

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Wednesday, December 26, 1979 at 7:34 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Paul Atkinson
Lawrence R. Brenton Trustees
Rosemarie Sugg

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Edward Way, Dept. of Public Works

Absent

Connie C. Murray, Trustee

Mayor Kuzon called the meeting to order at 7:34 PM.

Mayor Kuzon advised that Trustee Murray was out of town for the holidays.

ON MOTION by Trustee Sugg, seconded by Trustee Brenton, the minutes of the regular meeting held December 10, 1979 were approved.

Unanimously carried.

ON MOTION by Trustee Atkinson, seconded by Trustee Brenton, the minutes of the public hearing held December 10, 1979 regarding community development funds were approved.

Unanimously carried.

ON MOTION by Trustee Atkinson, seconded by Trustee Sugg, the minutes of the public hearing held December 10, 1979 regarding amending the Sign Code, Section 1.14(2) were approved.

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Brenton, the minutes of the public hearing held December 10, 1979 regarding amending the Zoning Code, Section 70.404 were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the minutes of the public hearing held December 10, 1979 regarding amending the Traffic Code, Section 60.32 were approved.

Unanimously carried.

Mayor Kuzon stated we are going to call for an informational public hearing regarding the State's plan to restore and repair Main Street. It will be for the purpose of inviting residents and businessmen to comment on the plan. We now have their detailed

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drawings on file in the office and will present them at the hearing. Anyone interested can stop in and look the drawings over before the hearing.

ON MOTION by Mayor Kuzon, seconded by Trustee Atkinson, the following resolution was adopted:

RESOLVED that an informational public hearing will be held on January 14, 1980 at 7:35 p.m. for the purpose of receiving public comment regarding the proposed preservation and restoration of Main Street.

HEARING SCHEDULED
Informational
Preservation of Main
Street

Unanimously carried.

Mayor Kuzon stated the next two resolutions deal with the Main Street work in that the State has requested that a certain section of Main Street which now has parking be changed to no parking because of their project. They would like parking prohibited on the south side of Main Street between Garrison Road and Park Drive and on the north side between Evans and Academy Street. Parking is allowed on the south side but for practical reasons no one parks there as there is no parking lane. On the north side there is parking but they park in the gutter that is provided by the State. The State no longer installs that type of gutter. They are either curbs or no curbs and they intend to install curbs. We will consider the parking separately with one hearing for the north side parking and one for parking on the south side. In this way, if there are any objections or concerns they can be dealt with separately.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the following resolution was adopted:

RESOLVED that the Village Clerk publish notice of public hearing to be held January 14, 1980 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on a Local Law which would amend Section 60.32(21) of the Traffic Code by adding thereto a new sub-section (i) which will prohibit parking on the north side of Main Street between Evans Street and Academy Street.

PUBLISH NOTICE OF
PUBLIC HEARING
Local Law - Amend 60.32
no parking on Main St.
north side

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Atkinson, the following resolution was adopted:

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RESOLVED that the Village Clerk publish notice of public hearing to be held January 14, 1980 at 7:45 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on a Local Law which would amend Section 60.32(21) of the Traffic Code by adding thereto a new sub-section (j) which will prohibit parking on the south side of Main Street between Garrison Road and Park Drive.

PUBLISH NOTICE OF PUBLIC HEARING

Local Law - Amend 60.32
no parking on Main St.
south side

Unanimously carried.

Mayor Kuzon stated his next resolution deals with amending the Zoning Code, Section 70.404 which was the subject of a public hearing at our last Board meeting. It basically deals with off-street parking which is commonly referred to as the 10 foot buffer area. This will allow property owners three options in dealing with the buffer area and sidewalk in the commercial areas.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the following resolution was adopted:

RESOLVED that Local Law #11-1979 - Amend Zoning Code - Section 70.404, which was the subject of a public hearing on December 10, 1979 is hereby adopted. (Copy attached)

LOCAL LAW #11-1979
adopted
Amend section 70.404

Unanimously carried.

Mayor Kuzon stated his next resolution relates to amending the Sign Code and this was also a subject at a public hearing held at our last meeting. This would include the C-3 District in the Code. It was omitted through oversight from the present code.

ON MOTION by Mayor Kuzon, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that Local Law #12-1979 - Amend Sign Code - Section 1.14(2) which was the subject of a public hearing on December 10, 1979 is hereby adopted. (Copy of Local Law attached.)

