

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, January 24, 1994 at 7:32 P.M.

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

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

Also Present: Sherry Brink, Recording Secretary

The Clerk read the notice of public hearing being held by the Board of Trustees on Monday, January 24, 1994 for the purpose of hearing all persons interested in expressing an opinion on the proposed contract between the Village of Williamsville and Adelpia Cable Co.

ON MOTION by Trustee Piazza, seconded by Trustee Lowther, it was moved to open the public hearing at 7:32 P.M.

Unanimously carried.

Trustee Piazza stated this public hearing concerns a cable contract that has been put together between the Village of Williamsville and Adelpia Cable Company. We have representatives here from Adelpia Cable Company. They will be glad to answer any questions or concerns that residents might have at this time.

Mr. Peter Galie, Highland Drive, asked the representatives of Adelpia Cable if they would discuss some of the significant provisions of the proposed cable contract.

Tom Haywood, General Manager of Operations of Adelpia Cable, stated it is a ten year agreement. Probably one of the benefits to the Town and the Village would be an entire rebuild of it. In the contract it allows for 550 megahertz, that is up to 80 channels. We are going to surpass that and are going to 750 megahertz with fiber optics probably within a mile of everybody's home. That has started already. With that 750 megahertz, it will give residents close to 100 channels of additional programming that Adelpia will be able to provide to the Village and also the Town.

Trustee Lowther asked Mr. Haywood to touch on the increase in the revenue to the Village.

Mr. Haywood stated the increase is 5% gross revenue of receipts received from our subscribers. What that exactly entails, he can't say exactly in dollar amount but there would be some sort of increase to the Village.

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Peter Galie, Highland Drive, stated he understands the contract and the decision of the Cable Company to increase the spectrum of stations is not connected. There is no connection, is that correct?

Mr. Haywood stated in the contract it states 550 megahertz which means Adelphia has to have at least the capacity of carrying 80 channels. That provides better service for the Village and is something the New York State Cable Commission requires in all contracts. 450 is mandated. 550 is additional on top of the 450. Adelphia is going on top of the 550 to the 750.

Mr. Galie stated Adelphia is permitted to but doesn't necessarily have to. What are Adelphia's intentions in regard to the plan it will offer the Village and Town of Amherst in the next year or so?

Mr. Haywood stated in the current rebuild area, which is West Seneca, parts of Cheektowaga and Lackawanna, there are additional channels, learning channels, cartoon channels, ESPN II, C-SPAN II and several channels like that so residents will probably receive 8-10 more channels.

Trustee Kaye stated it is her understanding is that the Village will have the ability to have four of it's Village Board meetings to be broadcast in addition to 12 events in the Village.

Mr. Haywood stated that is something we will be talking about. We might reduce that to two because there is a great cost to Adelphia to do a live show. We have to rent a truck and at this particular time microwave down to Lackawanna and then carry it across the system. The Town of Amherst has an agreement for four, for the Village we can talk about it since the size of Amherst is a little different from the Village. There are events that we have in there, a number of events from highschool basketball, baseball, football, that is also something that we can talk about. Those are two items that he doesn't think there will be a problem.

Trustee Kaye asked if we could keep the four meetings and reduce the twelve special events.

Mr. Haywood stated the special events are not live. The cost comes into effect when it is live. We have a microwave truck which we just purchased. The problem is that we don't have a license for it. Channel 4 has a license for that frequency. We are trying to work out something with them. If Adelphia had that in place, he would say that would not be a problem.

Trustee Lowther asked if that requirement was in the previous contract.

Mr. Haywood stated that was not and neither was a number of events that Adelphia would carry.

Additionally, Mr. Haywood stated the senior citizens in the Village would receive no charge for any installation for service for whatever they choose, age 60 and above.

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Elroy Avery, Rincwalt Street, asked how many sets in the Village can handle 100 stations.

Mr. Haywood stated there is conversion that can be purchased that will be able to carry those additional channels.

Mr. Avery asked how much is the converter.

Mr. Haywood stated it is a converter a residents could purchase anywhere or from Adelphia at this particular time.

Mr. Avery asked if senior citizens get it free.

Mr. Haywood stated not the converter.

Mr. Avery asked who needs 100 channels.

Mr. Haywood stated it is the way of the future. He is not saying that today a resident will want 100 channels but there are residents that want it. A lot of those channels are going to be pay per view. If there are 20 pay per view channels, if somebody wants to watch a movie now, they can watch it now and not wait 5, 10, 15 minutes for it to start.

Mr. Avery stated if 3 people want to watch a movie and 300 don't, why should the residents have to pay for it?

Mr. Haywood stated Mr. Avery would not be paying for it.

Mr. Avery stated we are going to pay 5% more.

Trustee Lowther stated we are going to receive revenue of 5%.

Mr. Haywood stated Adelphia is regulated by the FCC. The monthly fee is not regulated in the contract.

Trustee Kaye stated she understands that there is a reduction cost for the monthly service charge for additional hookups within the home.

Mr. Haywood stated that is \$.95 versus it used to be \$3.00. It used to be \$3.00 for a remote control, it's down to \$.20 per month.

Trustee Piazza asked when Mr. Haywood anticipates the improvements being made.

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Mr. Haywood stated Adelphia has already started in Amherst and Williamsville. We've probably got 150 miles of strand on the poles. It's double systems now and once we've completed that, we'll wreck all the other cable down. We just received the number of counts of fiber within the bundles last week. He would say the entire rebuild should be done within the beginning of 1995.

Trustee Lowther asked with the new fiber optic systems that are going in and the rebuild being done, will that reduce the instances of cable outages. A number of people have complained to her about that personally.

Mr. Haywood stated yes. What happens right now is the Village is fed from the Ken Town head end, which is in Kenmore. What happens then is there are many amplifiers between that. As you go along, the farther you go away from the head end, the signal decreases and it needs an amplifier to pick it up. For instance, there are probably 10 to 15 amplifiers from the Village to Tonawanda. With light, amplifiers will not be needed anymore. If amplifiers don't have power, the cable stops. With light you don't need any amplification so it will come from Lackawanna all the way up to the Village. We are in the process of leasing a building on the Boardwalk on Maple and that is where our head end facilities will go so there will be one right in the Town.

Trustee Kaye asked if that will improve the clarity of the picture because some of the comments she has received from people were that they have televisions now that have the ability to have a much crisper and clearer picture; however, they don't get that because of the cable system that is now in place.

Mr. Haywood stated if the residents have a particular problem right now, they should call Adelphia because there could be some chewed cables, squirrels cause that a lot of times, or a bad connection. It's going to improve a little bit but he doesn't think a great deal. It just gives Adelphia the ability to add additional channels.

Mr. Galie stated Adelphia receives CBLT which is carried on Channel 13 and he believes their Channel 5 in Canada, both of those are subject to significant weather interference. He was told by one of Adelphia's repair persons that this is because Adelphia receives a signal from Boston, New York.

Mr. Haywood stated it's called SKIP. In that frequency, you will get skips all over the United States, skipping all over. What happens is those frequencies will hit against each other and you will get a fluttering in the picture. If you had an antenna, you would receive that and maybe it would look differently because your antenna is at your house versus Adelphia's antenna is now in Boston. It may look different but you are going to get two signals beating against each other creating a flutter in the picture.

Mr. Galie asked if this change would effect that.

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Mr. Haywood stated this change would not. You are still going to have that problem. Adelphia is picking up a signal from Toronto over the lake and that skips sometimes.

Mr. Galie stated there are a couple of cable companies in the area, there is one in Buffalo, TCI, and one called Jones. They all offer services, a number of different channels. Is it the intention of Adelphia serving Amherst and familiar areas to match the programming that they give?

Mr. Haywood stated it is not Adelphia's intention to match their programming. If it makes economic sense for Adelphia to do that and for its subscribers who want it, yes, it would bring it in. TCI carries court because they are part owners so he is not saying they would bring in court, may be they would bring in something else but there is some other program that we would definitely look at once Adelphia has the ability to bring it in.

Trustee Piazza stated regarding the contract, there is a whole section concerned with Performance Evaluation Sessions. There is a system that will be in place once this contract is finalized where we, the Village Board, or through the Government Advisory Board will be able to actually evaluate how it feels Adelphia is doing and he believes that is Adelphia's intention.

Mr. Haywood stated that is beyond the FCC and New York State Cable Commission's rules and regulations. There are some fines that could be handed down to us if we don't provide good service to the residents of the Village of Williamsville.

Mr. Avery stated he has a cable ready set. He thinks he brings in 30-40 channels now, how would he program that?

Mr. Haywood stated if Mr. Avery has a cable ready set, a lot of them will go to 100 automatically. If Adelphia is going to provide 100 channels, then it obviously wants the customers to receive it. It behooves us to make sure that you can receive it on your equipment or Adelphia provides equipment for that. If the stations are pay per view you would need a descrambler from Adelphia. If you don't choose to subscribe to that, we would want to put it on our cable ready sets so that people with cable ready sets would be able to receive it.

Mr. Galie stated he thinks Mr. Haywood and the committee have done a fine job in negotiating something that provides benefit for both the community and the cable company. He has a concern that may not be addressed in the contract. He is concerned about diverse and balanced programming in the kinds of channels that the cable company provides. Mr. Haywood knows at this point, although it may not be in the future, Adelphia is pretty much a monopoly. Residents either have the choice of taking the cable or putting an ugly big disk on our house and ruining the esthetics of the Village. So it is important for residents to be concerned about the diversity of the programming. He is very much concerned that we get programs on channels that don't repeat what is already there. He thinks the Learning Channel is an excellent idea.

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He thinks it is a legitimate consideration for the residents and for the cable company to be bringing residents those channels and giving us that diversity. He pressed the point earlier and wants to press it again, that is something he is very much concerned about. He doesn't think he is speaking as an individual.

Mr. Haywood stated he agrees. Obviously the subscribers want programming and Adelphia wants to provide programming. We are the messengers. If a programmer comes to Adelphia and says, we want to charge dollar "x" and the subscribers don't want to pay dollar "x" for that particular service, Adelphia cannot provide that service to our subscribers because they don't want to take that increase or Adelphia doesn't think it can increase the dollar amount per year to these subscribers to offset that cost for that particular programming. Adelphia has to look at that. That is obviously something that we will have to look at on the bottom line. We are regulated by the FCC now so every penny we need to look at. There are not too many contracts that he knows of throughout the United States that have programming left, that you have to carry this particular programming because we do not have the authority of what they will charge for us from us and we cannot tell what we are going to charge the subscribers anymore because Adelphia is regulated. Being the messenger is kind of difficult for us. For instance, ESPN goes out and signs a 300 million dollar baseball contract. They come to Adelphia right away and say, here, you are paying this now. It would be very difficult for Adelphia to take that off and we have to pay it. In turn, Adelphia has to go to the government or the Town or the Village and ask for an increase and we can't get that increase. We have to look at the programming. You say there is no competition now, there will be competition around the corner. Definitely competition around the corner so it behooves us to give you good programming.

Trustee Lowther asked if there is a mechanism in place for subscribers to make requests for certain kinds of programming or is hit and miss. She doesn't think they are required to have public hearings when they do make changes in the programming. Is that correct?

Mr. Haywood stated no, but there is something a survey in the contract that allows Adelphia to survey the customers as a joint venture for both of us to see what the customer wants.

Trustee Lowther stated she agrees with Mr. Galie that rather than having another shopping channel that perhaps we should be looking at having something that is different and more diverse for the community.

Mr. Haywood stated sure. We are in the business to provide the best for the subscribers. Again, we can't say what those rates are going to be that they are going to charge us. That makes it difficult for us.

Trustee Kelly asked how many channels are going to be basic.

Mr. Haywood stated he couldn't tell him.

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Trustee Kelly asked what is it in Cheektowaga and in West Seneca.

Mr. Haywood stated for the additional channels right now, it is \$.30 additional for all those additional channels for those subscribers.

Trustee Kelly asked if Adelphia will keep approximately those same rates.

Mr. Haywood stated right.

Trustee Kelly asked how much he is adding per channel.

Mr. Haywood stated we're adding approximately 10 stations.

Mr. Galie stated he would like to take the individual stations, add them up and see how much you would pay. Calculating it as it stands, choosing them individually does, in fact, cost more than the package. There may be a time and he would hope it would solve the difficulty but the diversity that some of us want to be to technically provide a more economic way of choosing among those. Is that in the foreseeable future?

Mr. Haywood stated it is if the programming is worth Adelphia's while, if it's not outrageous, if they don't charge Adelphia an outrageous amount. You have to understand the history of cable television. Yes, you have 11 channels and you paid \$10.00 a month in 1976 but there wasn't the programming that you have now in cable television. Our viewership has increased and their cost has increased to Adelphia. The reason Adelphia went ala-carte is because our customers wanted to take individual channels. Yes, if you add five or six channels, it is going to be more but it is cheaper for Adelphia to give people all of it versus some of it, so that's why. If the technology is cheaper for Adelphia in the future and it makes sense, Adelphia would do that but today the technology is not there, cheaper technology. Interdiction, which is the box that goes at the pole now is very expensive for us. We have a \$12,000,000 computer at our offices to take care of billing and also Interdiction and addressable converters that Adelphia just purchased. That is a cost to Adelphia and is very expensive.

Trustee Piazza stated currently the Village receives 3% of the gross revenue of Adelphia Cable and that is going to go to 5% retroactive to a June 30, 1993. We will be receiving payments semiannually rather than the current system. The contract is pretty much something that benefits both the Village and Adelphia Cable. He recommends that the Village accepts it with some minor things to be worked out.

Mr. Rath stated we are going to continue with an Oversight Committee which is going to track how the contract is running and when the payments are made to the Village and to the Town, what the terms of the payments are going to be and just continue along the course of paying close attention to this contract because the last time the contract was signed was 1968 and now it's 1994.

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There has been such a long lapse in change since the contract was originally signed, we don't want to lose out or misunderstand anything about the industry as it has evolved to this point. The Oversight Committee on the Town and the Village will track this contract and continue to meet quite often and pay close attention to it.

Trustee Kaye thanked Mr. Rath for all of his hard work.

Mayor Daniels thanked the representatives for all of their hard work and everyone else on the committee and the people from the Town. Jim Nesper deserves a lot of our thanks for working with the contract from the Town and also it carried over to the Village.

Trustee Lowther thanked Ed Rath and stated as our Village representatives the Board really appreciates the memos they have received to help clarify the things that have changed and how he has kept the Board up to date.

ON MOTION by Trustee Piazza, seconded by Trustee Kelly, it was moved to close the hearing at 7:56 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, January 24, 1994 at 7:31 P.M.

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

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

Also Present: Sherry Brink, Recording Secretary

Mayor Daniels called the meeting to order with the Pledge of Allegiance at 7:31 P.M.

ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the minutes of the regular meeting of the Board of Trustees held January 10, 1994 were approved.

Unanimously carried.

ON MOTION by Trustee Piazza, seconded by Trustee Lowther, it was moved to open a public hearing at 7:32 P.M. for the purpose of hearing all persons interested in expressing an opinion on the proposed contract between the Village of Williamsville and Adelphia Cable Co. (The public hearing closed at 7:56 p.m.)

Unanimously carried.

Mayor Daniels stated since the last meeting we have had incredibly difficult weather. He thanked the DPW work forces for being out there for the Village during this time. Later on we will have something from the Village as a "Thank You" for those workers that were out there in the cold collecting our garbage.

Mayor Daniels reported he attended a Village Association meeting in Hamburg last week. It is always good to touch bases with the other Villages to see what's happening in the other Villages around the area of Erie County. One of the highlights of the evening was the speaker, Jack Quinn, who is a Congressman now from Hamburg, and as a freshman in Washington he gave us some insights on government and the differences and actually the shocking differences between local rule, he became a Supervisor of the Town of Hamburg to go to Washington, which is unusual. Most representatives on the federal level generally come from the state level and then jump up to the federal. He was very thankful for the fact that he was lucky to be from a town that he represented grass roots ideas and basic concepts on the federal level. One point that he brought up was that for every dollar of tax money that goes to the federal government they spend \$1.56. Can

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you imagine the Village of Williamsville doing that with the taxes from the Village? It wouldn't work for more than one day. It's really an interesting concept and difference.

Mayor Daniels reported today he attended a meeting in the Town of Clarence regarding radon testing that is going on throughout the country. Erie County, through the Health Department offers radon test kits. We could make them more available at Village Hall. You can get them at your County Legislator's office, 5500 Main Street. Brian Rusk's office has those for \$8.00 and those test radon in the home and you send the kit in and the reading levels come back in a report to you. That's a discounted figure from the usual \$15.00 - \$25.00 for such a kit. We got a call last week from the Department of Health stating there was a report of very high levels of radon in a dwelling in this area. It turned out it was on Harris Hill. Anything higher than four picocuries of radiation raises it to a level where the Department of Health will come in and do a second study on the home. If it is justified they will do a sampling of homes within a square mile of that dwelling. Four is the level at which they will test and this one residence came back with a reading of 265 picocuries. It was originally 100, which made them test again. Their own testing equipment came out with 265. That was on Harris Hill. They will do a one mile search of that area to see if that is an isolated incident or something that is very typical of that area. Escarpment homes, or homes that were built on the rock caused by the glacier, the Onodoga escarpment which we really live on, which you can see very clearly Glen Park with the falls or if you overlook the Centerpointe Development, it's right on the escarpment which goes from Niagara Falls all the way to Batavia. The levels are elevated in many places along there. The area of Harris Hill where this level was found was in a development of tri-level homes which are half basement type homes with a crawl space and many times the crawl space is simply gravel over the dirt. That is the type of home that you will see an elevated level. This area is full of that 1940 type style homes. Lehn Springs has many of those. We will be doing a little bit of testing in the Village just to see if we have the same problems. The Department of Health then gives the resident of a home that has been confirmed as having high levels a plan and they will send one of their construction firms that are accredited to do this work to evaluate the home and recommend a plan for abatement of the radon gas in the dwelling. There are measures that can be taken through ventilation or interception of the gas before it comes into the dwelling. We will keep the residents posted if there is anything the Village has to be concerned over.

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ON MOTION by Mayor Daniels, seconded by Trustee Lowther, vouchers in the amount of \$134,985.24 covering 01/07/94 - 01/20/94 were approved:

Payroll fund w/e 01/12/94	\$20,938.07
General fund	68,351.79
Water fund	31,541.08
Sewer fund	6,557.50
Trust & Agency fund	5,576.81
Glen Park fund	<u>2,019.99</u>
Grand Total	<u>\$134,985.24</u>

Large Vouchers:

Key Trust Company	\$33,550.00
Erie County Water	\$27,416.32

Unanimously Carried.

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

RESOLVED that Theresa L. Cummins, Administrator/Clerk-Treasurer is hereby authorized to attend the NY State Government Finance Association's Fifteenth Annual Conference and Training Session in Albany, New York, March 23-25, 1994 and the cost, not to exceed \$550.00, to be paid by the Village of Williamsville.

Unanimously carried.

Trustee Kelly thanked the DPW for the job they have done over the past few weeks. Anyone who has been outside knows how difficult it has been. He thinks they have done a terrific job and is pleased and honored to know most of the workers and is just amazed by how much work and effort they have put into it. They've all gone above and beyond anything that has been expected. On Wednesday and Thursday we had wind chill factors down in the -50 degrees range and temperatures well below 0 degrees. Many of the municipalities suspended garbage pickup but our men were out there. Tim Phalen, Pat Sweeney, Lou Friedly, Chris Chase and Mike Meldrum all worked incredibly hard. He doesn't think people knew or appreciated the effort to do that. Anyone who went outside for even 5 minutes knows how difficult it was on those two days and yet they all put in a full day's work. The Mayor has taken out of his Mayor's Miscellaneous budget a small token to allow them to have a pizza and beer on the Village at Sorrentino's. It's our small way of having a thank you to them for the hard work that they did during that period of time.

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Trustee Kelly stated we are trying to get the Christmas trees picked up. Most of them are frozen into the snow banks. We have been out there with a pick up truck and a chain trying to get a lot of them out there and be trucked away so they can be properly disposed of. If anyone has the time or effort, if they'd dig them out it would make things easier for the DPW.

Trustee Kelly stated people who have fire hydrants in front of their houses should get together with their neighbors and dig them out. No one realizes how important they are until you have an emergency. God forbid if the firemen go to fight a fire, most of them know where they are but still trying to dig them out and hopefully they are not frozen. The Fire Chief was out a few weeks ago digging them out personally. He brought a crew of men out on a couple of occasions. If residents went out and spent 15 minutes digging them out he thinks they would be surprised on how easy it would be done and what a great benefit it would be for themselves and their neighbors.

Trustee Lowther thanked the members of the Board and the people in general who had been very kind to her during her recent illness. She did miss the last two meetings. She is happy to be back.

Trustee Lowther reported the Environmental Advisory Council, to which she is liaison, has purchased radon testing kits from Mary Lou Rath before she moved on to her new job and we have all done our tests. We are going to be compiling our results at our next meeting and presenting a report to the Board. There is a broad cross section throughout the Village of people on the Board and it will be interesting to see what the results are and how they vary. Several of the homes of the people on the Board are right on the escarpment, including her own home. When we get that information, we will pass it along and possibly get some good insight as to what's happening in the Village on the radon problem.

Trustee Lowther reported the Glen Park Joint Board will be meeting Tuesday, February 1st in the Town Hall at 7:30 p.m. We've had a new storage shed in the process of being built to hold some of our equipment. It's on the south side of Glen Avenue near the handicapped parking area. It will be in a very good, not too obnoxious location to provide extra storage space for the equipment that we do have to maintain the park.

Trustee Lowther reported the Environmental Advisory Council meeting this month was cancelled. It was scheduled to be last Thursday and it was one of the days when we had the wind chill factor of -40 to -50 degree range. We didn't have anything of significance on the agenda so we felt very comfortable in postponing our meeting until next month.

Trustee Lowther reported the Traffic and Safety Committee meeting was cancelled until next month because there is not a lot of activity in the Building Department right now. With the weather being the way it has been, unless we have something of substance, it's a shame to drag people out who are volunteers who do such a wonderful job, unless we really have something to work on. We will be getting back together next month and moving forward on some different items.

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Trustee Piazza reported the senior citizens meeting is February 2nd. He knows arrangements have already been made so this is not a call for anyone to join the group but he understands the group is going to Atlantic City this week to lose some money.

Trustee Piazza reported the Parks Committee is very close to making some purchases. We're going to have a couple of salesmen coming from different companies so we can do some comparison of prices. We did a survey of people living on the Long Street park area because the Parks Committee felt that that was a park that was most in need of some new pieces of playground equipment. We're looking at purchasing something for that area most of which will be paid for by money that the Parks Committee has raised over the past two years through the Savor the Flavor activity and the Arts and Crafts show. The Parks Committee has, of its own money, around \$10,000, that it can contribute towards these pieces of equipment in addition to whatever else has been budgeted. We are looking forward to meeting with those people and making some moves in that direction.

Trustee Piazza mentioned the potential for an ice rink. Thanks to Joe Frese and his work in that direction, we are looking at the possibility of putting up an ice rink in the very near future, this year, to see how it works and then maybe try it again for future years. It seems that Island Park is the best place for it. We've looked at a couple other spots. He knows that is where it has been done in the past and we'd like to try it again there as soon as we can get maybe some heavy plastic or whatever else we need to put it together. We realize we are already half way into the winter this year but we would like to take a shot at how it works this year and then go on in future years. Part of what is helping drive this, at no cost to the Village, he thanks Butz Avery and the Lions who said that they are willing to contribute \$500.00 towards this, so that if we do have an ice rink this year, it won't cost the Village tax payers any money. Normally the park is closed from Labor Day on and we need an official resolution in order to allow the park to be open for the purposes of having an ice rink this year.

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

Unanimously carried.

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

RESOLVED that Island Park be open for public recreational purposes on an ice skating rink to be constructed by the Village under the supervision of the Village Parks Committee for such hours and under such conditions as the Village Parks Committee shall establish by appropriate regulation.

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Trustee Kaye stated she thinks it is a great idea. Her only question and she hopes that we could resolve some of it is that there be some cleaning off of the ice rink and provisions of that in heavy snow versus always asking the community to bring their own snow shovels and clean it off. She doesn't want to cause frustration in the community. If there is some provision that on heavy snows that some of that \$500.00 maintenance might go to someone to clean it off, she thinks that would be helpful to the community to be able to access and use it.

Trustee Piazza stated essentially it is a "take care of it yourself" ice rink. It is not like the ice rinks at Audobon where every hour the zamboni comes around to clean it off for us. There won't be regular guards posted. It's pretty much a "use it yourself, maintain it yourself" ice rink, except under extreme conditions. Trustee Kaye is mentioning one possible way we can approach that. Another way might be to make use of some of the people that are coming into the Village through court order to do community service. He doesn't have a definite answer. The Parks Committee will discuss this. By and large, under normal conditions, unless we get a couple of feet or even a foot of snow at one shot, the kids who use it will be expected to take care of it themselves. We will establish the ice rink and he would suspect that at some point in time through the Fire Department we would be adding water on some type of schedule. It is something that we are going to try to share and see how it works. Hopefully it will be used in future years also.

Unanimously carried.

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

Unanimously carried.

Trustee Piazza stated the Government Advisory Board was pretty well covered in the discussion of the cable contract tonight. That is one of their responsibilities. We don't have a definite date for our next meeting as of right now.

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

RESOLVED that a Public Hearing will be held by the Board of Trustees on Monday, February 14, 1994 at 7:30 P.M. in Village Hall for the purpose of hearing all persons interested in discussing the proposed expenditure of \$55,370.00 of 1994 Community Development funds.

Unanimously carried.

Trustee Piazza stated is up slightly from previous years and there has been a change in where that money can be spent in the Village. He will bring details of that up at that public hearing.

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Trustee Kaye stated we have had all this cold weather and she hopes it stays cold enough for us to have snow for our Winterfest on Sunday, February 6th at 1:00 p.m. to 4:00 p.m. in Glen Park. There will be hay rides and hot chocolate, sledding, snow shoeing, cross country skiing and a lot of fun.

Trustee Kaye commended the DPW for having all the streets plowed and having all the garbage picked up. She also commends BFI for doing such a great job in this extreme temperature.

Trustee Kaye reported at the last Youth and Recreation Committee meeting we had our grant writer come in from Miller & Associates and talk to the Youth Committee about some of the things that we may be looking at in writing some grants. There were a variety of ideas tossed around at that meeting. Two of the items that the grant writer left with from the Youth and Recreation meeting was to look at additional activities in the Village that would appeal to high school age students. If any high school students have some thoughts about the kinds of activities they would like to see here in the Village that we presently don't have, they can call her or drop her a line because the Committee would like to target doing some additional things students would like to do. Some of the things that were talked about were having a "ooze fest" where it is a volleyball game in the mud and sumo wrestling with inflatable sumo wrestling suits. There was also many discussions about week long segments of learning from a standpoint that a student could come and listen to a classical dance company or a potter in terms of pottery, ceramics, painters and a whole variety of craft type programming as well similar to programs in the past that were at Artpark, anywhere from paper making to pottery and painting to classical dance and music to musical lessons. Those are some cultural things that the grant writer is looking into. There has been funding available in other communities. The funding would also supply all of the personnel and materials that would go along with that. If there are some things that the students feel they would really like to do here in the community and are not offered, please let the Youth and recreation Committee know so that we can try to provide those for you.

Trustee Kaye reported this coming Wednesday there will be a Youth Award dinner for the Amherst and Williamsville Youth and Recreation Boards. She is pleased that this year there will be a Village of Williamsville recipient. Sue Schieder, who has been on the Williamsville Youth Committee for many years, will be receiving the award and she just has been notified of that for her hard work over many years of great service. Trustee Kaye has sent a letter nominating Tom Lucia from the Village who is also now Chairman of the Amherst Youth Committee for a special New York State Community Service Award for all his hard work in the youth area.

Trustee Kaye reported February 7th will be the next Planning Board meeting. In February there will be no Youth and Recreation Committee meeting.

Trustee Kaye stated her first resolution calls for a public hearing regarding Exceptional Development on Castle Creek which has been the subject of numerous public hearings in the past. It is a subdivision off Garrison Road being built right now. Presently it is eight building lots and they are looking to expand it to ten building lots by adding additional acreage.

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Since this is Exceptional Development, an additional public hearing is needed so that residents can comment on their thoughts and feelings on it. That hearing will be on February 28th.

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

RESOLVED that a public hearing be held by the Board of Trustees on Monday, February 28, 1994, in Village Hall at 7:30 P.M. for the purpose of hearing all persons interested in discussions on a revised Exceptional Development permit for the Castle Creek Development.

Trustee Lowther stated the new plans on the reconfigured development will be available to the Board on February 4th so that we can review them and also while we are calling for a public hearing on February 28, there are a number of citizen committees who will review these plans. They have looked at the plans before, two of them being Traffic and Safety and the other is the Environmental Committee. We will have input from our citizen committees as to any concerns they have with the reconfigured outline.

Trustee Kaye stated that will go to the Fire Department as well for their comments. If you would like to see those revised plans, you could pick up a copy of those anytime from February 4th and after at our Building Department.

Unanimously carried.

Trustee Kaye stated her second resolution authorizes the Mayor to sign a Youth Program Agreement where we, as the Village of Williamsville, give additional monies every year for the Town of Amherst Youth Board for the operation of the Williamsville Youth Center which now has been relocated to Christian Central Community. They have a drop in and latch-key program. This is budgeted and has been every year. Part of it is for utilities and the rest is for the operation of the program.

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

RESOLVED that Mayor Daniels is hereby authorized to sign the 1994 Youth Program Agreement between the Town of Amherst Youth Board and the Village of Williamsville for operation of the Williamsville Youth Center in the amount of \$6,804.00.

Unanimously carried.

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Trustee Kaye stated her last resolution deals with the Mayor to signing a Town and Village agreement so the Village can use the Town of Amherst Compost Facility. This has been a lengthy discussion back and forth over the course of about a year and a half. One of the reasons why we need to establish an intermunicipal agreement with the Town of Amherst to use their composting facility is so that the State will release our recycling grant money. This is our last hoop that we need to jump through to receive that money which was earmarked three years ago. We will finally be receiving those funds. Presently, we compost all the leaves that we receive free of charge at a variety of nurseries. We will continue to do this even though we have this intermunicipal agreement with the Town. We will use the free sources for composting. We also compost, free of charge, our wood chips, and will continue to do that even though we have this intermunicipal agreement. This serves as more of a back up and a method to make the State happy to release our money. We do look at the point that we may use this composting facility to take some of our large logs, which right now we don't have the ability to do anything with other than landfill so those would then move into the composting but that's a very small portion of what we do. The Village will be paying the Town \$8.80 per cubic yard for all the materials that are delivered to the compost facility and that is a pass through of the costs that the Town has for the expenses of capital costs, equipment, operation, maintenance, repair and reconstruction of their facility in the Town of Amherst. We have had many discussions on this Board that our feeling and her feeling, personally, is that that is a very high amount in comparison certainly to when you are talking about disposing them free of charge. So that is why we are looking to use the facility minimally. The other frustrating item regarding it has been we have tried to work this out with the Town, to no avail, was that landscapers presently have the ability to pay less than \$8.80 per cubic yard for using the compost facility and we were trying to go that route as well which we did not successfully come to but we are receiving a straight pass through cost for their operations.

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

RESOLVED that Mayor Daniels is hereby authorized to sign the Town/Village Agreement-Compost Facility which will permit the Village to share the use of the Town's Compost Facility and will provide for the payment of reasonable charges in connection therewith.

Trustee Kelly stated he is voting against this resolution. It frustrates him to no end that although we are Town residents and share in many of the costs with the Town, that the Village is charged substantially more than a private landscaper would be in the areas outside of the Village to do dumping and as a result he is not voting in favor of it.

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Roll Call:

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

Motion carried.

Trustee Kaye commented on the recycling bids we received. On January 10th we received bids back from Integrated Waste, BFI, Modern, and Waste Management. Administrator Cummins has put together a very comprehensive analysis and breakdown of those bids. We asked for them in a variety of ways and she has analyzed that against the cost of the Village actually picking up the material itself and we look like we fared much better this time. The bids have come in lower than they were last time so we will see some additional savings. It looks as though we are leaning towards a 25% return of the materials again this time. There will be no difference in the way that resident's materials will be placed out or processed. We may be going with the same vendor again but we will keep the public posted. We have not made an ultimate decision. We are meeting with BFI at our next pre work session to discuss the expanded list of recycled goods that will be included in some of these services. The Board will be letting residents know, probably by mail or by leaving it in their door of a new expanded list of the recycled goods and just a brief overview of how to put them out. It will be the same, just put them in the recycle bin, put it out on garbage day the same way as now but we will have the ability to accept additional material including bound books, phone books, junk mail, # 5 and #6 plastics and a few other items such as cereal boxes that we don't have the ability to take now. We will be pulling more garbage out of the waste stream and recycling it. She is very pleased to see that.

Chief Zymanek stated it would be greatly appreciated if residents would dig the snow around their fire hydrants.

Mayor Daniels stated there was a very bad fire during that cold snap. That fire rekindled a couple days later. Several fire departments answered that call. To be out there with cold water in that 12 degree below zero weather is to their credit. Keep in mind that these people are all volunteers and that is what makes the Village such a great place.

Superintendent of Public Works, David Laubisch, thanked the Mayor and the Board of Trustees for all of their kind comments concerning the DPW. On behalf of the men on the garbage truck he thanked the Village Board for the gift certificate. That day we were in the -48 degree to -50 degree range which they classify as being dangerous to work outside over a prolonged period of time. When he got in the shop that morning he realized what they were facing and he wasn't exactly sure what the proper solution to that problem was.

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He sat down with the men that work on that vehicle and decided that one of the avenues we could pursue is to have a truck follow along behind the garbage truck with two extra men in it. Every 10-15 minutes the two men that were on the back of the vehicle would get inside the warm vehicle behind and switch off. But even doing that, he realized it still took a considerable amount of effort and after hearing that other communities had suspended garbage pickup for one day and make it one day later, he offered that opportunity to his employees. They said no, they thought it was bearable and would like to go ahead and finish the route and keep everything on schedule. Enough can't be said about the men that were performing the tasks outside on those two days.

Mr. Laubisch stated the Mutual Aid Agreement between the Village of Williamsville and the surrounding towns, actually the Erie County Highway Superintendent's Mutual Aid Agreement, has been in place for three years now. The Fire Department has a Mutual Aid Agreement where when they get an exceptionally large fire they are able to call in other fire departments from the immediate area to help them battle the fire at hand. The Highway Superintendents thought it would be a good idea to get some type of agreement together in the event something happened such as the weekend between Christmas and New Year's when we had some problems with the sander truck. We were able to borrow a sander truck from the Town of Amherst on very short notice and continue performing the functions to keep the streets safe. Not all the communities in the immediate area belong to this Mutual Aid Agreement. This was highlighted at the Town Highway Superintendent's meeting last week in Akron, New York hosted by the Town of Newstead. The Mutual Aid Agreement is a very valuable tool because otherwise we would have to have a Board resolution everytime we wanted to utilize a piece of equipment from the Town of Amherst, which would be very cumbersome since we only meet once every two weeks in the month. So it is something that is there, it benefits everyone. One item that really highlighted its value was when there was a fire in Orchard Park. They lost a tremendous amount of equipment on one of their buildings. The Mutual Aid Agreement is there, we use it and it works very well. Mr. Laubisch thanked Mr. Lucey and the Town of Amherst for the use of the sander for the week in between Christmas and New Year's.

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

Unanimously carried.

Mayor Daniels mentioned volunteers in the Village which is at the heart of the way the Board runs the Village economically and with a lot of interest and participation from Village residents. He thinks they really like to show ownership in the community. The more we can involve people, the more pride they have in the surroundings and take better care of it. The first time he met this particular person she was coming in front of the Board to request a rezoning which is always a difficult thing to do. She was, in this case, successful because she was requesting a rezoning from commercial to residential. Although it was not even, at that, a very simple task she was successful and stuck to it and later he found out she works for the Town Planning Board. She was familiar with that type of procedure.

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He was very impressed with her "sticktoitiveness" given the Board and difficulty in moving things along. About a year later it came time for John Sheffer to implement his water testing of Ellicott Creek through a grant that he had to see what the water quality was and ask volunteers from the communities to go out and get boots on and wade into Ellicott Creek and test for dissolved oxygen, phosphates, ammonia content, temperature, things like that, he thought of Jenny Lorenzini and asked her if she wanted to be part of the testing and she was right there. He thinks everyone really enjoyed it. He thinks it was a very successful procedure for Ellicott Creek. About that same time he was interested in getting the Village Tree program going better than it had been. He was planting all the trees himself and trying to do a one man job of it and realized that wasn't the way to go. The best way to get things done, he thinks, is to delegate authority and give someone else credit. At that point he thought the Village might do well to have a Tree Warden whose job it would be to field requests from residents asking for new trees to be planted. Also, this person could go around the Village and look for locations where it might be nice to plant trees and also the condition of the trees to see if they needed trimming and recommend cutting down in cases of dangerous trees. At that point in time, Ginny Collier was interested in doing that and did a great job. She left the Village and moved out of the limits and we like to include Village residents so Mayor Daniels called Jenny Lorenzini up and asked if she would be interested in becoming the Village's new Tree Warden. It turns out she has a degree in Horticulture, which he is not sure how valuable that is on the Town Planning Board work she does, but it is very valuable for a Tree Warden to have that kind of expertise. He was thrilled when Ms. Lorenzini said she would do it. Following that were a couple years of very good programs and we planted about 100 new trees for the Village. She organized the books and all of the things that go into the program to such a neat and well organized degree. She's been asked by other people to do lots of things and realized that her platter was so full that she needed to resign from the Tree Warden. Ms. Lorenzini did send Mayor Daniels a nice letter saying she enjoyed her involvement and would like to step down. The Board would like to show their sign of appreciation for Jenny Lorenzini's efforts and we generally give a plaque for that kind of service. Ms. Lorenzini came up to receive the plaque. Mayor Daniels stated if anyone knows someone who is interested in trees and has lots of free time and enjoys digging in the dirt once in a while, they can contact his office.

Carolyn Schlifke, 192 Evans Street stated she has a suggestion about the radon testing. She is sure there are many residents in the Village who have already had their property tested, herself included. She has her report. Perhaps if Trustee Lowther could make it public in some manner, residents would be willing to send her copies of their reports and she would have a larger cross section of the Village. Trustee Lowther could request that residents put their address on, it's very confidential but she is willing to let Trustee Lowther have her's because she doesn't have any radon.

Mayor Daniels stated the new Supervisor in Clarence brought that out. She was reluctant to give out addresses to the Department of Health because they found that experience in other communities that resale value may be negatively affected.

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It's a funny area because if a house is on the market and there is the old formaldehyde insulation in there, they are required to remove all of that yet there are no regulations right now on radon except for the fact that the seller has to guarantee that the house has no known defects or hazards and that is in the contract. One of the problems with a survey of this kind may be that anyone with high levels would be reluctant to release that information for fear that their house would be adversely affected.

Ms. Schlifke stated he probably would but you would be able to identify safe areas from the people that would be willing to hand in their report. As far as real estate sales, she knows first hand, working in a real estate office, that many purchasers now a days, if they are purchasing in an area where radon could be a problem, require a radon test by the seller of the property. If you refuse, you don't have a sale. That's becoming more common, these various tests and engineer's reports to protect the purchasers.

Ms. Schlifke stated she has another suggestion for the Chairman of the Parks Committee, Mr. Frese whom she is sure has already thought of this, with the new ice rink perhaps he should already have in the works a sign stating that the rink will be strictly for ice skating by children and not sports such as hockey. She personally doesn't have anything against hockey, but if they put up a net and take over the rink, all the little kids are going to be deprived of using this space. The Committee will probably have to sign it, otherwise she predicts that it's going to happen.

Ms. Schlifke stated today she dropped some copies of letters off for the Board and also delivered copies to every member of the Amherst Town Board. She would appreciate it if the Board would look at her response to Councilperson Jane Woodward who answered some questions that Ms. Schlifke had in regards to a signal at Evans and Essjay. The information Ms. Schlifke had received from Trustee Lowther did not seem to match what she was telling Ms. Schlifke what Councilperson Jane Woodward was telling Ms. Schlifke, that the Town Traffic and Safety Board had come up with as far as an additional study, whether the study that was taken was correct, Ms. Schlifke didn't personally think it was correct. From where they had the counter set she didn't see how they could take into consideration the turn lane going into Essjay but as the Board reads the letter they will see that the Traffic and Safety Board feels it was correct but now no more counts will be taken. They don't feel the counts were sufficient for a signal and because of the construction on Sheridan Drive this coming year, probably nothing would be done. That satisfies Ms. Schlifke just fine because she is not looking forward to this signal. Her main concern, as the Board reads her letter, is that the Town and the Village work together on this, whether they have rights at that intersection or not. She thinks it is only common decency that the Town involves the Village in this decision and come up with whatever is best for everyone and especially the residents of Evans Street who are going to be impacted very heavily by this. Anything that the Board can do in contacting the other members in the Town to try to get this cooperation going, she would appreciate it.

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Trustee Lowther stated now that she has a copy of the letter she will call Jane Woodward this week and see if she can straighten out the communication because as Ms. Schlifke said, the information Trustee Lowther received from the Highway Department seems to be totally different from the information Ms. Woodward shared with Ms. Schlifke. We will work together and try to find out what actually is happening.

Joe Frese, 275 Mill Street thanked Mr. Avery and the Lions Club for their generosity of a monetary donation towards the ice rink. We really appreciate that and hope that the youth and the residents of the community will also once the rink is in place. Mr. Frese also thanked Trustee Piazza for approving the rink tonight. We've had a lot of opposition regarding the ice rink that it won't be used because of the location. We tried to get the location at Glen Park which was the original location of the ice rink. Unfortunately, because of opposition, and some legitimate concerns that is not going to be a reality. He personally feels that the recommendation of Island Park is a good recommendation. It is going to be a large size ice rink. As per Mrs. Schlifke's suggestion regarding the sign, yes, we have thought of that. We do not want to have any kind of organized or pick up games, sports on that. This is strictly for the residents of the community in relation to a recreational site so that they can skate. He personally hopes that the residents will take advantage of this rink. One of the biggest complaints that he has heard since he has been pushing for this endeavor was that no one is going to use it because 10 or 15 years ago we had the same idea and no one used it. Well 10 or 15 years ago these students here were probably 2 and 3 year old and it is a situation where this community has not only grown in population but has also evened out in relation to the age differentials. It's no longer the elderly community. It's a wide mix of people now As you can see by the body tonight, if these young students here take advantage of this ice skating rink, it would be a benefit to everybody. We are going to have an informational meeting in relation to the Parks Committee on Tuesday, February 15. Everyone is welcome to come. If someone wants to express their satisfaction or dissatisfaction regarding the Parks but he personally thinks we are taking a giant step toward utilizing these parks all year around instead of just a summer time event.

Jeff Hahn, 99 North Ellicott, stated he is here to complain about the two trees at the bottom of the hill in the north section of Glen Park. A couple of weeks ago he was out with his young son and daughter. They went down the hill and his daughter had a collision with the one tree, suffered numerous facial bruises, black eye swollen shut for a few days and a mild concussion. She's fine now. If she were not he would probably be there with his attorney. In checking around he has heard of other instances of similar misfortune. If it is his place he would insist or demand to the Board that those trees need to be moved or taken down.. He will happily volunteer as a one day tree warden and take them down himself if that is necessary. If there is any comment from the Board he would like to hear it.

Mayor Daniels stated this is not a new issue and there have been injuries in the past with these trees. One of the advantages that has a built in frustration is that Glen Park is a joint Town/Village venture. A separate board, the Glen Park Joint Board, determines probably too much of what goes on there rather than the Village Board and Town Board getting involved.

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Probably because of the joint ownership that we have given them, not on purpose but tacitly more control over that park than is normally given to a village park and because of that, he has requested on several occasions that those trees be taken down. He made a point of mentioning it to Trustee Lowther again, who is liaison, from the Village Board to that Committee that we would like them down. She says that this should go back to the Joint Board which Mayor Daniels takes exception to because last year we had a child who needed stitches because of that same clump of trees. To his way of thinking, they have no place at the bottom of an obvious sledding hill in a park that is going to be used for that purpose. If it were up to him, he would be up there and chopping them down but there has been a lot of resistance to that and he is totally frustrated with it as well. We have the Winterfest coming up, it's going to be a problem again. They talk about putting hay bales around it. That is not a solution as far as Mayor Daniels is concerned because then you hit the hay bales. As far as Mayor Daniels is concerned, he is with Mr. Hahn. He will joint Mr. Hahn and chop one of them while Mr. Hahn chops the other.

Trustee Lowther stated the Glen Park Joint Board meets on Tuesday and it will be before the Winterfest and she is going to take this information back to them. In the past, there has been a concern about injuries and children sledding in the area even though it is not a designated sledding area and there was discussion about berming it and trying to move the trees with a tree mover and a lot of different discussions going on. There was indication at one point last year that we were going to try and get a landscaper in there and build a berm around it so that no one could actually reach it so we would not have to move it. The budget constraints did not allow the Board to do that last year. Trustee Lowther stated she is sorry to hear that his daughter was hurt. She agrees that it has been a problem for a long period of time and it needs to come to some type of resolution.

Mr. Hahn stated he is taking this as a commitment on the part of the Board that some effective action will be taken.

Trustee Piazza stated Mr. Hahn has the Board's backing.

Mr. Hahn stated he doesn't think it is good government for the Village to be exposed legally.

Mayor Daniels stated it is difficult for the Board to unilaterally determines what happens in that park because it is half Town and because of that he thinks that both boards have, more than they should have, relied on the volunteer Joint Board. In this instance, it's probably not a prudent thing to do.

Mr. Hahn stated he doesn't think so. He is sure Mr. Laubisch could send someone over there and they could take care of it really quick.

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ON MOTION by Mayor Daniels, seconded by Trustee Kelly, the meeting was adjourned at 8:56 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer