

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, December 12, 1994 at 7:39 P.M.

*Present: Ronald Daniels Mayor
Larry Hillebrand Trustees
Mary Lowther
Basil Piazza
Yvonne Kaye*

*Patrick Kelly, Village Attorney
Theresa L. Cummins, Village Administrator, Clerk-Treasurer
David Laubisch, Superintendent 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 as the keepers of the flame for Amherst and we look at the Village of Williamsville as the seed from which the Town of Amherst has grown and branched out. We always felt that we were the philosophical helping center of all that happens good in Amherst anyway and it is always nice to have that fact reaffirmed by something of a superior nature that comes from the Village and in this case, proliferated out throughout the State. He is referring to the great football team we have, the "Billies" of Williamsville South. Mayor Daniels was honored to go to school there. It's got to be as good of a school as ever. We never went to any State finals although we did beat Clarence like nobody's business and Amherst used to beat us. That was years ago. We have Kevin Lester here tonight, who is the coordinator of the athletic program. On behalf of the team, Mayor Daniels presented an appreciative certificate from the Village of Williamsville to him and to Coach Huber, his son Mike who was the star quarterback of the team that lead it to the glories in Syracuse. He is very busy now showing videotapes to various colleges in the country. Mr. Lester is very proud and the Board really feels a need to honor him and the team. The certificate reads as follows: "The Village of Williamsville presents our Certificate of Appreciation to the 1994 New York State Public High School Athletic Association, Class B finalists, Williamsville South Billies whose valorous grid iron tenacity will forever be a model to all who strive for greatness. They have distinguished themselves on the field of battle and their spirit will now give added luster to the history and greatness that is Williamsville". It is signed by the Administrator and the Board. In addition, it got Mayor Daniels thinking that from time to time we do have outstanding things that do happen in the Village and people that make our area special. Over the weekend he made an oak frame which we are going to hang in the hallway and he would like to title it "The Best of Williamsville" and anything of extraordinary nature that happens, we will frame in this format. As the audience will notice in the upper left corner, he put the "Billies" team there. That will be joined from time to time with others of equal merit in the Village. Then when kids and people come to tour the Hall, they will see the things that make our area special. Mayor Daniels presented the award to Mr. Lester.

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ON MOTION by Mayor Daniels, seconded by Trustee Piazza, the minutes of the regular meeting of the Board of Trustees held November 28, 1994 were approved.

Unanimously carried.

ON MOTION by Mayor Daniels, seconded by Trustee Lowther, the minutes of the public hearing to amend Sections 103-16 and 103-17 of the Vehicles and Traffic Code held November 28, 1994 were approved.

Unanimously carried.

Mayor Daniels reported we had asked the Army Corp of Engineers to look at our flood plain again after the Wehrle Drive bridge had been improved a few years ago. It definitely decreased the amount of flood potential in that area. As part of their technical assistance program, they compiled figures to show what Mayor Daniels felt probably was the case and now all the homes and residences in the Lehn Springs area and also the Brookside/Wehrle Drive area, Cadman Drive area, and Oakgrove are now lifted from the need for flood insurance and that will become a new FIMA map, which is the national map survey to determine what the flood potential in areas are. They do curves based on the potential for flood damage, so that is very good. Mayor Daniels went to the Town Engineering office today and signed the forms that will be submitted for review and our new flood plain map should be forthcoming out of that. It is very good news for the residents of the area.

Trustee Lowther asked Mayor Daniels if he had mentioned that no Village homes now require flood insurance.

Mayor Daniels stated only in that area. He can't comment. We do have the map, we could look.

Trustee Lowther stated she just wondered. It is a significant savings for home owners.

Mayor Daniels stated he has the information on it and people are welcome to look. It's a little difficult but you can see by these lines and graphs what is and what is not in the flood plain. That's not to say that someone's back yard might not be in it but the residences are all now lifted in several places, in fact, when they build new developments, sometimes the street serves as a canal for excessive water and that is a fairly normal situation.

Mayor Daniels reported we also had a request regarding our sewer system and we are now in compliance with some of the overflows and another positive thing that came out of that work that we had Nussbaumer and Clarke do, our engineering firm, was an updated sewer map of the Village from which to work the storm sewer map.

Mayor Daniels stated Richard Sweeney, here tonight, is our Tree Warden in the Village. He spoke to Greta Gleason today regarding a few trees and she says that the Village trees are all planted now.

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Richard Sweeney, Mill Street, stated that all the trees that were planned to be planted in the fall all have been done. Gleason's does not plant in the fall. They have, in effect, a back log of the five trees to be planted in the spring.

Mayor Daniels stated that Trustee Lowther had asked about the couple that Glen Park had requested. He thinks Greta had mentioned those do better in the spring as well. So Trustee Lowther can report back to the Glen Park Joint Board that they will be receiving those in the spring.

Trustee Kaye asked if the Village was able to accommodate all the resident's requests.

Mr. Sweeney stated no. It's an ongoing thing. He thinks two requests came in the week after the trees were planted and there were several varieties requested that the nurseries won't plant in the fall.

Trustee Kaye asked what happened to the trees on Spring Street. Is that a spring planting?

Mr. Sweeney stated he didn't get to check the soil depth but there are overhead electric wires, so the hope that the Oak trees chosen are the best for the area. He does want to find out the availability of the smaller Maples. That will be attended to in the spring.

Mayor Daniels stated we had also been in receipt of a grant from the Small Business Administration of \$2,850.00. That check has come into Village Hall and that will be used as a 50/50 sharing program for the planting of Village trees, which augments our efforts by \$2,850.00 to the good. That will be used for part of the planting that we just went through and also the spring planting. We are going to be applying next month for next year. One nice thing about this tree grant is that it is now good for any place in the Village. For people who don't know, anyone who has a residence who would like to have a tree and sees a need for one, that is a space between what either would be the sidewalk and curb or eight feet from the pavement edge in, can come to Village Hall and fill out a form. We have a tree book at the front desk. We have probably 30 choices of trees to choose from. A resident simply draws a square diagram of their house, the location of the driveway and where they would like the tree and then look at the selection of trees and pick out what they would prefer. Our Tree Warden, Richard Sweeney, will look at those and get back to the resident on the suitability. He will drive to the resident's location and see if that would be a suitable tree for the area. We plant those twice a year. Normally, spring and fall has the best luck and we've been doing that for several years now in a very aggressive way. Probably six years ago, Mr. Sweeney and Mayor Daniels used to go out and manually dig the holes and plant the trees, how much they have grown, it is nice to drive around and see the fruits of your labor. Mr. Sweeney enjoys it and Mayor Daniels misses it except his back doesn't. That's why we have someone else do it beside Mr. Sweeney. They are also guaranteed for a year when someone else does it.

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ON MOTION by Mayor Daniels, seconded by Trustee Piazza, vouchers in the amount of \$ 104,272.31 covering 11/23/94 - 12/08/94 were approved:

Payroll fund w/e 11/30/94	\$23,223.33
General fund	43,750.67
Water fund	28,386.83
Glen Park	430.35
Trust & Agency fund	<u>8,481.13</u>
Grand Total	<u>\$104,272.31</u>
Large Vouchers:	
Erie County Water	\$28,027.16
American Ref-fuel of Niagara	8,963.00

Unanimously carried.

Mayor Daniels stated his second resolution is an expansion of our no-smoking policy in which smoking was limited to a small area in the foyer. We do have court here on Friday. He is not sure who it is, whether it is the people on trial or the attorneys that are puffing away but the building does get quite loaded with tobacco fumes. We had a request, which he is going to honor, from the staff that works in Village Hall to make the entire work area in Village Hall smoke-free which would also eliminate that small area in the foyer. Anyone wishing to smoke will have to have to wear a coat and go outside.

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

RESOLVED that the entire first floor including the front and rear entranceways of Village Hall, 5565 Main Street, are hereby designated as smoke-free areas.

Unanimously carried.

Trustee Kaye reported that last night we had wonderful weather for our Youth and Recreation Committee caroling session that was held in Island Park. We had a terrific bonfire and Santa made an appearance and there was lots of hot chocolate. It was a wonderful event. Trustee Kaye thanked the DPW and the Fire Department as well as the Youth Board. It was a very nice event. It was cold and crisp but the weather was clear.

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Trustee Kaye reported we had a senior luncheon today, which was our holiday luncheon which was very nice and was well attended. On February 14th we will be having a special presentation from M&T bank dealing with investments. There will be no January meeting but there will be a February seniors meeting. If anyone would like to attend that Seniors meeting, they can call Village Hall for a reservation. It would be greatly appreciated.

Trustee Kaye congratulated Fire Chief Jim Zymanek, who has now become our Disaster Coordinator, full-time. He has worked diligently in the past couple of years for that additional status and we are pleased to have him recognized that way.

Trustee Kaye stated for about the past six years we have had a special food drive here in Village Hall donating to those in need and obviously the holiday season is especially a time for sharing. At Village Hall we do have a barrel set up in the front and in the back for non-perishable food. At Town Hall we are collecting mittens and gloves so it would be great if residents would be kind enough to bring something for those who are in need. Cans of fruits or vegetables, spaghetti or whatever it might be, we are donating to the University Food Bank and feeding many of those people from the Williamsville and Amherst area who are serviced by that food bank. We will be collecting up until December 22nd.

Trustee Lowther asked if they are taking anything other than gloves or mittens. Are they taking any jackets?

Trustee Kaye stated yes, they are. And they will be going to the YWCA.

Trustee Kaye stated we have been meeting with the Fire Chief to discuss the upcoming change in fire uniforms. They have been working on the specifications for those.

Trustee Kaye reported the seniors have been doing quite a bit of work in terms of providing a special gift to many of the area nursing homes. Of this year, so far, they have made over 2,000 napkin holders and are distributing those to individuals who are shut-ins or in a nursing home.

Trustee Kaye stated we also have a Festival of Lights program, which is a tour and is on December 28th. There is an Atlantic City tour that will be January 25th.

Trustee Kaye reported she had a meeting with Arvela Heider, our grant writer and three individuals we have been working with to put some resolution to a grant situation that would provide some booklets for fourth graders. She doesn't see those individuals here in the room. Trustee Kaye shared a letter with the audience. Mayor Daniels had been working diligently in terms of hoping to provide a fourth grade booklet. Ms. Heider, Administrator Cummins and herself had also been working to negotiate that. This is a letter that goes from the Village of Williamsville Historical Society to Lucy Breyer, who deals with Historic Preservation Field Services Bureau. (Copy attached.) It is signed Williamsville Historical Society and three additional signatures, Carolyn Schrauger, Rosemary Sugg, and Joyce Troy.

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Trustee Kaye stated she thinks we are still hoping to have a resolution for the fourth graders and hopefully that can come about. Hopefully there will be some resolution of getting that to move forward in a grant proposal.

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

Unanimously carried.

Trustee Kaye stated this resolution has to do with the Town of Amherst and Hutchinson Hose in the Village of Williamsville for our 1995 fire protection districts. We do have several districts in the Williamsville area. It is a housekeeping item. This does come up on the agenda of Hutchinson Hose tomorrow night so we will be reading it subject to Hutchinson Hose's approval.

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

RESOLVED that Mayor Daniels execute on behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for fire protection for 1995 in the following districts:

Autumn Harvest	District #1
Lamm Post	District #2
Lehn Springs	District #3
Mill Street	District #4
Park Club Lane	District #15
Williamsville	District #16

subject to Hutchinson Hose Company approval.

Unanimously carried.

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

Unanimously carried.

Trustee Lowther reported most of the meetings for the month of December have been canceled due to everyone conflicts with the holiday season coming up. The Traffic and Safety Committee will not be meeting on December 15th. They will be meeting on January 19th. The Glen Park Joint Board will be meeting January 3rd. They normally meet at Town Hall but this upcoming meeting is going to be held at Village Hall because the Town of Amherst will be having its regularly scheduled Board meeting on the Tuesday following the holiday.

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Therefore, the room that they normally use will not be available so the meeting will be here in Village Hall on January 3rd at 7:30 p.m. if anyone is interested in joining that meeting.

Trustee Lowther stated at the last meeting we had a number of discussions, and a lot of time was spent on the fact that there are repairs that need to be done to the retaining wall that runs along Ellicott Creek in the park. We now have our grant writer, Arvela Heider, looking for some money to affect some of the repairs that need to be done on this wall. The engineering costs and the preliminary repair estimates are approaching \$100,000 just for temporary repairs, so we are looking at a very large dollar amount for repairs and we are going to need some assistance to be able to do it. So hopefully those grant dollars are out there and Arvela will bring them out for the Village.

Trustee Lowther commented on the College Park Development. She did put a letter into the mail boxes of each of the Trustees and the Mayor just outlining some concerns that she had after reading the Environmental Impact Statement for the College Park Development, which is going to be on Wehrle Drive at Youngs Road. The two major areas of concern that she has are drainage and traffic. She thinks that there is not much basically that the Village can do about traffic that is generated outside the boundaries of the Village; however, she has a real concern that at the Garrison/Wehrle Drive intersection, it is virtually impossible for a pedestrian to cross, especially during the times that office traffic is letting out at 5:00 p.m. It's a very dangerous intersection, not so much for vehicles. She thinks everyone has gotten to the point where people are awful polite at that intersection if you are in a car; however, if you are on foot, you may as well forget it. She doesn't know how a resident will ever navigate the intersection. That is one area that she would like to see this Board take a direction in asking the Town and the County to put their heads together and find some way to make that more manageable and navigable for pedestrians. The other item is the drainage problem that she thinks is still a problem and has not been able to fully meet a test of adequate drainage as far as the project is concerned. She would like to make sure the Board is on top of that so the residents are not affected by overflow water and overflow drainage and that there is not additional storm water put into the storm water sewer on Wehrle Drive that now is operating at full capacity and it appears, from the discussions we have had previously, would not be able to handle any more water. She hopes the Board will come together on some kind of agreement on items that she has outlined and we can move forward on discussing these with the Town of Amherst and the County of Erie.

Trustee Lowther stated her resolution pertains to the public hearing that was held at the last meeting. At the last meeting we had talked about amending our local law to prohibit parking on South Ellicott Street between Park Drive and Main Street. After the public hearing we had quite a bit of discussion among the Board members and we came to the conclusion that we would feel very comfortable passing an amendment to the local parking law that was the same as the one that we now have on Main Street, which is a restriction of two-hour parking, rather than no parking. We were all in agreement that the two-hour parking restriction would be something we could pass and be comfortable with and really be able to monitor it and see if it is working the way we think it should.

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

RESOLVED that Local Law #8-1994, Amending Sections 103-16 and 103-17 of the Vehicle and Traffic Code dealing with parking on the west side of South Ellicott Street from Main to Park Drive, which was the subject of a public hearing on November 28, 1994 is hereby adopted.

Unanimously carried.

Mayor Daniels commented on College Park. He had been in contact with the Town Engineering Department. Bill Coughlin is the Town Engineer that is in charge of that particular area with regards to the drainage especially. He had also been in contact with Ivy Gackowski, who is a resident who is a spokesperson for the Hirschfield Drive area which is in the Village which is an area we can represent and can have input into this College Park, although College Park is not within the bounds of the Village. He also spoke with a representative from the County Highway Department regarding the signalization of that particular intersection that Trustee Lowther refers to. Apparently, there is going to be some significant work done in that area. The question, of course, is when and the timing probably is as that College Park area and the areas to the east of that do develop. As far as widening and improving Wehrle Drive, a different type of signalization and also a utilization of a two-lane north/south approaching from the north going south on Garrison Road. That is in the works. The problem as always, is trying to get the County to do anything. As evidenced by the amount of time it took us to get Garrison Road repaved after a fashion and really not done well, is indication of even the most obvious of sins are somehow ignored for an inordinate time period. That will be something that we need to push the County to do since it is a County road system at that intersection at Wehrle and Garrison. The other thing that we need to address with the County is something that Bill Coughlin from the Town of Amherst and Mayor Daniels discussed which was the reference storm sewer system from College Park going to Garrison Road. That needs to be improved. The pipe itself needs to be dropped about a foot according to Bill Coughlin. The receiver needs to be able to intercept all the water from that swale area and the berming. All these things we are discussing, the Town of Engineering and Ivy Gackowski and the Village are in agreement on. So we are united. The berm area, that is a hill that they have placed after a ditch area that kind of buffers Hirschfield Drive from the College Park area needs to be moved to the east. Then they need drain tile put into that gutter ditch area that will finally empty into the improved storm sewer that the County, we will insist improve before another five-year plan which is probably what the development of that particular area will take. The steps are to get the developer to move the berm, the Town will then be able to take care of that swale area better as far as cutting the brush, getting rid of the brush and the ditch area and in conjunction with improvements to the sewer that goes along Wehrle. That should resolve that area and if it is after discussion something that we can agree on, also with Ivy's concerns about the trees that are still there to be preserved, he will write a letter based on that to the Town of Amherst Board representing our views on that and concerns about the drainage of that area.

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Trustee Piazza stated at the last Board meeting he had mentioned that the income from the pavilion rental was \$6,790 this past summer and the question came up at our meeting, what are our direct expenses against that. The clean out expenses turn out to be \$1,597. for this past summer. We figure the man-hour expenses are about an hour and a half per day per event and other minor related expenses. He would then say the pavilion usage rates are certainly more than adequate.

Trustee Piazza reported for the winter we are trying to put together an ice rink. We are not trying, we are in the process of putting together an ice rink to be put up on Island Park. It would be a natural ice rink, "skate at your own risk" type thing, "bring your own shovel" type thing because it is not going to be something that the Village spends a lot of time maintaining, but it would be available. Trustee Piazza thanked Mayor Daniels and City Fence for donating the 4x4 lumber that would go into that. He thanked the DPW for bringing it on location. The DPW also spent some time flattening out the snow that is over there. He took a look at Island Park this afternoon. It's pretty much ready right now unless we get another heavy snowfall in the next few days. Plastic will be delivered this week. Volunteers will lay out the plastic and the 4x4's. The Fire Department has agreed to flood it and perhaps do some back up flooding as the winter progresses. It's pretty much in progress. We are looking forward to putting it in.

Trustee Kaye asked if the Lions Club is working with us on this.

Trustee Piazza stated he had asked Mr. Avery and he is anticipating some support from them. He will talk to them again tonight. We have had some support from a few places. We're hoping that we can do this at minimal expense to the Village, perhaps even no expense. He is not 100% sure on that right now.

Trustee Lowther asked what part of the park is it located in.

Trustee Piazza stated right in Island Park. If residents were at the bonfire Sunday night, that would be one corner of it, that would be the southwest corner of the rink, right about where the bonfire was and then it would be pretty much a rectangle going in a north direction.

Mayor Daniels stated it would be 75' and 1/3'.

Trustee Piazza stated it is an experiment we are going to try this winter and we are hoping it will be very successful.

Trustee Piazza reported there is no Parks Committee meeting this month. He noticed on the calendar there is a question mark on the date for next month's meeting. We are meeting Wednesday, January 18th. He noticed the Senior Citizens are going to meet the same night. That's fine. We can pick another room for our meeting. That will be, more or less, an organizing meeting for the coming year. Probably our real planning for the Arts and Crafts Show and Savor the Flavor will take place at our February meeting. Before that meeting we will probably get in contact with the Youth Board and make sure we have good communication this coming year.

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Trustee Piazza reported we had a Government Advisory Board meeting on December 6th with Superintendent Laubisch and Don Dehn. He had a memo put together. It just came in just before he arrived this evening so he didn't have a chance to make copies for everybody yet.

Administrator Cummins stated she made copies for each of the Board members.

Mayor Daniels stated we haven't read it yet.

Trustee Piazza reminded residents about the professionalism of our staff. There was a couple of articles in the New York Conference of Mayors Bulletin. One talks about the NYCOM's Public Works Training School that took place at West Point this fall. Superintendent Laubisch did attend that one and did issue a report to the Board, in fact, had a conversation with Trustee Piazza, he talked about some new products that he learned about at these meetings that might help us get a few more years out of the pool in Island Park and perhaps do some more repairs to our sewer lines that would be less expensive than the cut and dig methods. There a couple pictures in the NYCOM Bulletin, one showing Administrator Cummins receiving a certificate for having attended 20 years of fall training schools. We know she is truly a super expert, not just a veteran but very professionally qualified. The other one, this was in the New York State Association of City and Village Clerks Bulletin, a picture of Administrator Cummins receiving her Clerk of the Year plaque. Trustee Piazza congratulated Administrator Cummins again. He recommended to the Mayor to make that one of the items that goes on the bulletin board of outstanding items that occur in the Village. This is certainly an important item in the Village life.

Mayor Daniels stated regarding the ice rink, it was great to make a phone call out to City Fence and talk to Bob Kreiter and Jack Houston, who is the owner. All Mayor Daniels mentioned was the need for the landscape timber that we needed around the facility and there he was saying no problem, we will donate it to the Village. All you have to do is come and pick it up and they even suggested a better way to trap the plastic sheeting in between the landscape timbers. He is sure Mr. Kreiter will be out there supervising it.

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

RESOLVED that the following General Fund budgetary accounts are hereby increased as follows:

01-9950-0120-2189	
Other Home & Community Income -Grants	\$2,580.00
01-8500-8510-4671	
Trees - Replacement	\$2,580.00

Unanimously carried.

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Trustee Piazza stated his second resolution involves a truck that was put out to bid. He had a discussion on this with Superintendent Laubisch, who is very happy with the price that did come in on the bids.

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

WHEREAS, the Village Board has declared one (1) 1986 GMC Dump Truck with plow as surplus equipment, and

WHEREAS, the Village has advertised for sealed bids for the sale of this equipment, and

WHEREAS, K & H Auto Repair submitting the high bid for the 1986 GMC Dump Truck,

NOW, THEREFORE BE IT RESOLVED that the 1986 GMC Dump Truck is hereby sold to K&H Auto Repair for their high bid of \$3,838.38.

Unanimously carried.

Trustee Hillebrand reported this past month we had a Planning and Architectural Review Board meeting and they are very assiduously addressing the tasks they are assigned. They have a concept of how the Village should look and he hopes that those who are sensitive to changes in the Village are noticing positive improvements over time. The major item of the Planning Board was that Spina's Red Carpet will redo the front of their establishment after the automobile accident so that we will be able to have that corner tend to blend in more carefully with the Village.

Trustee Hillebrand stated we have a continuing crisis with signage, people putting up signs. He wants to let the Village know that the Board is doing a great job and residents can notice that the Deli on Main had to cover their sign up because they failed to follow regulations. The Planning Board not only addresses matters that are brought to us but the members of the committee are also out taking a look at things in the Village trying to keep up our standards. They are always open to any comment by any citizen at any time.

Trustee Hillebrand reported we don't have an Environmental Committee meeting in December; however, we are going to have a joint meeting with the Erie County Environmental Committee on January 17th at 7:00 p.m. here in this room. One of our committee members volunteered our Village as the leading location for all of Erie County and volunteered the Mayor to speak. Those that are interested in attending, it is open to the public regarding the major environmental issues in Erie County as well as those matters of greater interest to us in the Village.

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Trustee Kaye asked about the Zoning Board Appeals workshop that was attended by the Chairman, and whether we will be receiving an update on that meeting.

Trustee Hillebrand stated the chairman did write that up but Trustee Hillebrand doesn't know what he did with it. Trustee Hillebrand will ask him. The chairman's general comment was that the meeting was far too legalese for his particular benefit and he gathered some trends which he felt were interesting but a lot of the specifics would be of greater interest to Attorney Kelly than to himself.

Trustee Kaye stated she noticed there are some people in the audience who are concerned about some unregistered, unlicensed vehicles that were being parked on the property of 16 South Ellicott.

Attorney Kelly stated the property is not 16 South Ellicott. They have been issued a citation and it will be in court.

Trustee Lowther asked if it would be for both vehicles or one.

Attorney Kelly stated the whole property. It is his understanding that one has been sold.

Superintendent of Public Works, David Laubisch, reported that our formal leaf pickup throughout the Village has been completed for the year. Any residents wishing leaves to be picked up can have them picked up either by containerizing them or putting them into plastic garbage bags so they can be set out to the curb for pick up in that fashion. After October 15th, trash pick up can be accomplished by calling the DPW. That is suspended during leaf operation because we don't have the people to do both functions at the same time. This past week we completed a trash pickup throughout the Village on a call-in basis. Because many people have done cleaning in their yards, there has been a result of 52 pick ups throughout the Village and we are scheduling another pick up for Thursday and Friday of this week. If anyone in the Village would like trash picked up, they can call the DPW office between the hours of 9:00 a.m. and 1:00 p.m. Their name will go on a list and materials put out in a proper fashion will be picked up on either Thursday or Friday, weather permitting. In the event that a resident does call in and we get a snow storm on both days or either of those days, they should leave the material out in front of the house and weather permitting, we will be out to pick it up as soon as we are done with snow plowing.

Mr. Laubisch stated on December 3rd, there was an article in the Buffalo News about reformulated gas fuel that is scheduled for implementation on January 1, 1995 in Erie and Niagara County. This has brought some concern for our DPW equipment. Mr. Laubisch made some phone calls and there wasn't any really definitive information available. So he started to go back to the manufacturers that we purchased our equipment from. One of the manufacturers that both the Fire Department and the DPW uses is still manufacturing chain saws, cut off saws and other two-cycle types of equipment. It kind of disturbed us that the word from the manufacturer that the use of this oxygenated fuel in this equipment will cause engine failure. It will cause the pistons to burn out unless the machine is set up to run on that fuel. Mr. Laubisch was not aware of this.

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Our next fuel delivery, which will be at the DPW probably later this week or the first part of next, will be the new reformulated gas fuel. Finding out, after the fact, that this could burn out the engines of some of our equipment, rather expensive equipment on the Fire Department's part, he thinks he would have liked to have had a little time to prepare for this. We discussed this at some length before the Village Board meeting. He has also accumulated quite a bit of information from gas suppliers. Chevron in particular, sent him a service technical bulletin from the gas company concerning oxygenated fuel and what it does to equipment other than automotive equipment. He is getting conflicting reports on the automotive equipment. There are pros and cons on both sides, but on the small engine equipment, by that he means two-cycle gas equipment, that is equipment that you mix gas and oil together to operate it, four cycle equipment which includes our lawn mowers, that type of equipment that we use in our parks, the fuel can have a detrimental effect if it isn't handled properly and if the equipment is not set up to run on it. He is still putting information together about this. We will be discussing this at some length at our Highway Superintendents' meeting this Thursday. He thinks there is a lot more information that has to be gathered before we can really come out and say exactly what effect this is going to have on all the equipment that we operate at the DPW. As of right now, the news on our two-cycle equipment is not good. It will burn the motors out in the equipment so any people that are present tonight, if they have two-cycle equipment at home, that would be like a line trimmer to trim weeds around the house, depending on the make, he would recommend that they consult the manufacturer and see what they recommend as far as two-cycle equipment goes. He knows there will be more forthcoming on that at their Superintendents Association meeting.

Mayor Daniels stated he will send a letter representing the Board of the Village to the State, Mario Cuomo and a copy to our legislators asking that this not be implemented in Erie County at this point since it wasn't a mandate through the EPA for Erie County to be included. That will give us some time to change our equipment and hopefully, some development which in an additive or whatever, will service and protect the equipment that we have. Between the Fire Department and its equipment and the DPW's there probably somewhere around \$20,000 worth of susceptible equipment. That letter will be coming out of the office and going to the State tomorrow.

Mr. Laubisch wished the Village Board, the Village Attorney, the Village Administrator and everyone present a Merry Christmas and happy holidays.

Administrator Cummins stated she had no report.

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

Unanimously carried.

Jim Tricoli, 4 Columbia Drive, read a prepared statement. "Mayor Daniels, at the last Village Board meeting last Monday, I spoke to you regarding some issues that I felt warranted a deeper inspection and explanation by you.

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These issues come about you using the Village tax exempt code for a personal business venture as well as putting up the Village insurance as security for this private venture. If you would have used your personal property as the insurance to back up your private venture, then there would have been no problem but if someone became ill from the ice cream you sold at the museum, the Village would have been responsible for millions of dollars, if they would have died especially and this has happened several times throughout the year. You did not respond to any of the questions I asked you last Monday. You stated meekly that you had been advised not to answer or be cross-examined by me but you did respond to people who followed me. Of course those individuals did not ask you any questions that would have let the public see the other side of you, the side that may not be as up front as you want us to think it is. By not answering my questions, you have placed yourself above public scrutiny and above the law. I can understand why you do not answer because I do believe that you want to cover up things you have done that were absolutely against the public trust. No one, not even the President, wants to be under the microscope but it should be expected, especially if you do have something to hide. Now again I will ask you before I go on, do you want to answer the questions now that you refused to answer last week? By refusing, I can only believe that what I have said is true; therefore I am asking for your immediate resignation and if it is not forthcoming, I will apply before the State Supreme Court to ask for removal of office because of fraud". Enjoy your night.

Trustee Kaye asked Mayor Daniels if he wanted to make any comments to Mr. Tricoli.

Mayor Daniels stated he doesn't think so. If there were any reason to respond to something, it would only be because it was pertinent or relevant to anything that ever happened in the Village. If there are any questions about the operation of the Village, personal innuendoes will certainly never garner any favor or response.

Mr. Tricoli came to the microphone. Mayor Daniels said that Mr. Tricoli was out of order.

Mr. Tricoli stated those are not personal innuendoes. Those are facts. I don't make innuendoes about people. Those are facts. Mayor Daniels refused to reply, therefore, he assumes Mayor Daniels is guilty. Mr. Tricoli told Mayor Daniels to again, enjoy his evening and not to make any remarks like personal innuendoes when he walks back to his seat. Facts are facts.

Maryanne Avery, 64 Garrison Road, stated that Mr. Bowers is the Town Engineer and has an assistant, Mr. Coughlin. They are surveying some problems and old problems. He met with Ivy over the ditch situation. She hopes that will be resolved before the Town Board gives their approval and she hopes the Village will use whatever influence they have, which isn't a lot, on making sure that is before the Town Board approves everything. Another thing Mr. Coughlin looked at and reported to the Town Board was about drainage Ditch #9, Coventry Road that used to go down to North Long. She doesn't know if it is functioning or whatever the problem is but Mr. Coughlin reported to the Town today three reasons why it is not functioning. One is Stereo Advantage, one is the doctor's building and the other is the vagaries of the limestone formation. Apparently the Town isn't about to put up any money because his opinion is that it is because there would need to be extensive engineering work.

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She was wondering if the Village had looked into the legal aspects of it, if there is any liability there. She hasn't seen reports so she doesn't know if he has thought of any way of mitigating the situation so that maybe, perhaps, people who live there or have offices there can do something or if there is something the Town or Village can do. She thinks this whole situation is going to come up again next June or whenever. She wondered if Attorney Kelly had looked into it. These people have to legally accept the water off of a parking lot which is full of cigarette butts and what not. She wonders if there is some way they can fix it or somebody else can fix it so it doesn't drain directly on their property, some kind of ditch, berm kind of a deal so the residents don't get stuck with it. This started back about six years ago over sewage and stuff floating around there. It comes up practically every year. She thought she didn't know if anyone had looked into this so she would ask Mayor Daniels. She is offering that as a suggestion.

Trustee Kaye asked Ms. Avery if she is talking about the fact that two of the problems with that Ditch #9 are from Stereo Advantage and from the doctor's office. Those are both within the Village.

Ms. Avery stated yes. That is what she was saying. She was thinking about whether there was some kind of engineering report when those things were built and what it said, if anybody had gone back and looked, whether they had a certified engineer look into it and what their conclusions were. The Attorney should go back to Mr. Fahey and say how this started in the first place. Maybe those people have some response to it, not knowing what the conclusions were or what the Village Board was told in the first place.

Mayor Daniels stated originally that was an open ditch area they had before the Stereo Advantage repair area was built and then it was pretty much containerized and covered. At one point in time, the Cardiology Center, which was a supermarket, the basement drains, during heavy rains it would actually blow in geyser fashion. That no longer happens and he suspects that when they put in the concrete to more or less control the flow of that area, it did tend to retard the flow as well. That is not the only factor. Unfortunately there are several and one of the things that Ms. Avery mentioned was the vagaries of the limestone, the fact that some of the underground streams have changed direction and surfaced elsewhere. One of them is near the tennis courts over at the swimming pool area on Forest which is now wet and it hadn't been before because of the shift of underground streams. The water table has a bearing on it as well. Last year, fortunately, the rain was in a pattern that we never really had a stagnation that would breed a lot of mosquitoes or the smells or whatever. They are addressing the raw sewage areas. Some of the homes are not on sewers, they are still on leach fields. Some of the run offs and some of the laundry facilities, etc., go into the storm sewer, which is illegal. They are trying to identify those in the Union area and upstream from there.

Ms. Avery asked who is doing that.

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Mayor Daniels stated the Town and the Erie County Department of Health. He thinks according to law, when people sell, that is never enforced. Maybe Rich could tell us if they are required to tell us, at that point, attach to a sewer if they are not in a sanitary sewer. He doesn't believe that has been enforced very often. That maybe something the Board needs to look into, especially in that area.

Ms. Avery stated she can remember coming down here in June and there were two issues that night and the other one was the play equipment at Garrison Park, that is how long ago that was.

Paul Kreiter, South Ellicott, stated as a representative of South Ellicott, he thanked the Board for approving the two-hour parking. It is not exactly what they wanted but when all powers come to be in politics it comes to a reasonable solution.

Mr. Kreiter stated that two weeks ago and also four weeks ago, he brought to the attention of the Board about the trucks. What is the address?

Attorney Kelly stated that 16 South Ellicott is a vacant lot.

Mr. Kreiter stated to help the Village to help the Board to go a little easier with this or to give a little ammunition, first he asked if it is commercial or residential?

Attorney Kelly stated commercial.

Mr. Kreiter stated we are going to get together as a group and write up a petition, have it signed and submit it to the Board. We will give the Board a petition asking for the removal of those as a community or as a group, maybe that will help.

Attorney Kelly stated it won't. Once it is in the court, they don't have any power at all.

Mr. Mills stated he had a pile of wood he was going to ask Mr. Laubisch for help with removing but the drama club will use the wood for scenery. They marked the ones they want.

Mr. Laubisch stated when the drama club is finished with the wood, they can give the Village DPW a call and we will make arrangements to clean up what is left.

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

Unanimously carried.

On behalf of the Board, Mayor Daniels wished everyone a Happy Holiday Season and he looks forward to seeing everyone after the New Year.

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ON MOTION by Mayor Daniels, seconded by Trustee Kaye, it was moved adjourn the meeting at 8:46 P.M.

Unanimously carried.

Theresa L. Cummins
Village Administrator/Clerk-Treasurer