LOCAL LAW #12-1979
adopted
Amend sign code 1.14

Unanimously carried.

Mayor Kuzon stated the Village Attorney has found in the Real Property Law a section which affects the Williamsville Towers Apartments which is changing to condominiums and the next resolution relates to this.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Williamsville
Town
Village

Local Law No. 11 of the year 19 79

A local law Amend Zoning Code - Section 70.404
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Williamsville as follows:
Town
Village

See attached text.

This local law will take effect immediately upon filing with the
Secretary of State.

VILLAGE CODE SECTION 70.404

In any "C" or "M" District open, off-street parking may occupy any required yard except as otherwise provided for visibility and screening and the following:

A. Parking shall be allowed not closer than five (5) feet from the public right-of-way. The land within the area of prohibited parking shall be delineated at its inner line or edge by curbing of a type approved by the Planning Board, and said area shall be landscaped or planted with appropriate ground cover.

B. Parking shall be allowed not closer than 18 inches from the public right-of-way, if the owner of premises shall install a guard rail or other type barrier approved by the Planning Board, which rail or barrier shall be not less than 18 inches or more than 24 inches in height above ground level; the exterior edge of which barrier shall be at least 18 inches from said public right-of-way. The ground area on the street side of said rail or barrier shall be planted with appropriate ground cover.

C. Parking shall be allowed to the interior edge of any continuous wall or unplastered masonry, stone, concrete or other properly faced building material acceptable to the Architectural Review/Planning Board; the exterior edge of which wall shall be erected not closer than 1 foot from the public right-of-way. The height of any wall so erected shall be such as to conform to the requirements of existing traffic and zoning codes.

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Village of Williamsville
Town
Village

Local Law No. 12 of the year 19 79

A local law Amending Sign Code - Section 1.14(2)
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Village of Williamsville as follows:
Town
Village

§1.14(2)

2. In any R-4, C-1, C-2, C-3 or M-1 District, permitted signs include A) Signs attached to or a part of the wall or face of a building with an area no greater than 20% of the area of the wall elevation of the 1st story of the building. The area of the sign shall be the area of the letters and numbers, or the background of letters and numbers, whichever is greater, used in a sign painted or attached to a wall or face of a building; B) Sign not more than 5 feet high attached to a slanting roof, and so located as to not rise above the highest point of the roof. Its area shall not exceed 20% of the area of the 1st story of the building on the side most nearly parallel with the sign. Roof signs shall be installed to withstand a wind pressure of 35 lbs. per square foot. A sign attached to a canopy shall be considered a roof sign. C) Signs which extend in any manner from a building structure or free standing signs on independent standards or frames subject to the following: (1) Only one sign may be erected advertising the activity conducted; (2) No sign shall be closer than two feet to the property line along the street. A minimum clearance of 8 feet above the walk level will be maintained. The highest point of the sign shall not exceed 20 feet above sidewalk grade; (3) It shall not interfere with the direct line of vision of a passenger in car or pedestrian on the same side of the street, who has attained a point which is at a 20 degree angle from midpoint to the nearest legal sign; (4) No sign shall be located in a required interior side yard or within 10 feet of any R-1, R-2 or R-3 District; (5) No sign within 100 feet of any R-1, R-2 or R-3 District shall have more square feet of surface area than the number of lineal feet in its distance from the R-District, subject to other surface area provisions; (6) No sign proper shall exceed 50 square feet in area but may be illustrated on both sides for not more than 100 square feet of total area; (7) Moving, revolving or flashing signs shall require a special permit; (8) No sign, banner or material shall be suspended across any street without a special permit; (9) Automotive service and parts display signs. The pump complex may consist of normal equipment, lighting and brand name as long as it is an integral unit contained within the area of island; other window or outdoor displays such as, but not limited to, tire containers, trailer rentals, suspended streamers animated devices, or "A" frames, upon special permit only; (10) All lighting of signs and general illumination shall be arranged to avoid hazardous or objectionable glare to adjacent property or vehicular traffic and shall conform to the regulations of the National Board of Fire Underwriters; (11) The safety of existing, new or altered signs and structures shall be subject to annual approval by the Village. A sign, or any part thereof, which is unsightly or in danger of falling or otherwise unsafe, shall be made

§1.14(2) - continued -

to comply within ten days of written notice from the Village; (12) A property in an R-4, C, or M area may have signs of each type described in A), B) and C) above.

