut it every three weeks, you've complied automatically. We put restrictions on people all the time such as how to put our garbage out, how often, when we have to do it. The law requires you to put out your recycling bin even if you don't have anything to throw in it. We tell people they have to shovel their sidewalks.

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Trustee Kaye stated that is a health and safety issue. If we are talking about a height restriction removed every three weeks of mowing your lawn, she would be more comfortable with that. That is the biggest stumbling block for her right now.

Mayor Daniels stated the intent is obvious. We really do want the height so that rodents don't find harbor in tall grass. There's where your health and safety comes in to play. Also, there are trip hazards in long grass for young children. There could be things in the grass that we don't see, broken glass or whatever. Obviously if you haven't rained in a month you are not going to have to cut your grass every three weeks.

ON MOTION by Trustee Kelly, seconded by Trustee Lowther, it was moved to close the hearing at 8:26 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, August 23, 1993 at 7:46 P.M.

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

*Theresa L. Cummins, Village Administrator, Clerk-Treasurer
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 7:39 P.M.

Mayor Daniels stated school is starting and he has a proclamation which deals with support for the PTA in our school system. Mayor Daniels read the proclamation. (Copy attached)

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, the minutes of the regular meeting of the Board of Trustees held July 26, 1993 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Piazza, it was moved to approve the minutes of the public hearing of the Board of Trustees held July 26, 1993 for a proposed local law pertaining to Chapter 11 of Village code for Brush, Grass, and Weeds.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to approve the minutes of the public hearing of the Board of Trustees on the proposed local law which will amend Section 112-2, definitions and add Section 112-24 entitled Satellite Antennae.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, it was moved to approve the minutes of the public hearing for a proposed local law which will amend Section 103-16 of the Traffic Code regarding standing on the west side of South Ellicott Street.

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, August 23, 1993 at 7:46 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved to open a public hearing at 7:41 P.M. for discussing a proposed local law which will add Chapter 11 to the Village code pertaining to Brush, Grass, and Weeds. (The hearing closed at 8:26 P.M.)

Unanimously carried.

Mayor Daniels reported that since our last meeting we have had Old Home Days which certainly had much better weather than last year. We were very lucky this year with no rain until an hour or two before they were going to break down anyway. The rain that did fall at that point served to bring the grass back very quickly. In conjunction with that he has received a request from Paul DeLaPlante, the Old Home Days chairman for next year's dates. (Copy attached) We'll be discussing that at the work session following the meeting tonight. It does represent a return to the July schedule to that Old Home Days had before this year which was put later in the year for two reasons. One was the World University Games which occurred when Old Home Days normally would have been held and the other consideration by the Village Board and the Parks Committee was that if we had Old Home Days later in the season, any damage to the park would not hinder many of the other activities throughout the summer that would follow Old Home Days. We need to discuss next year's request keeping that in mind.

Mayor Daniels reported we had a Committee Appreciation picnic in the park. He thanked those who came who were invited. Unfortunately, through a clerical error, two of the committees and perhaps a couple other stray people on the list were not invited. Mayor Daniels apologizes for that profusely. Apparently the Senior Committee and Youth Board were omitted. He is not sure who the people were, they are tracing that down. It is disappointing when you cook and prepare food for lots of people when at least 20 or 30 were not invited and you didn't know that until all the food was out there. We were able to give the bulk of the remaining food to the DPW and they served it to the 15 part-time employees that were spending their last day working there. We were able to absorb the difference in food over in the DPW. It all worked out okay. As far as the other two committees, Mayor Daniels thinks the best thing, other than an apology, will be to probably have something at the next meeting of each committee here in Village Hall to sort of make up for it.

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ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$228,064.52 covering 07/24/93 - 08/08/93 were approved:

Payroll fund w/e 07/28/93	\$26,317.24
General fund	148,961.48
Water fund	2,161.06
Sewer fund	11.22
Trust & Agency fund	22,766.58
Glen Park fund	1,029.52
Capital	800.00
Community Development	<u>26,017.42</u>
Grand Total	<u>\$228,064.52</u>

Large Vouchers:

Chemical Bank	\$115,000.00
John R. Schuler, Inc.	\$26,017.42

Trustee Lowther stated she held up the signing of the abstract for over a week because she had a question for Administrator Cummins, who was on vacation, on the release of funds to John Schuler, Inc for \$26,000 who did the work on Swan Place. Her question was if the concerns of the residents been addressed and she understands there are further monies to be paid but there were a lot of resident concerns about this particular project on Swan and this money was specifically for payment for Swan work. Trustee Lowther has had several conversations with Kathleen Delaney and other residents on the street and she wanted to make sure that this information had been taken care of and the residents' concerns had been addressed.

Administrator Cummins stated Mr. Pettit had talked to Kathleen Delaney and when we get the authorization from the engineer to pay, we normally pay because of all the other money that is still outstanding. We owe him another \$150,000 for the whole project.

Trustee Lowther stated this bill was specifically for Swan.

Administrator Cummins stated his contract is for the entire project. It just happened that he filled Swan first because he finished Swan. We really can't hold up the whole \$150,000 for that amount of money when we owe him so much more for the project. Those things get worked out before the final payment plus we hold a 5% retention.

Trustee Lowther stated there was also a question about adjusting the terms of the contract because of the inadequate water supply, there was talk about withholding a certain portion of the money from the Swan portion.

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Administrator Cummins stated she talked to Bob Pettit about that and he said we were not billed for that portion.

Mayor Daniels stated after talking to Kathleen Delaney and the other people involved, he feels a meeting and Trustee Kelly too wanted some input on what is happening with that project and the Schuler Company. There seems to be some lengthening out of the actual construction work although they have until somewhere around the second of September to complete the work. It also seems that some phases of that project are being protracted which is costing the Village more in inspection time. We need to sit down with the engineering company and Schuler to see where they are at. As far as the paving, we have instructed them to proceed as quickly as possible to put the binder coat onto Swan as quickly as possible. That is one of the reasons that they haven't closed that street. That has not occurred. We also asked Schuler to quote on the top coat and his quote came back quite high, so we have to talk to him either about lowering the costs or retaining some other firm to do that. However, once the binder is on, that will solve the problem of the gravel that is being kicked around and also the ruts that are occurring on that street. He understands that there are a lot of different problems that residents had during that water project. Some of them may have been through the construction in trying to cut costs or corners. We don't know that for sure. He suspects that may be the case but we also know that in projects where they do replace water lines and set up temporary services, there are a certain amount of inconveniences that normally happen. The question that we will have to determine through this meeting is what's extraordinary and what's ordinary just in order to replace these water lines. He thinks at the end of this meeting we will also have a better idea of how these things happen and what the story is.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$ 111,620.81 covering 08/09/93 - 08/19/93 were approved:

Payroll fund w/e 08/11/93	\$22,560.89
General fund	45,784.81
Water fund	34,847.38
Trust & Agency fund	5,839.68
Glen Park fund	<u>2,588.05</u>
Grand Total	<u>\$111,620.81</u>
Large Vouchers:	
Sayville Ford Fleet & Co.	\$11,543.00
American Ref-fuel	\$8,081.93
Erie County Water	34,527.60

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Unanimously carried.

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

RESOLVED that Theresa L. Cummins, Village Administrator, is hereby authorized to attend the NYCOM's 1993 Fall Training School, September 27 - October 1, 1993 in Monticello, New York, and the cost, not to exceed \$700.00 to be paid by the Village of Williamsville.

Mayor Daniels stated the Board should think of things they might want. There is a program outline which the Trustees can look at if there are any specific concerns that they want Administrator Cummins to bring to this conference. Mayor Daniels has already spoken to her about a couple of things. If the Board has any particular concerns, do it and she can report back. There's talk about municipal insurance going statewide. There are a lot of things in the accumulation of records that are always happening, the different ways that we are doing banking, the way we do our payroll, computer programs, etc.

Unanimously carried.

Mayor Daniels stated he is donating to the General Fund budget the sum of \$330.00 which represents part of the money raised at a booth at Old Home Days that was shared by the cub scouts and the Village of Williamsville. Part of that money is still forthcoming from selling Jenny's ice cream but we have not heard back from Debbie Hanny on how much we expect to receive from that. What he would like to do is donate that to the General Fund.

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

RESOLVED that the 1993-94 General Fund Budget be increased as follows:

9950-0270-2705 Gifts & Donations \$ 330.00

1200-1210-4450 Mayors Miscellaneous \$ 204.92

7500-7550-4960 Committee Appreciation \$ 125.08

Trustee Kaye asked if this is from the Cub Scouts at Old Home Days that Mayor Daniels did with Jenny's ice cream.

Mayor Daniels stated "it was Jenny's and we had a football toss."

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Trustee Kaye asked if we used Village monies for this.

Mayor Daniels stated "I am not sure I understand the question".

Trustee Kaye asked did he buy ice cream from Jenny's and resell it?

Mayor Daniels stated "there were no Village funds expended."

Trustee Kaye asked if the Village was obligated in any way. Mayor Daniels stated "no". Trustee Kaye asked in terms of Mayor's Miscellaneous, is there some other place that we might be better putting this item that has been overspent. She sees that the Committee Appreciation Picnic was overspent.

Mayor Daniels stated "part of this money is going to that". "It is going to go into Mayor's Miscellaneous and then Mayor's Miscellaneous will debit approximately \$100.00 and some to make up the difference."

Trustee Kaye wondered why we don't put it into the appropriate ones now rather than to have to do that transfer again.

Mayor Daniels stated once we find out the figures, he asked Administrator Cummins if she could find out what we overspent, we can put part of it in Mayor's Miscellaneous and part of it into the Committee Appreciation Picnic.

Trustee Kaye asked if Mayor Daniels had a special purpose that he had wanted to use it in Mayor's Miscellaneous for? Something in particular?

Mayor Daniels stated Mayor's Miscellaneous goes for all the extra things in the Village like purchasing flags for the Village. Last year he bought two flower containers from the Youth Board for \$150.00 for in back of Village Hall. This year he intended to put up a picture wall in the auditorium edged in oak and then have pictures of the old Village and some of the Mayors. Whenever there is an extraneous expense that is not covered by a Village item, then Mayor's Miscellaneous can kick in if there is money in there. Another example would be if we left this in Mayor's Miscellaneous, the extra that the Committee Appreciation picnic costs over the \$450.00 budgeted would come out of Mayor's Miscellaneous normally.

Trustee Kaye stated it wouldn't normally come out of Mayor's Miscellaneous. It would be balanced at the end of the year. Mayor Daniels stated no.

Mayor Daniels stated "usually he stays within the budget and if he's over, he takes it out of Mayor's Miscellaneous for whatever he has spent. That's why it always ends up about 0 at the end of the year."

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Trustee Kaye stated last year Mayor's Miscellaneous was overspent by close to \$200.00 which was balanced out at the end of the year.

Mayor Daniels stated this year he is going to run into the same problem. That's why he is gifting \$329.73 to Mayor's Miscellaneous. He doesn't have to give this money to the Village at all, you understand that. The Village was not obligated, they were not included. This was a business venture in the park that he nets no profit out of and this is a gift that he is giving the Village. He could withdraw the entire donation.

Trustee Kaye asked if that is similar to the Friendly's situation that Mayor Daniels gave her he information to.

Mayor Daniels stated yes, no Village funds were used in that venture. It was strictly his own initiative to try and raise money. It turns out that the Village share was 0.

Trustee Kaye asked if he obligated the Village in any way.

Mayor Daniels stated "no". "I don't get involved in those things."

Trustee Kaye asked if he did this the same as Jenny's, strictly his own private kind of venture without using Village funds.

Mayor Daniels stated "that's correct". Trustee Kaye asked or obligating the Village in any way? Mayor Daniels stated "that's correct".

Mayor Daniels stated that is correct. He asked if Trustee Kaye had a reason to believe that he used Village funds for this.

Trustee Kaye stated she is confused because of some of the answers the Mayor gave her. He said that no Village funds were involved but then in the Friendly case profits were split 50/50 between the Village and the Christian Central Academy with the expenses coming out of the Village share

Mayor Daniels stated "that's correct".

Trustee Kaye stated but now the Mayor is saying that there was no Village share.

Mayor Daniels stated "that's right, the expenses equaled whatever would have been the profit."

Trustee Kaye stated the proof of insurance was provided by the museum. Was it some kind of blanket policy?

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Mayor Daniels stated they just wanted proof that we had coverage and he showed them that it does. It was an event that was held on museum grounds as part of the Septuicentennial for the Town of Amherst. So it was covered under several different policies at that point. The Septuicentennial has insurance as well as the Town of Amherst.

Trustee Kaye stated she appreciates Mayor Daniels response back to her about the Youth Board having many different forms of fund raising including digging up the night crawlers and selling three mittens because they always lose them. She wonders why he stated that this was done as a private venture but the lease agreement that he signed with Friendly's talks about requiring an insurance policy of a million dollars for bodily injury and \$50,000 for property damage and he signed it as "Ronald W. Daniels, Mayor of the Village" and then on a resale exemption certificate he named the Village of Williamsville as the purchaser with our address of 5565 Main Street and with his title Ronald Daniels, Mayor of the Village of Williamsville.

Mayor Daniels stated that could be where confusion starts but the bottom line is it was a personal check from him to Friendly's for the ice cream.

Trustee Kaye stated her concern is that if this was a private enterprise to raise money for a private organization, then is this really an appropriate use of the Village's Mayor position to sign a lease agreement without the knowledge of the Board. It basically implies that the Village is putting up a million dollars for bodily liability insurance and \$50,000 for property damage and that the resale schedule is tax exempt. He just said that this was a private venture and there is no monies coming back to the Village but here we've got a private enterprise that profited from his ability to use his title and position as Mayor.

Mayor Daniels stated "they require proof of insurance and, yea, I used the Village on that form from Friendly's ice cream to bind the contract."

Trustee Piazza asked if there had been a profit, would the Village have profited?

Mayor Daniels stated everything would have been split 50/50 with the Christian Academy. Friendly's sold cups for \$1.00 a piece. We turned around and sold them for \$2.00.

Trustee Kaye stated Christian Central Academy did get \$150.00.

Mayor Daniels stated "that's correct, I he gave them a little more. We sold 270 cups."

Trustee Kaye asked where is the record keeping? There is no other \$150.00 that would come back to the Village.

Mayor Daniels stated he would be glad to show her that. He's not prepared to give it to her at this point. "You never really requested that of me."

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Trustee Kaye stated she didn't know that till Mayor Daniels said it to her and she is formally requesting it now for the record. Her other problem is we are talking about having the Village, as a municipality, a public funds and trust, going into joint ventures with private organizations for fund raising. She is not sure about the appropriateness of these actions.

Mayor Daniels asked is Savor the Flavor something that is a private venture and the Village of Williamsville going together?

Trustee Kaye stated that is a sanctioned event. Instead of 8 restaurants, it's one.

Trustee Lowther stated that she has a problem with anyone on this Board signing any type of legal agreement or contract of any type without the Board's knowledge.

Mayor Daniels stated "the point is well taken. That is something that in the future that if the Youth Board does it, it should learn by my error and not do."

Unanimously carried.

Trustee Piazza reported the Arts and Craft show is this weekend from 11:00-5:00 p.m. right along Main Street from the bridge going west to approximately the Center of Williamsville. We will have 110 crafters and there also will be food available and we are really looking forward to a very nice event. All we need now is the assurance from Mother Nature that we will have good weather again.

Trustee Piazza also reported that the new roof was put on the gazebo at Garrison Park, new fibar was put into the playground area and that pea gravel was removed. It should make things along the walk way a lot neater because pea gravel has a tendency to travel around because of the way kids play with it.

Trustee Piazza reported the Boy Scouts, lead by Brendan Conboy, did some work this past week on Lehigh Memory Trail. They did quite a bit of trimming and in addition, they pulled a lot of dead wood out, trees that must have been cut a few years ago and just left to rot. They spent several hours removing that wood and then putting fibar type material on the athletic trail. Trustee Piazza thanked Superintendent Laubisch and the DPW for their help with the Boy Scouts. Certainly they couldn't have done it without their help.

Trustee Piazza commented that some minor repair work needs to be done in Island Park as a result of Old Home Days. One tree was literally flattened. Another tree looks like it is going to die from a combination of trucks bumping into it this year and last year. He would like to contact the people from Old Home Days in the near future. He knows they are always very willing to pay for any costs and he is sure Jolly Boys will pitch in.

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Trustee Piazza reported Senior Citizens are meeting this Wednesday on the 25th right here in Village Hall at 7:30 p.m.

Trustee Piazza reported as far as the Government Advisory Board is concerned something is happening with cable and we are not 100% sure what it is. There was an article in the paper on August 15th concerning the fact that cable companies may have to in the future pay charges in the future from the networks in some way to carry their programming. He received a bill just in the past few days and the cable company included some comments about the fact that they are working on the Village's service but their may be a loss of service. He suspects that they may be building the Village up for another rate increase somewhere along the line. A letter did go out, on our behalf, to the Adelpia Cable Communications Company by Edward Rath III. Trustee Piazza read the letter. (Copy attached) This was just sent out a few days ago and no response has been received but the Cable Committee of the Village and the Amherst Cable Committee that is negotiating with Adelpia Cable really isn't sure what is going to happen with this. He suspects that this is going to be part of the subject of future negotiations with the cable company. As of right now there is nothing new on the negotiations. The cable company seems to be moving very slowly. They are still pushing for long term arrangements and the Amherst Group, of which the Village is a part, does not want a long term arrangement because of the potential for dramatic technological changes over the next three to five years. We are still on hold on that but we are watching what they might do.

Trustee Lowther asked Trustee Piazza if the Committee is aware that Adelpia is changing the line up of all the channels.

Trustee Piazza stated that came in the letter with the billing. He knows a lot of the numbers are changing. He doesn't know if that is going to affect service or if it is just number changes.

Trustee Lowther stated it sounds like it is in opposition to the letter that he sent.

Trustee Piazza stated if changing numbers but still carrying the same channels is happening, that's not a problem. If they threw NBC out the window or something of that nature, that's a major change that they should not be able to affect without negotiations. He's not 100% sure on what they can legally do. We really have to go with the experts from the Amherst Group on this one.

Trustee Kaye asked about the pool closing on the 30th and the 31st to put the sealer on it. She wondered if we could delay that a little bit since there is only about a week left of pool season, if we can do that right after the pool closes.

Trustee Piazza stated we are losing four of our pool attendants this week. We are probably going to have to close it anyway. Even if it weren't sealed, his suspicion is we are not going to have 100% coverage over the last week and a half or so as the students return to college.

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Trustee Kaye stated she could see public opposition and frustration. The public's perception will be the Village closed the pool to make repairs that could have waited a week.

Trustee Piazza stated he is willing to take the heat on that one because he knows we are going to be closing on some days anyway just because we don't have the personnel in the last week or so.

Trustee Lowther asked if we have coverage for at least one pool.

Trustee Piazza stated he is hoping to keep one pool open.

Trustee Lowther stated may be we should concentrate our efforts to keep one pool open and close the other one.

Trustee Piazza stated that's why he is not too concerned about closing Garrison for two days because he knows he can't keep both pools open anyway.

Trustee Kaye asked Trustee Piazza if these were people who left earlier than he had anticipated.

Trustee Piazza stated colleges are starting earlier this year. He is taking his son to school this Saturday. His classes start on Monday, August 30th. Some students had to leave last weekend. Their classes are starting either today or tomorrow. He wishes parents would sign up to become pool attendants in future years because it's going to be a problem every year under the current system.

Mayor Daniels said Trustee Piazza had mentioned about wanting to see about full time positions instead of part time.

Trustee Piazza stated he is going to discuss that with the Board also but still he expects if we are going to have college students that we are going to run into the same problem..

Trustee Kaye said maybe mid year we could place another ad that focuses on people who are not going back to school.

Trustee Piazza stated he would like to take any comments from trustees that have been with the Parks Committee before. It seems to be a problem year after year.

Trustee Kaye gave a special thanks to the Youth Board for the wonderful activities that have happened since we last met. Not only did we have Savor the Flavor which was a wonderful success but on July 28th we had the Zoomobile in Island Park and we had Family Night Out in Island Park which showed the movie "Pete's Dragon". We had good weather and a good turnout. We also had the Fifties Night Out in Garrison Park with Glen Colton and the Hipsters. Trustee Kaye thanked everyone who attended and worked with them. We received a lot of positive feedback from those programs.

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We do have one more planned in our regular summer program and that is this upcoming Thursday, August 26 in Island Park at 2:00 p.m., a "Bring Your Stuffed Animal" story hour so make sure you bring your stuffed animals, your teddy bears for story hour and your children.

Trustee Kaye stated she was able to get a \$10.00 discount coupons for Bell helmets from Bell Sports of California if a helmet is purchased in area bike shops, particularly ones in the Village. They sent us 1,600 of these pink coupons so if anyone needs any of them, they are here in Village Hall. We also have been distributing them at all the youth events. We also shared our supply with the Amherst Youth Board and they passed them out at all of their summer day camps and their programs to try to instill some additional incentive for children and adults to wear the bike helmets.

Trustee Kaye reported on Youth and Recreation. The Town has been having a great deal of discussion about moving the Williamsville Youth Center which is presently located on Cayuga for a variety of reasons. One of them is that more space is needed. They have been having a discussion with Christian Central Academy about the possibility of leasing additional space in that building. They would be leasing dedicated classroom space, two gymnasiums, a cafeteria, a game room, office space and storage space. They would also use the outside playground and green space for a variety of types of outdoor recreation and activities. The usable square footage they have on Cayuga right now is 1700 square feet and they can serve approximately 25 -30 people at a time. They are looking to increase that amount of square footage to 8,500 square feet plus the auditorium. The Town of Amherst came to the Village Youth Board with the fact that they are looking at offering a latch key program at the Youth Center. It was going to be an either/or situation at Cayuga, to have a drop in or a latch key program but with the additional space they could have both a latch key program and a drop in program. Joe Bachovchin sent Trustee Kaye a memo that she received today that she will copy to the Board about some of the details. She will keep the public posted about what the Town is looking at. They are looking for some of our input, from the Village, as to our thoughts and feelings to be able to supply more services for our youth.

Trustee Kaye stated the summons has been served for 37 Oakgrove in Hawaii. She will keep the public apprised of that. She did write a memo regarding the property and attached all the information.

Trustee Kaye asked David Sutton if we had gotten any word on that at all.

Mr. Sutton stated no. He doesn't think it has been officially delivered yet. The court date is October 1st.

Trustee Kaye thanked Jerry Gordon who was here earlier at the pre-work session, for making a very generous offer to the Village to donate his property as a pocket park. She is hoping we can move forward on that. She has gotten lots of feedback from residents and they really like that idea.

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Trustee Kaye stated her first resolution is to adopt Local law #7-1993, Chapter 39 to the Village Code. We had a public hearing quite a while ago about this law and we had quite a bit of discussion. We held it up for a while until we could resolve some concerns. Trustee Kelly had some concerns about penalties for offenses and we put those in which are the same as we adopted in the recycling code. The primary changes in Chapter 39 which is Garbage, Rubbish and Trash are in the general references. We put some references to parks, public places, public order, mandatory recycling and we basically cleaned up the Chapter. Under the definitions we added some definitions, we made some of them a little clearer. We added ash residue, the extraction procedure toxicity test, recyclable material, yard waste and we changed trash a little bit so it was more concise. The other items under Section 39-4 Seasonal and Special Items, we talked about trash residue and how that needed to be put out for collection. We added few items like where someone shall place their trash and not assuming responsibility to collect in certain places or to collect any waste material generated outside the Village of Williamsville or waste material generated on the premises which does not apply to the same public right of way. Those were some things that we had happen in the past. We got some input from the DPW about that. We added a section about toxic and flammable or hazardous waste not being accumulated on the premises and being properly disposed of. We added a whole section on hazardous waste which was not in the code before and that is where we talk about the EP toxicity testing. We talk about the hazardous and dangerous wastes. We added deposit on public or private property which we were talking about earlier. We also added Maintenance of Property, enforcement and penalties for offenses. She thinks we really tightened up the code in areas of question.

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

RESOLVED that local Law #7 -1993, Adding Chapter 39, Garbage, Rubbish and Trash, which was the subject of a pubic hearing on October 26, 1992 is hereby adopted.

Mayor Daniels stated this isn't specific to the resolution but as recycling coordinator he would like to know what's happening with the old phone books this year.

Trustee Kaye stated we have had calls on that and we have been telling people to take them to Tops which is collecting them.

Mayor Daniels stated last year we had someone do that for us and collected about 1,200 phone books. Has Trustee Kaye done anything to organize something like that?

Trustee Kaye stated she has not organized that. That seemed to be a project of Mayor Daniels. She has spoken to BFI before the Town of Amherst accepted their proposal which includes phone books and they talked about the fact they had to wait until the Town of Amherst made a decision.

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They have made a decision and a letter is going out to BFI asking about how the Village might participate and Administrator Cummins is doing a cost analysis for Trustee Kaye because our contract with BFI will be up this coming April. To look at what might be our best options, whether we should be in a business of picking up the recycling as we looked at last time, if we should be having a contract as we have now, what else should it include or should we just look at tipping. Under our recycling grant we have the ability to have a recycling truck at 50% off so Administrator Cummins is putting a cost analysis together for us so that we, as a board, can discuss it in plenty of time before our contract runs out so we can see what direction we might want to go in.

Mayor Daniels asked if for now the phone books will be thrown in the garbage.

Trustee Kaye stated they should go to Tops. Her understanding what has happened in the past is before BFI officially took magazines, when they took them for the Town, they were taking them before officially it happened in the Village.

Mayor Daniels stated there is no organized effort to get those out of the waste stream for the residents.

Trustee Kaye stated no, not if he doesn't organize it as he has done in the past years.

Unanimously carried.

Trustee Kaye stated her second resolution has to do with the satellite antenna that we've been talking about for so long and adopting that. We've had much discussion by this Board and we did have two public hearings. We've talked to the Planning Board on a regular basis about it and tonight we are adopting it.

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

RESOLVED that Local Law #8 -1993, Amending Section 112-2 and adding Section 112-24, Satellite Antennae, which was the subject of a public hearing on July 26, 1993, is hereby adopted.

Trustee Kelly stated he is in support of the law but he missed out on one of the changes here and would like to know if there is a reason for the change. They originally borrowed the code from another municipality. The size of the dishes were 12' and after the public hearing we had reduced it down to 6' and now it is 8'. Is there a reason?

Trustee Kaye stated yes. When Debbie from the Building Department did the research with the satellite companies, what she found was that 8' was the standard and so we wanted to allow people the ability to have one.

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Unanimously carried.

Trustee Kaye stated her third resolution is calling for a public hearing to amend our Village sign code regarding window signs. We've had much discussion about this and she knows Trustee Kelly has spent many months in discussing these window signs and how they should be resolved. In her past few meetings with the Planning Board they have had discussions about it and she thinks it is pretty well resolved. We had the Business Association come to the last Planning Board meeting and got their input. They will take back what the Planning Board's feelings are and what the past discussions have been to the Business Association and are giving them ample time to compile any additional thoughts they have so they can bring them forth prior or to the public hearing.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees on September 13, 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 add Section 84-3(H) regarding Window Signs to the Village Sign Code.

Unanimously carried.

Trustee Kaye stated she received something from Attorney Troy this evening that had to do with the banners, flags, pennants that had flown from the light standard over Main Street and the question that she asked at the last meeting of Attorney Troy was about the legality of those banners in the Village code and/or in the State code. Trustee Kaye read the letter. (Copy attached)

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

RESOLVED that the Board of Trustees, Acting as the Fire Commissioners of the Williamsville fire Department, hereby appoints Matthew Goldhawk, 212 N. Forest Road, as a fireman in the Williamsville Fire Department.

Unanimously carried.

Trustee Kelly stated that makes 64 active fire fighters in the Williamsville Fire Department. Sixty five is the limit.

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

RESOLVED that Mark Kardaman and Thomas Meldrum, firemen in the Williamsville Fire Department, are hereby authorized to attend the Niagara Mohawk Power Emergency Training School in Oswego, New York, from August 25 through August 29, 1993, and the cost, not to exceed \$300.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kelly stated with respect to the Fire Department, the annual inspection is going to be September 11th where the Board, as the Fire Commissioners, inspect the troops and the machines and check out how things are going with them. They have a couple of new things this year so it's going to be nice to see how they work and operate.

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

RESOLVED that Mayor Daniels is hereby authorized to sign the STOP-DWI contractual agreement between the County of Erie and the Village of Williamsville covering the period from January 1 through December 31, 1993.

Unanimously carried.

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

WHEREAS, the Village of Williamsville has advertised for sealed bids for one (1) 1993 Leaf Vacuum, and

WHEREAS, Wellington Brothers submitted the low bid meeting all specifications,

NOW, THEREFORE, BE IT RESOLVED the contract for one (1) 1993 Leaf Vacuum is hereby awarded to Wellington Brothers for their low bid of \$17,491.00.

Trustee Kelly stated there were two respondents. The other one was about \$6,000 lower but there were 12 exceptions to our specs. Mr. Laubisch has informed him that they were very significant exceptions and in that light it was not a responsible bid.

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Mr. Laubisch stated we are replacing a 1964 piece of equipment.

Trustee Lowther asked if we are going to put out salvage bids on that piece of equipment.

Mr. Laubisch stated no, we researched the value of that piece of equipment. It's more valuable to hold that piece of equipment in reserve because leaf time is a very intense season. If the front line machine should break down for whatever reason, any days lost on the road during leaf pickup are absolutely critical. It is really worth our effort to keep that in the highway department as a spare piece of equipment.

Trustee Kelly stated we've had situations in the past where we are getting toward the crucial time and when the machine is broken down and unfortunately it snows and you can't get the leaves out.

Trustee Kaye asked Mr. Laubisch is he is comfortable with that bid since there is such a big differentiation between the two versus going out and rebidding it again.

Mr. Laubisch stated definitely. There are twelve exceptions. The spec sheet wasn't that large on this piece of equipment and twelve exceptions to the spec were significant in this case.

Trustee Kelly stated he doesn't know the exact amount we budgeted but he does recall it is pretty close to what it was budgeted at.

Unanimously carried.

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

WHEREAS, the Village of Williamsville has advertised for sealed bids for one (1) Medium Duty Truck, and

WHEREAS, Hansen International submitted the low bid meeting all specifications,

NOW, THEREFORE, BE IT RESOLVED that the contract for one (1) Medium Duty Truck is hereby awarded to Hansen International for their low bid of \$35,207. which includes our trading in the 1987 GMC Medium Duty Truck Chassis.

Trustee Kelly stated that the bid was approximately \$1,000 higher than the other bid. There were 22 exceptions to the other bid. They felt that a few of them were quite major and based on that this was the lowest responsible bid.

Mayor Daniels stated there was also a bid for just parts of it.

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Mr. Laubisch stated he doesn't have any idea as to why that was submitted because these specifications were written for a truck chassis that had included the dump box and associated equipment as spelled out in the specifications and why this person bid only the dump box itself, that is not what we are bidding here.

Unanimously carried.

Trustee Lowther reported on Old Home Days. She felt that it went very well. There was a minimal amount of damage to the park and as usual the Jolly Boys are very happy to help us straighten out any problems that we have and they are open to any requests that we do make of them.

Trustee Lowther reported the Glen Park Joint Board will be meeting on September 7th at Town Hall at 7:30 p.m. In Glen Park we have one nature activity left for this year's season. It will be held at the Noll Nature Center this coming Sunday from 2:00 p.m. - 4:00 p.m. and will to be a demonstration of woodcarving of nature objects. We have expended all of our grant money with this last program. It's been a very rewarding and very enlightening season to find out how much people really appreciate these nature programs for the adults as well as children. She's looking forward to finding grant money during the winter to continue these programs and possibly expand them. We received a donation of beautiful wooden display cases from the Erie County Science Museum that the DPW was kind enough to go and pick up for us. We've gotten them on loan from their stock and we've been filling them with different nature artifacts and different information to share with the public. The building is really turning into something that is really quite amazing from when the Glen Park Joint Board took over. There was nothing but dirt and trash and unbelievable amounts of garbage in there and to now see people going in there, 20, 30, 40 people at a time, being educated on these different programs, it's really terrific and she's really happy to see this happening.

Trustee Lowther stated her resolution has to do with the public hearing that was held at our last meeting. We were going to restrict parking on the west side of South Ellicott Street. In speaking to the business owner at the corner of Main and South Ellicott, he expressed concern about the loss of his parking space on the street so Trustee Lowther had the DPW measure the area and we can accomplish the same means by just putting a "no standing" sign near this resident's home. That will allow him access to his property and his driveway without eliminating any of the on street parking whatsoever for the businesses. Commercial parking is critical in the Village. It always has been and it always will be. It isn't necessarily critical on South Ellicott Street. They seem to have enough but no one wants to take any commercial parking space away from any merchant or business.

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

RESOLVED that Local Law #9-1993, Amending Section 103-16 of the Vehicle and Traffic Code regarding parking on the West side of S. Ellicott Street, which was the subject of a public hearing on July 26 1993 is hereby adopted.

Unanimously carried.

Superintendent of Public Works, David Laubisch thanked the people that worked for the Amherst Youth Board this summer. They started the year in Glen Park and accomplished many projects, spreading wood chips around trees and other areas, and landscaping work in a park. They joined us about halfway through the summer at the DPW in the morning when they reported to work and at lunch time. Halfway through the season they also assisted the DPW with various projects in our own parks. They spread some fibar wood chips. They cleaned the parks, they picked up the paper, they did some raking, they helped fill the sand boxes and raked out the sand boxes and they also painted some road barricades that we had fabricated at the DPW. After talking with their supervisor at the end of the season, they both felt that it was a very cooperative effort on both parts. We were able to accomplish work in our own parks and they were able to split their time up evenly. He thinks they are looking at investing more time next year helping the Village in its parks. Mr. Laubisch thanked the youths and their supervisor for the work they did for the Village this summer.

Mr. Laubisch reported tomorrow starts the regularly scheduled trash pickup throughout the Village. We don't have time for once a week pickup so we have twice a month regularly scheduled trash pickup. We start on Tuesday and because we can't control the amount of debris people put out at the curbside, we cover the entire Village during the course of a week. Often people are putting debris out a week in advance, while the code specifies that residents are to have it out no sooner than 24 hours in advance. He knows that there are various times when this can't be accomplished. Many of the people that live in the Village now, including himself and his wife, are married couples that both work and he realizes that the only time you have to do work around their residence is on the weekend. So someone puts it out roughly one day in advance to the pickup. He can understand that, but not a week or a week and a half. He's not sure what we are exactly going to do about this. We're almost at the end of this regularly scheduled pickup for this summer. He thinks that this is something we will have to review and look at in the future.

Mr. Laubisch reported since our last Board meeting we completed installation of a new electrical line in Island Park including two new lights to the rear of the park area. The existing line that was in there was approximately 20 years old and had been repaired many times and was found to be totally ineffective to support new lighting. The Village forces trenched the area out and the Village electrician did all the electrical work. It was a combination effort. He knows it has greatly enhanced the lighting in the rear of the park which he hopes will preclude any vandalism there.

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

Unanimously carried.

Kathleen Delaney, 50 Swan Place, stated she has talked to most of the Board about the conditions on Swan Place. They are not any better. She realizes Mr. Laubisch was very good about when he thought the work would begin. This was roughly the week after the fourth of July, which happened to be one of the hottest weeks we had to endure this year. We received notice on Thursday of that week by a very small 4x5 card on her door that said "Dear Village resident, your water will be turned off for a period of two weeks starting tomorrow. Please avoid using water heavily during this time" That was it. Not how we would get water, not if we would get water, whether we would have water for toilets, washing, any kind of cleaning, watering flowers, anything. The following morning, at 6:00 a.m., a truck appeared on Swan Place. She went to take a shower before going to work and she had no water. That afternoon she came home and found a garden hose attached to what was a brand new water tap on the back end of her house, which Ed Young's had attached approximately four or five months ago for about \$85.00. Their house, having been built in 1823, had no outside water tap. They used to just lug the water out from the inside to water flowers, etc. and their lawn is not the sort of lawn that would grow three inches, let alone 10 inches so there was no need to water it. This garden hose ran from her house to her neighbor on Eagle Street. Her neighbor on Eagle Street came over that evening quite upset because she had been told that this was the only way the Delaney's could get their water. There are only six residents on Swan. One person was refused hook up to the house directly behind them so they went around the corner to another house on Orchard. The water pressure was less than favorable. She understands that. The smell of rubber hose was disgusting. Her entire house permeated this odor, say nothing of the fact that she could not cook, she could not drink the water, she couldn't wash any clothes because she didn't have any water. It says in the contract that was given to the Village that the temporary line must be operated and maintained on a continuous 24 hour basis. That did not happen. Their neighbor very frequently detached her hose because she had other things to do and very conveniently decided to go away. So Ms. Delaney didn't have water. The animosity that grew between the neighbors was ridiculous. This was not their fault, it was not Ms. Delaney's fault and it's not the Village's fault. She thinks it is the fault of the contractor because as he told Ms. Delaney, the Village lied to her and she doesn't believe that because she believes the Board all try to do their jobs. She know that the Board aren't all engineers and attorneys although there is at least one sitting on the board who can interpret this law. She's worked on this type of project herself. She used to write all sorts of force gravity environmental impact statements and things like that. She's used to the language, she's used to working with the contractors. Right now she is a technical writer so she understands these things and she know where to ask the questions and how to ask them which is what Mr. Pettit didn't understand. He is one of the rudest people she has ever talked to on the phone. The week went by and it grew worse. She went out and bought water. The tap that was attached to the back of their house when they attached the water blew out because of the backflush.

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Mr. Pettit's workers proceeded to go in through her garage and reattach it and solder it and moved all her equipment around and she came home to a flooded garage and basement and all of the other things in your basement when it floods. This was on a Friday. They did no work on Friday, Saturday, and Sunday. On Monday they showed up to work for a little while and left at 9:30 a.m. She happens to have a husband who works nights. So he knew when people were around. He's there all day and he wasn't getting much sleep during this work when they were there which is the Delaney's problem, not theirs. On the other hand, there is always someone there watching. She was told in conversation with Mr. Pettit, well, there were only four houses that were affected so we didn't think we had to do this contract work the way we had originally said it would be done, which she thinks is not only reprehensible, it's disgusting. She pays her taxes, you pay your taxes. We are entitled to services as stated in the contract. We are entitled to be treated and to be given the services that we need as human beings. She would go downstairs in the middle of the night and have no water. She would try to do a small load of dishes in her sink. She doesn't even use a dishwasher. She didn't even have enough to fill a small pan that she would use to wash silverware with. This is a two week period we are talking about, not two days. Swan Place does not run that long. The length of Swan could have been done in a very short time. The work, she understands, to get a good price was tied in with Castle Creek Development. Castle Creek Development has no people living in those homes and if these people are dealing with developments, that's fine. They are not dealing with lives. There are elderly people on the street and there are ill people on the street and we need water to live in 95 degree temperature. The lady behind us who was so kind as to attach her hose to theirs had just had close to \$450.00 of landscaping. All dead, all gone because there was no water that she was able to force out enough. Basically, it was a job that was not done well in their estimation. They lived it and as they go further and further away from those dates, she's wondering just what can be resolved with these people. She writes out purchase orders, she has requisitions that she signs daily. If she had to do this at work, she wouldn't have signed that. She would have withheld the money. She can't say what the policy with the Village is but that is what she would do and she would negotiate with these people and say forget it, you're not going to get this money right now. You can just wait for it because people are not happy, the service was not complete. Just Friday, the last bulldozer left her sight. She sits in her living room and looks out the window and there is a bulldozer. She sits inside the room and looks out and can see duck tiles along the street. Three times she called the Amherst Police because kids were playing on the duck tiles. Kids were falling off the duck tiles and they were an attractive nuisance just like any other construction site would be. Swan Place is very narrow. There is no room for two cars. There is hardly room for one. The majority of the work right now is in front of her house. There was construction last summer there. That man had his lawn dug up and it was dug very deep to find the water main because of the quarry level there. She went over one night because she kept hearing a cat and she had to rescue a cat out of this hole. A cat couldn't get out of it. There was no protection around this hole. Little kids, two, three, four years old, play on that street. There is no curbing. We have cars racing down the street. The only reason she can think of people using that street is to avoid the light. The traffic has been horrible. She had a boulder that she picked up out of her lawn that came from the gravel that was placed to protect the street. This work apparently was supposed to have been done in a two week period and it was a contract that stated such. It wasn't completed.

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They dragged their tails, they worked on this when they felt like it, when they wanted to work on it. They would come, they would go. She had no problem with the workmen, they were cordial but she does have a problem with the way the work was done and completed in a timely fashion and in a manner that people could really live with that. She had mentioned to Mr. Pettit, what would he do if he was forced to live like this for two week and his response to Ms. Delaney was "Lady, I live with well water" to which she retorted she lived on a farm for 12 years with well water and she knows exactly what that means and his well water is probably better and safer than the junk that she had coming into her house. At this point her street is in horrible shape and it has been for a number of years. During the rains last week, she can't tell you how much water she was siphoning out of her basement and it was all coming in right at the point where the break is in front of Tony Manzella's property that comes into the Delaney's house and at the point where the water line was connected to her house. It's all just gushing in there where she has never had water before. This was supposed to have solved that problem but her only guess at this point is that because that has not been covered over, that she is getting all this seepage in and granted, they had a lot of heavy water but that doesn't remove the fact that herself, her neighbors are getting this water in the basements because it has not been covered over. Last week Mayor Daniels mentioned he would speak to Mr. Laubisch about perhaps getting signs to either slow down or close the road. That hasn't happened. She came home every day last week to be expecting something. It's getting worse and worse. Saturday she went to mow the lawn, she picked up a pile of rocks off her garden that she could build a rock garden with. It's just not working the right way. It's just not the way it should have been done and she knows it's not the way the Board intended it to be done but that is what the up shot is. Life is hell on Swan Place right now. In the middle of the night she will wake up to hear cars racing down and stones going every which way. Shirley Manson's property across the street was visited by many trucks during this construction project. We could not get garbage out for that time period. Talk about a heavy trash pickup where you are an interior decorator, which she is, her stuff was out there trying to get to the curbside for more than two weeks because the heavy trucks were out there. It's just not the way you can live on an alley way, which that is, with houses so close together, with the streets so narrow, cars coming back and forth with businesses that are right across from us and we've had to put up with this all summer. She understands that this was a project that was supposed to have been done in a timely fashion and it hasn't. She is upset. She knows that last month no one was here from Swan. She had extenuating circumstances and couldn't have been here but on the other hand, this is work that should have been inspected on regular basis by people within the Village who authorize the work. She is at a loss as to why it happened. She never wants to see it happen again and she would hope that no one in this Village ever has to put up with the conditions under which they were forced to live for that time. Her neighbors and herself are just getting back to being able to converse with each other nicely. She ran into Trustee Kaye one night at Wegmans two minutes after she had been reamed out over the ice cream counter by her backyard neighbor because they were attached to her house and she had a cart load of water with her. She wants it on public record that this happened and something should be said to these people. The contract is dragging on now to September 2nd. Why?

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Trustee Piazza stated when anyone has problems this large, he wishes the sooner someone calls the Village the better it would be.

Ms. Delaney stated she called Trustee Kaye and Trustee Lowther and she tried to get Trustee Kelly.

Trustee Piazza stated sometimes if you call the Village and contact your Administrator, she will make a move in the right direction immediately. She's usually the cog around which a lot of activities happen for the Village. He is not chastising Ms. Delaney. He knows she had a lousy situation there.

Ms. Delaney stated the last she heard was that there could be a delay in the paving and she doesn't know why that is. She knows that some of the contractors go out to the Town of Amherst and have to wait for their equipment but there are people on that street who are now talking about withholding all their taxes.

Trustee Piazza stated he can sympathize with the water situation, especially with the heat that we had.

Mayor Daniels stated we had Historic Preservation last Monday which is when Ms. Delaney asked DPW to put up those "local traffic only" signs, "construction zone", or no thru traffic signs. On Tuesday Mr. Laubisch was not in and Mayor Daniels spoke to Paul McMenammin and he said the street is going to be paved now so we don't need those signs. Mayor Daniels doesn't know if Mr. McMenammin communicated that to Mr. Laubisch after that or not. Each day Mayor Daniels expected the rough course to go in and it never did.

Mr. Laubisch stated tomorrow or Thursday the binder course is going down.

Ms. Delaney stated it would be nice for the residents of Swan to know.

Mr. Laubisch stated he found that out today. They said that weather permitting, the binder will be put down tomorrow. If it is raining, it will be put down Wednesday.

Ms. Delaney stated she is not the only one on Swan Place and she thinks that a call would be in order because many of the residents are elderly and cannot get out of the house.

Trustee Kaye asked Mr. Laubisch if he could make a call to those residents and just let them know what day that is going to happen or does he think that may be one of the Board or the Administrator should make that call because what she think she is hearing Ms. Delaney say is that she would like those residents to be personally notified that this is going to happen.

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Ms. Delaney stated there are only six homes. She goes to work at 6:00 a.m. most of the time, she can't knock on people's doors. There are people who cannot get into their garages off of Swan and off of an alleyway.

Mr. Laubisch stated the road won't be closed. They are just going to put binder in the trench, remove the loose stone, clean up the loose stone and put binder in the water trench. We are not going to pave the road tomorrow. To patch the trench it won't be necessary to close the road.

Ms. Delaney stated if you go down there today you will see how wide the trench is. It extends from the edge of what looks like her sidewalk to the other side of the road. The entire road is beginning to be impacted because it is in such poor shape.

Mayor Daniels stated we are going to meet with TVGA Engineering and the construction company and discuss the contract and the way it's been performed. There are definitely some specifications in the contract that were not met, specifically, the way the water was attached to the residences instead of a white pipe and then a garden hose to each residence which would have been normal procedure. That would have given Ms. Delaney an independent source with no one having the ability to remove the source of water from the residence. He suspects that it was done in the minds of Schuler that there are only six or eight residences involved. It also could very well be that when a firm does bid a contract, it is the lowest responsible bid that gets accepted. When that happens, the tendency would be in contracts to try to cut some corners to make some profit. That may be what happened here. He is not saying it is but it would be a tendency. If indeed that type of thing happened in her case, there will definitely be some alterations to the amount of money that they will be credited with. We've only given them a very small portion of the contracted amount for both projects. We probably owe about \$150,000, which is quite a handle and they are going to want that entire amount. Just because we paid them \$26,000 doesn't mean we don't have some kind of leverage.

Ms. Delaney stated the way Mr. Pettit responded to her and the way he portrayed the Board, it just didn't really seem to matter because we didn't understand. We'll leave it up to him. Well, you do the best you can. You find your contractor and you are required to fill so many specifications but she felt very strongly that he was trying to portray herself and the Board as a bunch of groups who have no idea of what is going on and she resents that.

Trustee Kaye stated she thinks the Board was pretty clear in its specifications about temporary water service and when Ms. Delaney and Trustee Kaye spoke, Trustee Kaye spoke to Administrator Cummins and she found they were detaching from the service the day that she called. Their comment basically was they didn't need to connect those lines because they were detaching them that day. She doesn't know if that, in fact, happened or not but that was the feedback that the Board was given from the engineers. We have daily inspections and they are now asking the Board to pay more money to continue inspecting and she is not quite sure why it dragged out either and that is a question she has on the work agenda.

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Mayor Daniels stated the delays that were involved with the inspection basically have to with Garrison Road, Willowbrook and Castle Creek. There were a couple of places on Garrison that needed blasting and the fellow that was doing the blasting, his license had expired and that was discovered by Bob Pettit. He did not allow this person to blast. That put their whole schedule back until this blaster could renew his license and that cost close to a week on that project. In the meantime, because Schuler could not proceed, he filled the time in with other projects on his docket and there again, that protracts the length of time to button up on Garrison Road Water Line as well. He has within the contract a certain specified period of time in order to complete the work and he will be well within that time frame anyway. You always hope that they get it done really quickly and we could possibly specified a shorter period of time. We did everything within very standard procedures. He is very sorry that all the project problems were on a street that had so many other things occur along the way as well. It's a very narrow street. It's a very old water line. It was one that had four breaks in a very short period of time and so needed replacing. There was an opportunity to get it done with Community Development money and tie it into this project on Garrison and we seized the opportunity. It all looked great and as far as procedures in water line replacement and what happens and what sacrifices residents have, he is not real familiar with that. Every project has its special cases. Unfortunately Ms. Delaney's was, from the way she describes it, something that never should have happened and certainly an unbearable situation. We will address that since we have a record of this meeting to present to the construction company. We will see what their responses are to it and he is sure that the contract will be adjusted but that doesn't solve her problems for all the inconveniences that she was caused. What she wants to do with that would be something up to her.

Trustee Kaye stated she is not clear from the inspection standpoint why, if it is clearly stated in the contract about the temporary water line being laid down in a fashion in which it was to be laid down, why that didn't happen and why the inspector on that didn't bring it to the Board's attention.

Ms. Delaney stated when she spoke to Mr. Pettit he told her how could we possibly close the street and she said she didn't understand his comment. According to him, the way that the water line is tied in, there is a main that is on North Ellicott. He would have had to run a line across North Ellicott across Bonnie Hager's property which meant that she couldn't have gotten in her driveway. Well she couldn't get into it anyway. There was barely a place to pull off. It would have caused a disturbance. We would have had to close the street for two days. Her answer to him was so, you close the street for two days, you are closing us off for two weeks. To disturb a street for two days and a line to run like that, she does know that you have to attach through a hose on your main water line but it also wouldn't cause pressure, breaks and the animosity among neighbors. The residents hardly know each other. It's just an absurd answer to something that was an easy way out for them and that's the only thing she can think of. Maybe he hasn't been put on the spot before. It is a very archaic way of running a line to something else. After he knew the residents were disturbed you'd think the guy would at least keep the garden hose behind but no, they were all taken very quickly and we never found out when those hoses were disconnected. She went out one morning and found no hose. She also had no water that day. What is she supposed to assume? There's a whole day without water and without a hose.

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The hose disappeared. Did somebody come in the middle of the night and take it? She doesn't know. She went to work that morning and took a shower there. She is lucky she has a facility there so that she can do that. It was just stupid.

Trustee Piazza asked Ms. Delaney how many days was she actually without water, not just low water pressure but no water at all.

Ms. Delaney stated three days but she doesn't know at night.

Trustee Kaye stated what Ms. Delaney is saying is that she had to buy bottled water to drink and go to the Laundromat because there wasn't ample water to wash her clothes.

Ms. Delaney stated the first night they were out it was fine to just boil water and throw spaghetti in. Try to think of what you can eat and what you can do without water around your house, which could have been prevented. It does state in the contract that they would be required to install, test, and chlorinate and obtain an Erie County Health Department approval for a temporary above ground water line.

Trustee Kelly stated the street will be paved within the next two weeks in addition to the small part. His understanding is that there will be written notification to all the residents.

Mr. Laubisch stated when the Village does work on the street, residents will be given notice 24 hours in advance like we do with all our other paving projects. The loose stone is supposed to be cleaned up tomorrow or the next day. That was part of the contract. The Village's work on there will probably commence on Friday. We are renting the equipment that is on the Erie County bid list. That is supposed to be moved into the Village on Wednesday barring tie ups on the job they are on now. Ms. Delaney will probably be getting written notice on Thursday evening about the Village working there on Friday. That depends on the equipment that we get off the County bid list.

Ms. Delaney stated it runs from Mill Street all the way to North Ellicott.

Mr. Laubisch stated that is correct.

Carolyn Schlifke, 192 Evans Street, commented on the phone books. Where she is employed, they contracted with BFI to bring in a very small facility for paper. We pay them by the number of times they have to come and empty it and we are allowed to put phone books in there also. It looks like a very large, oversized trash receptacle with two wheels and they come and pick it up. It's only a suggestion. While phone books may not be in the Village's trash contract, perhaps the Village could make some kind of agreement with them where they could bring something like this if the Board could get the word out to the residents and have this perhaps put behind Village Hall. She would probably take hers to work and throw it in there instead of putting it in the garbage but not everyone has that facility.

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If she lived in the Village, she would rather at some time drive her car down to behind Village Hall and drop it in there rather than at Maple and Transit. She thinks it would possibly work out.

Trustee Kaye stated she had a discussion with BFI about either placing that kind of a receptacle right behind Village Hall or at the DPW facility. They were not responsive to that. They said that their past experience has been when you place them outside like that for public access, they get so much garbage and trash that they end up having to incinerate or landfill them after all rather than recycling them. The problem has been that they didn't have the capabilities right there at the facility to get rid of the phone books. They were trucking them and paying for disposal. It is her understanding that under their contract with the Town of Amherst they are buying additional new equipment to process them. In the meantime, they were storing and holding them. That's a great thought and hopefully by next year we can resolve this and have them picked up here in the Village.

Ms. Schlifke stated they are offering that service to businesses because it is occurring at her office. Somebody in the building did research it and it's only because the Town of Amherst does not have a recycling program for businesses yet. They have not even brought us any kind of receptacle for plastic or bottles or newspapers. This way we dispose of our newspapers, phone books and all paper of all kinds. It is a very minimal charge, something like \$1.50 or \$1.98 everytime they come to pick it up. We only fill it about once a week.

Ms. Schlifke stated she notices some innuendoes, snide remarks this evening between a couple members of the Board about various committees and things they were doing. Back in the spring she wrote a letter and sent a copy to every member of the Board about what she felt could be a good tool for committees. She has served on committees for many years in this Village and there is always some confusion as to what you can do and what you can't do. A lot of members of various committees are confused. They feel they have more authority than they really do. She thought it would be a good idea for the Local Government Advisory Board to investigate it and give some guidelines to committees as to just what they can do.

Trustee Piazza stated they are in the process of doing that now.

Ms. Schlifke stated she is happy to hear that because perhaps it will make it a little bit easier for people to understand what they can do and then we wouldn't have any problems where somebody is overstepping their bounds and then another person on the Board feels they have to bring them to task for it.

Ms. Schlifke asked Mayor Daniels what the days were that the Old Home Days Committee had requested for next year.

Mayor Daniels stated they requested July 19 - July 22 which would still be a Tuesday to Friday.

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Ms. Schlifke stated she noted where Mayor Daniels said this past year the dates were changed to August, which really was for a very self serving reason and she can understand that and also that it was a better time of year because if any damage was done it wouldn't interfere with the use of the park for the rest of the year. Now that seems to be contradicted with their date request for this coming year. They want to go back to July. The Parks Committee had to adjust. They always had Savor the Flavor in August but they adjusted it because of what happened last year with the weather and having to move it to the high school and so the Parks Committee decided to have their date before Old Home Days. Now they've gone back to requesting dates in July which means that the Parks Committee either would probably have to have something the week before which doesn't seem like too good of planning to have two very large events within a two-week period. If the Parks Committee chooses an August date, they are playing Russian roulette again with what happened to them last year. In fact, it was going to be her suggestion that the Parks Committee pick July 19th this year. If Mayor Daniels gets a letter from the Parks Committee and it has chosen July 19th, she is just going to let Mayor Daniels think about it a little bit as to who is going to get the date.

Mayor Daniels stated we will look at it. He would have liked to have seen Old Home Days next year the same as this year.

Maryanne Avery, 64 Garrison Road, asked Mayor Daniels if he had been contacted by the NFTC in regards to their 2010 plan for road improvements in Western New York. She copied some papers to Trustee Lowther this afternoon. They have gone back to a plan of widening Wehrle in the Village. This is years off probably. They want to widen it only as far as Youngs Road and then they want to widen Youngs but they don't want to widen Wehrle all the way to Transit. She thought this is totally bazaar and thought this was a good time for Mayor Daniels to bring up his Aero Drive alternative, which he brought up at Jane's traffic study. She thinks it may be a good time, although it may be a long way off to put in this alternative idea so they don't get it in their heads that this is something that is going to happen in case some strange things happen in Washington and suddenly they find some money. This is a federal program so if suddenly the money should appear, we don't want to be fighting them at the last minute. It just seems much more logical seeing that they feel that Aero should be widened but they seem to put the priority on this other route going through the outer edge of the Village and then down through Youngs Road which they probably won't do because the Town won't let them widen through the Buffalo Country Club. It would be more logical to use Aero because hardly anybody lives on Aero and you've got wholesale and retail there and it's going to be filled up instead of trying to charge through a residential area. She thought if the Board would make a decision and contact them and suggest that this is not the most brilliant idea. The bridge is only four lanes anyway, so it wouldn't accommodate the other. She asked if the Board had heard from Mr. Smith. Mr. Smith did a traffic study for Cheektowaga and they suggested to make Cayuga Street a truck route. They sent this notice to Joe Gillings and the Supervisor signed a reply saying that this wasn't appropriate. This is the same Mr. Smith that did the counting for Centerpointe. Mr. Smith, you would think, would be familiar with Village streets by this time. He sat right there at the corner and counted the traffic going from Cayuga to Main.

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So why he thought that would be appropriate for a truck route she really doesn't know. He also thought it would be appropriate to use the Brookside/Lehn Springs area as a truck route. The Town has saved us from that possibility because apparently the people in Cheektowaga don't like trucks going through their neighborhood streets either so they thought they would transfer them over here. So that is why Aero is such a good alternative because then it doesn't go through anyone's neighborhood. She would appreciate it if the Board would contact these people and work out some more logical solution for this problem. Let's point them in the right direction.

Mayor Daniels stated Aero Drive, by popular acclaim of anyone with common sense, has got to be the preferred route. It gets right into the industrial area. It's the fastest way to get to Youngs Road. It makes all the sense in the world. They give reasons why they can't do it such as there is an 1812 cemetery there.

Ms. Avery stated she was talking to a neighbor who lives on the corner of Scott Drive and she said what am I supposed to do with this dog stuff. She said there always going in her lawn because it's at a corner and she has a big yard. She said she kicks it out into the street. Ms. Avery wondered what the residents in the Village are supposed to do with this stuff which is deposited in their lawn.

Trustee Kelly stated the Village does not have a pooper scooper law.

Mayor Daniels stated there is something in the code that says you have to take care of your own pets.

Ms. Avery asked what do you do with everybody else's pet stuff. You don't take it and flush it down your toilet, do you?

Mayor Daniels stated you are supposed to according to the Town. He is interested to see what type of enforcement is going to be possible with that law that was passed in Amherst. It would be good to see what happens with that one before the Village gets a law that really can't be enforced.

Ms. Avery stated it started with the parks because people were complaining of having it in the grass.

Mayor Daniels stated one of the big problems we have is Lehigh Memory Trail. It's a natural place for people to go and walk their dogs.

Trustee Kaye stated she has requested a copy of the pooper scooper law so the Board can look at it and talk about it.

Mayor Daniels stated we are trying to get Garrison Road repaved. There is another meeting this Wednesday at 3:00 p.m. here in Village Hall. Mary Lou Rath will be here. She will have Commissioner Gugino and Loffredo here from Erie County. The element that has been missing to this point, the democratic side of the legislature, Charles Swanick will be here.

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They pretty much control the strings at budget time. They construct the budget and his last comment to Mayor Daniels was that if Mary Lou wants Garrison Road repaved she will have to vote for our budget. We are going to have some discussion on Thursday and input into that ongoing saga of Garrison Road which is getting worse and worse. He did notice that the County was patching Wehrle Drive today. They probably will patch Garrison, he thinks they are waiting for that waterline. In the bore tests we have done on Wehrle and Garrison the amount of substructure of that road is very thin so we have to reassess the whole project.

Wally Pacer, 87 Monroe, stated he is sure it is difficult to draw up a precise statute for Brush, Grass and Weeds that will hopefully pass. He is sure it is an extremely difficult task.

Mr. Pacer stated he doesn't know much about the ice cream situation at Friendly's or Jenny's but he was interested in what he heard Trustee Kaye talk about and he thinks Mayor Daniels took it lightly and dismissed it as a mistake his signing as Mayor of some lease agreement. He thinks that begs two questions; one, why is Mayor Daniels signing what he calls a "private venture" as Mayor. Mayor Daniels stated he didn't obligate the Village in any way and he didn't use Village funds in any fashion. Mr. Pacer doesn't know about Village funds and obligating the Village in any way but Mayor Daniels signed a contract as Mayor and Mr. Pacer thinks that somewhere else on that contract indicated you Mayor or the Village of Williamsville. Mayor Daniels indicated in original initial questioning from Trustee Kaye that it was a private venture. Either it is an abuse of power or secondly, Mayor Daniels misrepresented to the rest of the Board and your initial explanation of what you were doing when you signed that contract until it was read to him. Mr. Pacer believes it was a deliberate misrepresentation. He doesn't know how many other Board members were aware of this contract. It doesn't sound like anyone was up until it was read.

Trustee Piazza stated he was aware of it. Mr. Pacer asked him when. Trustee Piazza stated during Old Home Days, pardon, me during the Septucentennial celebration. Mr. Pacer asked if it was voted on by the Board. Trustee Piazza stated no it wasn't.

Mr. Pacer stated if it was a private venture, he goes back to why if you call it a private venture does Mayor Daniels have to sign as Mayor or does the Village have to be involved in any fashion at all. He doesn't understand it. He thinks what Mayor Daniels said initially in trying to explain what he was doing at the Friendly's stand was a deliberate misrepresentation until it was read to him by Trustee Kaye. He doesn't know if Mayor Daniels obligated the Village perhaps as an abuse of discretion on his part if, in fact, it was he wouldn't have obligated the Village but Mr. Pacer is not sure about that. He thinks that by Mayor Daniels saying it was a mistake that the Youth Board could learn from in executing future contracts is idiotic on his part. Mr. Pacer thinks Mayor Daniels' analogy to Savor the Flavor and the contract signed there is idiotic because that was agreed upon and okayed and with full knowledge of the rest of the Board.

Mayor Daniels stated anyone else wishing to address the Board, seeing none, any of the Board members before we go into work session.

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Trustee Lowther stated she was never aware of who can and who cannot sign anything and maybe as an addendum to the work that Trustee Piazza is doing with the Government Advisory group, we have been dealing just with volunteer committee members on this particular project that he is working on, maybe there should be something a little bit broader. It's something for the Board to think about.

Trustee Kelly stated "it is very clear that the Board can do that but Attorney Troy would agree it's very clear that no contract should be signed by anyone in the Village unless the Village Board approves of it."

Trustee Lowther stated obviously there are people on this Board who are not aware of that or who don't care. Mayor Daniels stated not any more. Trustee Lowther asked Mayor Daniels if he was not aware of that?

Mayor Daniels stated he was not aware of that. He did this as a fund raiser for the Village.

Trustee Lowther asked that you, Mayor Daniels, were not aware that he could enter into a contract for the Village of Williamsville without the Board's approval.

Mayor Daniels stated "I signed out an ice cream cart."

Mayor Daniels stated he thought there was nothing wrong with signing out an ice cream cart.

Trustee Lowther stated she thinks it is wonderful that he raised these funds and did this work. However, you don't obligate the Village of Williamsville or this Board.

Mayor Daniels stated "I didn't realize there was any obligation on the Village's part".

Trustee Lowther stated she had gotten her head bitten off previously for having a committee member sign a "Letter to the Editor". We have talked about this before.

Mayor Daniels stated in his estimation he didn't realize there was any obligation on the Village's part for signing out an ice cream cart. He signed it as Mayor of the Village because the funds for the profit of that venture were to go to the Village. "It was not a private venture other than as Mayor of the Village of Williamsville. It was a way to get some money into the budget."

Trustee Lowther stated she ran into Mayor Daniels that day down at the museum. She did not ask him any questions about it, she just said oh, what are you doing here and Mayor Daniels told her all about this wonderful thing that he had arranged for the student council at Christian Central Academy. There was never a mention about any money to the Village, any obligation to the Village. Mayor Daniels was doing a favor for them to bring this cart down there. That was her understanding from Mayor Daniels. He told Trustee Lowther that he personally paid out of his pocket for the ice cream.

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Mayor Daniels stated the agreement was that he would obtain the cart and upfront the money for the ice cream out of his own pocket. They would man the booth and they would share the profits 50/50.

Trustee Lowther stated he never mentioned that to her when she saw him there.

Mayor Daniels stated she never asked and he was walking back and forth and it was not a case where they were just stopping to chat.

Trustee Lowther stated she considers it reprehensible that Mayor Daniels would send her a snotty comment back on the memo she sent him on the Glen race. Then the Mayor would send memos back and forth between himself and Trustee Kaye about this particular incident, about the ice cream business. You want to talk about wasting paper and energy. It's ridiculous.

Mayor Daniels stated if Trustee Kaye wanted the information she shouldn't have asked a bunch of "idiotic" questions, she should have come out and asked what she wanted to know, which was were you doing something to feather your own nest. He told Trustee Kaye she should have come out and asked the questions rather than asking twelve stupid questions because she wants to sell ice cream with the Youth Board. She could go ahead and do it without his input. Anyone can work out a deal with a local merchant.

Trustee Kaye stated the Youth Board didn't think they were stupid questions. She thought it was interesting that she got a call from the Regional Manager of Friendly's in response to those 12 questions. She was aware that Mayor Daniels had the cart about she didn't know the details. The discussion for a fund raiser came up at the Parks Committee and the questions were asked in an effort to save time; however, the Mayor never answered the questions.

Mr. Pacer stated that he noted tonight there was a resolution for the Mayor to sign the DWI contracts. He thinks it is idiotic to say that, as Mayor for the last two years, you didn't now you had to have the Board's authority, which he sees on these agendas every two weeks to sign contracts. He commented that the Board should perhaps look into how many other contracts the Mayor had signed without Board authorization.

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

Unanimously carried.

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ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved at 10:37 P.M. to adjourn to meeting.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer

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Mayor Daniels stated "your out of order unless you want to come up. I would like "I would like to make a motion to suspend the rules for public participation."

Trustee Kaye and Trustee Lowther stated "we didn't close".

Mayor Daniels stated "I am sorry Mr. Pacer, then we can not entertain your dialogue."

Trustee Lowther stated we didn't close pubic participation.

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Mayor Daniels stated "oh, okay, your not a member of Village Board, your opportunity has elapsed."

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