This local law will take effect immediately upon filing with the Secretary of State.

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ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the following resolution was adopted:

WHEREAS, the Williamsville Towers Apartments is planning to convert to condominium status pursuant to Article 9-B of the New York Real Property Law, and

WILLIAMSVILLE TOWERS
APARTMENTS

Convert to
condominiums

WHEREAS, Section 339(F) of the New York Real Property Law provides that property submitted to the provisions of the condominium law is deemed to constitute a subdivision for purposes of review by Villages pursuant to Article 7 of the New York Village Law, and

WHEREAS, an ambiguity exists in the terminology of said Section 339(F) Real Property Law which does not make it sufficiently clear that its provisions are intended to apply only to new condominium proposals, not to projects already completed, and

WHEREAS, the Williamsville Towers Apartments was constructed in 1964, prior to the adoption of Ordinances of the Village now requiring a Certificate of Occupancy for such a structure,

NOW, THEREFORE, IT IS RESOLVED that since said Williamsville Towers is a conversion of existing apartments to condominiums, the Village of Williamsville does not propose to treat the property as a subdivision, subdivision plat or plat of real property for purposes of review pursuant to Article 7 of the Village Law.

Unanimously carried.

Trustee Brenton stated the Fire Department committee has provided the Board with the results of its site selection review and they feel the best place would be space to the west of the present court building which is now part driveway and part building and they would build bays and occupy the basement of the court house which is presently unoccupied. This proposal has the support of the Board and he stated he has asked the Village Clerk to set up an appointment with the Town officials to discuss this with them since it is Town property. He stated he will report back as this progresses. We think this is a good recommendation by the committee.

Trustee Brenton stated his first resolution deals with the removal of parking from the south side of Chalmers between N. Ellicott and Evans Street.

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ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that Local Law #13 - 1979 - Amend Traffic Code - Section 60.32 which was the subject of a public hearing on December 10, 1979 is hereby adopted. (Copy of Local Law attached.)

LOCAL LAW #13 - 1979 adopted
Amend Traffic Code-
Section 60.32.

Unanimously carried.

Trustee Brenton stated his next resolution deals with correcting an erroneous description of the type of lights to be installed on Brookside Drive. In a resolution at our last meeting the lights were described as being incandescent and they are not. They are mercury vapor lights.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that resolution regarding Brookside lighting adopted December 10, 1979 be amended as follows:

LIGHTING
Install lighting
on Brookside Dr.

RESOLVED that Niagara Mohawk is hereby authorized to install nine 175 watt mercury vapor lights on Brookside Drive, as specified in the proposed plan, at an annual charge of \$1,671.00.

Unanimously carried.

Trustee Brenton stated we want to award a contract tonight for an emergency vehicle for the Fire Department and since it is not on the agenda will have to suspend the rules for the resolution.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, it was moved to suspend the rules to consider a resolution not on the agenda.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the following resolution was adopted:

WHEREAS the Village of Williamsville advertised for sealed bids for one ambulance for the Hutchinson Hose Fire Company, and

CONTRACT AWARDED

Ambulance for
Hutchinson Hose Co.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Williamsville
Town
Village

Local Law No. 13 of the year 19 79

A local law Amend Traffic Code - Section 60.32
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Williamsville as follows:
Town
Village

Add Section 60.32 (5A)

§ 60.32 (5A)

Chalmers Street - South side between Evans and North
Ellicott Streets.

This local law will take effect immediately upon filing with the
Secretary of State.

VILLAGE OF WILLIAMSVILLE

FEDERAL REVENUE SHARING FUND BUDGET
June 1, 1979 to May 31, 1980

REVENUES

3.2401	Interest Earnings	\$ 400.00
3.4001	General Revenue Sharing	40,400.00
	Prior Year's Balance	<u>1,800.00</u>

TOTAL FUNDING AVAILABLE 42,600.00

APPROPRIATIONS

3.1620	<u>Village Hall</u>		
.2	Equipment		\$ 200.00
3.1640	<u>Garage</u>		
.2	Equipment		1,000.00
3.1325	<u>Treasurer</u>		
.2	Equipment		2,500.00
3.3410	<u>Fire Department</u>		
.2	Equipment	10,000.00	
.4	Contractual Expenses		
	.416 Fire Truck Repairs	10,000.00	
	.426 Maintenance Supplies	4,000.00	
	.428 First Aid Expense	2,000.00	
	.445 Miscellaneous Expense	2,000.00	
	.447 Building Expense	<u>2,000.00</u>	<u>20,000.00</u>
	Total Fire Department		30,000.00
3.5110	<u>Street Maintenance</u>		
.2	Equipment		3,200.00
3.7140	<u>Parks</u>		
.2	Equipment		1,500.00
3.8560	<u>Shade Trees</u>		
.4	Contractual Expenses		
	.434 Trees & Plants		4,000.00
3.8745	<u>Flood & Erosion Control</u>		
.2	Equipment		<u>200.00</u>

TOTAL APPROPRIATIONS \$42,600.00

Bid opening

Project

03 *Amulance Bid*

10/30/79
4:00 p.m.

Name and Address	Amount of Bid	Nature & Amount of Security	Date Bids
<i>Superior Coal & Equip 1698 Mountain Rd Polecat, W.V. 24622</i>	<i>\$ 31,859. —</i>	<i>bid bond</i>	
<i>2/ Wayne Transportation Rural Route 5 Cawaya, W.V. 26126</i>	<i>29,965. —</i>	<i>certified check \$1,498.25</i>	

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WHEREAS Wayne Transportation Products Corp. (Classic Coach Co.) of Oswego, New York submitted the lowest bid meeting all specifications,

NOW, THEREFORE, BE IT RESOLVED that the contract for one ambulance be awarded to Wayne Transportation Products Corporation, Oswego, New York, at their low bid of \$29,965.00.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, it was moved to return to the regular agenda.

Unanimously carried.

Trustee Sugg stated the allocation of the 1980-1981 community development funds of \$46,017.00 has been approved. The specific items included in our application are - for our water lines (we have many problems with them and the specific area targeted here is Main Street); for the Meeting House for barrier-free rest-rooms and energy saving devices; provisions for fuller access to Glen Park; curb cuts on Main Street for the handicapped; and housing rehabilitation which we discussed at our last meeting for low to moderate income people in the target area. With respect to the funds for fuller access to Glen Park this will include sidewalks and street work. At different times Traffic and Safety has recommended that we have sidewalks along Glen Avenue from Cayuga to Rock Street. Citizens have also commented on this. Discussions with the county have brought out that this is an appropriate use for the funds. The street work will be done on Rock Street to improve both the barrier and the street in general. This will improve public access to the park.

Trustee Sugg thanked the Fire Department and the various Village Committees as well as those who attended the public hearings for giving us their thoughts on the allocation of the funds.

ON MOTION by Trustee Sugg, seconded by Trustee Brenton, the following resolution was adopted:

RESOLVED that the Community Development Projects for the Village of Williamsville for the 1980-1981 year are as follows:

COMMUNITY DEVELOPMENT

1980 - 1981 Projects adopted

Water lines	\$13,000.00
Village Meeting House	8,017.00
Glen Park Access	5,000.00
Curb Cuts	15,000.00
Housing Rehabilitation	5,000.00

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Mayor Kuzon thanked Trustee Sugg and the Village Clerk, Mrs. Cummins, for all their work on the application for the community development funds. They spent many hours working on this. Each year the restrictions become more and more stringent on how we can spend the money and they did a fine job in putting together the items for the application.

Unanimously carried.

Trustee Sugg thanked the Department of Public Works for the carpentry work that was done in the Village Meeting House over the past week. They made the windows more wind-proof for the winter and put in another stair rail to comply with a Fire Department request.

ON MOTION by Trustee Atkinson, seconded by Trustee Sugg, vouchers in the sum of \$58,394.62 were approved as follows:

Payroll Fund	W/E 12/14/79	\$ 3,963.00
	W/E 12/22/79	<u>3,946.87</u>
Total Payroll		\$ 7,909.87
General Fund	Abstract #455	13,423.67
Sewer & Water Fund	Abstract #36	35,391.24
Federal Revenue Sharing	Abstract #83	48.00
Trust & Agency Fund	Abstract #75	1,587.12
Community Development	Abstract #44	<u>34.72</u>
Total Vouchers		\$58,394.62

Unanimously carried.

Trustee Atkinson stated that Phyllis Prazmark left as Building Department Administrator a few months ago and we are going to fill that position now.

ON MOTION by Trustee Atkinson, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that Julie Kresse is hereby appointed Building Department Administrator (Part-time).

APPOINTMENT

Building Dept.
Administrator

Unanimously carried.

Trustee Atkinson wished everyone a Happy New Year.

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Mr. Way advised that Norm Peacock had done all the carpentry work and he does fine work.

ON MOTION by Trustee Atkinson, seconded by Trustee Sugg, it was moved to suspend the rules for public participation.

Unanimously carried.

Donald Schueckler, 124 S. Union Road, asked if an application had been made for a permit to operate a business in an R3M District because the man has a barber shop in his home and it seems to be in operation. He stated he had called the Building Inspector but that he had not heard from him. He would like to know what is being done about this.

Mayor Kuzon advised that the man had approval for an addition to his house but that the addition was to be used for residential purposes not business.

Mr. Schueckler stated the man has a mailbox outside his home for his home and he also has one for his business. People have come into the neighborhood asking where the shop is. On his place of business that was just sold in Buffalo he has a sign that states that for an appointment you call his number.

Mayor Kuzon stated he will be in receipt of a letter from the Building Department regarding this. If this business is already in operation it will be referred to the Enforcement Committee which consists of our attorneys and they will decide if the matter should be taken to court. The Board itself can't act on this but the Enforcement Committee and our attorneys will look into this matter.

James Saia, 20 Belmont, stated he is in receipt of a letter from Felix D. Lion, Chairman of the Western New York Branch of Americans United for Separation of Church and State. He read part of the letter which stated the group opposed the provisions of the deed transferring the church to the Village.

Mr. Saia stated no work appears to be progressing to set aside an area for meditation. He asked if the Village ever intends to set aside such an area. Trustee Sugg stated we do not intend to do this. Mr. Saia stated he thought it was deceitful to say you are going to do this and then not do it. Trustee Sugg stated that in the Meeting House as it is presently constituted you can sit almost anywhere and meditate and we feel there is no need to establish a separate area for this. We are not in violation of our agreement.

Mr. Saia stated he and some others regularly attend Board meetings and feel it is important to speak out on the issues brought up. Trustee Sugg stated we all feel it is important for the public to speak out on the issues and wish that more of our citizens would do so. This is a healthy influence on us.

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Mr. Saia stated he is sending out more letters than he mentioned last time as he has received calls regarding this. A person from the church has also contacted him.

Mayor Kuzon stated we welcome people coming to the meetings because it shows they are interested and concerned about the direction the Village is taking. We hope more people will come forward with questions and concerns rather than staying home and being dissatisfied. We are more than happy to answer anyone's questions and concerns.

Trustee Brenton stated that's what government is all about - citizen input. If we make an error we are willing to make redress. He thanked those who regularly attend and hope more residents will come to the meetings.

Trustee Brenton stated the \$13,000 that is going to the water lines in the community development funding was originally to have gone to the Fire Department for renovation of their kitchen for a disaster type area. We feel the water lines are more important, particularly since the department is pursuing a site change. Trustee Brenton stated we are now engaged in the water meter sealing program. This was started some time ago but we only had one man working on the job.

Trustee Sugg advised that community development funds could not be used for the kitchen renovation as the project did not qualify.

Mr. Way advised that in the meter sealing program we have almost 90% of Main Street done. We will be starting in the next few days on Union Road. We will have a four man crew on this. All residential and commercial meters will be sealed.

Mr. Saia stated it has been 2½ years since he asked Mr. Miller about having the meters sealed. He stated he is glad to see the program is progressing. He stated he thinks the law covering pilferage should be made stronger than it is regarding breaking the seal. He stated that either the City of N. Tonawanda or Tonawanda recently passed a real strong ordinance on this and perhaps we should get a copy of it for review.

Mayor Kuzon stated we will look into this and see if it can be improved.

ON MOTION by Trustee Sugg, seconded by Trustee Atkinson, it was moved to return to the regular agenda.

Unanimously carried.

Mayor Kuzon called the public's attention to the schedule of meetings on tonight's agenda. Our next regular meeting is January 14th.

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Mayor Kuzon thanked everyone for coming and hoped they had a Merry Christmas and that they will have a Happy New Year for the upcoming year.

ON MOTION by Trustee Brenton, seconded by Trustee Atkinson, the meeting was adjourned at 8:13 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer