

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, January 12, 1981 at 7:32 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

William Bancroft

Lawrence R. Brenton Trustees

Connie C. Murray

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Edward Way, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:32 PM.

ON MOTION by Trustee Bancroft, seconded by Trustee Murray, the minutes of the regular meeting held December 22, 1980 were approved.

Unanimously carried.

Mayor Kuzon stated there would be two public hearings tonight. The first deals with a proposed local law to amend Section 70.270 of the Zoning Law and add a new Section 70.273 to the Zoning Code relating to adult use establishments. The second hearing deals with a proposal to extend the terms of the Mayor and Trustees from two years to four years.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, it was moved to suspend the rules at 7:35 PM in order to hold a public hearing regarding a law to amend Section 70.270 and add a new Section 70.273 to the Zoning Code. (The hearing was closed at 8:15 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Bancroft, it was moved to suspend the rules at 8:16 PM in order to hold a public hearing regarding a local law to extend the term of office of the Mayor and Trustees from two years to four years and set the dates of election to the odd years effective with the election of 1982. (The hearing was closed at 8:24 PM.)

Unanimously carried.

Mayor Kuzon advised the Board will consider the information brought forth at tonight's hearings and the matters will be brought up for a vote at a future meeting.

Mayor Kuzon stated the subject of bus shelters came up during the discussion of community development funds. The Board has requested the Niagara Frontier Transportation Authority to install bus shelters at Main and Union, Main and Mill and Main and Evans. These would be funded by the N.F.T.A.

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Mayor Kuzon advised of a recent ruling by the Internal Revenue Service effective January 10th that states commercial banks holding time deposit accounts can no longer use the interest payable for tax deduction purposes. This could have a great effect on the Village. The effect is four-fold. The Banks may decide to purchase fewer tax exempt obligations. Banks may reduce the amount of time deposits for local governments. Interest would probably be reduced. It would increase the costs for local governments and to taxpayers by having higher interest rates. We are at the beginning of our budget process and one of our sources of revenue is time deposits. This IRS ruling may jeopardize this source of revenue.

Mayor Kuzon stated the Board has a proposal for allocation of community development funds for the next three years. The funds will be spent on utilities (water lines), neighborhood preservation and people projects. For the first year of 1981-1982 we are anticipating allocating \$45,000 for water lines, \$8,000 for neighborhood revitalization and \$8,000 for the Meeting House. The second years of the planned program would have \$50,000 for water lines, \$6,000 for neighborhood revitalization and \$5,000 for the Meeting House. The third year of 1983-1984 we would allocate \$35,000 for water lines, \$10,000 for neighborhood preservation; \$10,000 for Island Park pavilion and \$6,000 for the Meeting House.

Mayor Kuzon stated he wanted to recognize our Fire Department which in the last week has had two substantial fires in this very cold weather. One was a very bad fire and the men responded at 3:00 in the morning. They deserve our thanks and credit for the fine job they did and the service they performed.

Mayor Kuzon called everyone's attention to the schedule of meetings at the bottom of tonight's agenda. The Board of Appeals meeting scheduled for Wednesday has been cancelled. The Local Government Committee will be meeting on Wednesday and discuss the results of tonight's public hearing. The next Board meeting will be on January 26th.

ON MOTION by Mayor Kuzon, seconded by Trustee Bancroft, vouchers in the sum of \$49,272.29 were approved as follows:

Payroll Fund	W/E 12/24/80	\$ 7,206.05
	W/E 12/31/80	4,578.69
	W/E 1/7/81	4,816.29
General Fund	Abstract #480	23,847.16
Sewer & Water Fund	Abstract #61	2,143.73
Trust & Agency Fund	Abstract #100	4,267.63
Community Development Fund	Abstract #52	317.44
Capital Fund	Abstract #110	<u>1,515.80</u>
Carried Forward to Next Page		\$48,692.79

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Voucher Balance from Preceding Page	\$48,692.79
Federal Revenue Sharing Fund Abstract #103	519.50
Glen Park Jt/Activities Fund Abstract #1	<u>60.00</u>
Total Vouchers	\$49,272.29

The largest vouchers were: Amherst Disposal Service - \$8,426.27; and Niagara Mohawk Power Corp. - \$4,032.99.

Unanimously carried.

Trustee Brenton stated the Fire Department has asked that residents assist the Fire Department by shoveling out the fire hydrants if they are able to. If the hydrant is blocked with snow and the resident is unable to shovel it out they are asked to report it to the Village Office or Department of Public Works so they can be taken care of. The Fire Department does not want to have a problem of accessibility to the hydrants in case of a fire.

Trustee Brenton stated the bulk of community development funds to be spent on water lines will be used to replace segments of the Mill Street line. Some of this line is very old and is only a 4" line in some areas. He stated he was very happy the Board has taken this method of utilizing these funds. The water fund is in serious straits and we can use these monies and not put the fund further in debt.

Trustee Brenton reported that the long-suffering Cadman-Brookside area of the Village which has had flooding problems over many years is going to be addressed by this Board. We have decided to retain Bissell Merrill to study this situation and make recommendations to alleviate this situation. We have also retained this firm to do the drawings and blueprints for the Mill Street water line.

Trustee Brenton advised that his resolution deals with continuing an employee in the Department of Public Works for a period to expire on January 31st. This employee was hired as a temporary laborer several months ago at a salary of \$3.15 per hour. He was appointed in that he has worked for us for a limited number of hours every month (9 hours) for about three years. He was put on full time because of the illness of a Village employee and we now have another employee ill so we will continue him to January 31st.

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

RESOLVED that the appointment of Ronald Farrar as Temporary Laborer in the Department of Public Works be extended until January 31, 1981.	APPOINTMENT EXTENDED DPW Temp. Laborer R. Farrar
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Unanimously carried.

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Trustee Bancroft stated that this past week marked the first use of the Village Meeting House by the Queen's Players theatrical group. Their first production was on Thursday and it came off very nicely and we think it will be a very successful collaboration between the Village and the Players.

Trustee Bancroft commended Mr. Way and the Department of Public Works for their assistance in getting the building ready for the opening. Four or five days before opening we had problems with the plumbing and they assisted us in solving the problems. He stated he also wanted to thank Trustee Brenton for his assistance.

Trustee Brenton stated his resolution related to Old Home Days for the coming year.

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

RESOLVED that July 21 - 24, 1981 are hereby designated Old Home Days for 1981, and

OLD HOME DAYS DESIGNATED

Chairmen named

FURTHER RESOLVED that Jean G. Gaulin, 114 S. Cayuga Rd. and George Measer, 120 Oakgrove Drive are hereby designated Co-Chairman of the 1981 joint Village/Town Old Home Day Committee.

Unanimously carried.

Trustee Murray stated she was sorry to have missed the last Board meeting and not to have had the opportunity to wish Trustee Atkinson well and thank him for his service on the Board. He will be missed.

Trustee Murray thanked Trustee Bancroft for all his hard work in getting the Meeting House ready for the first production of the Queen's Players. It is appreciated.

Trustee Murray reported that the Village and Town have received a Beautification Award from the Buffalo Chamber of Commerce. There were 60 nominations by the members for the awards. We were nominated by Congressman Kemp for Glen Park. Thirty-nine awards were given out, mostly to businesses and things like the Zoo. We were the only communities to receive an award and the only park. When we accepted the award we noted that Glen Park is a new concept in parks and were gratified they appreciated it.

Trustee Murray thanked Tom Lucia and Cub Pack #299 for decorating the living Christmas Tree at the Meeting House this year.

Trustee Murray reported that Warren Thomas and Paul Wilhelm have resigned from the Environmental Advisory Council and their resignations are accepted with regret. If anyone knows of anyone interested in environmental affairs who would be interested in serving on this Board they should contact us.

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Mr. Way had no report.

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

Unanimously carried.

Mrs. Carolyn Schlifke, 192 Evans Street, addressed her remarks to Mr. Way. She stated that on the recommendation of the Traffic and Safety Committee the Board and Department of Public Works established a cross walk at St. Peter & Paul School. With the snow in the area between the sidewalk and the street the children are unable to cross at the crosswalk. She asked if the man who runs the sidewalk plow could be asked to plow this area so the children can cross at the crosswalk. Mr. Way stated he would see to it.

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

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:40 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, January 12, 1981 at 7:35 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

William Bancroft

Lawrence R. Brenton

Trustees

Connie C. Murray

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Edward Way, Dept. of Public Works

Mayor Kuzon opened the hearing at 7:35 PM.

The Clerk read the notice of hearing regarding a proposed local law which would amend Section 70.270 of the Zoning Law and add a new Section 70.273 to the Zoning Code related to Adult Uses.

PUBLIC HEARING

Proposed

Local Law

Mayor Kuzon then turned the hearing over to Trustee Murray who presented a colored zoning map of the Village stating that adult use businesses were allowed presently in both the yellow and brown colored areas. The new law would limit these uses to the brown areas. The law would restrict adult use businesses to the manufacturing districts and requires they be 500 feet apart and 25 feet from the boundaries of R-1, R-2, R-3, R-3M and R-4 districts. They will not be allowed within 500 feet of a pre-existing school or place of worship. Adult uses include bookstores, cabarets, motion picture theatres and mini-motion picture theatres. We want to restrict these businesses to areas which will have a minimum impact on residential areas. This is like an insurance policy. It will make it more difficult for such a business to come into the Village. The Constitution under the First Amendment allows them within municipal limits but we can restrict where they can be placed within the community. This has been upheld by the Supreme Court. There are other areas in the county presently considering a law like this and some communities already have such laws. They are Buffalo, Tonawanda, Lancaster, Town of West Seneca, Angola, the Village of Kenmore and the Town of Orchard Park.

Adult
Uses

Herbert Zinter, 164 Lafayette Blvd., asked how this restriction would prevent the bookstores and that from coming into the Village. Trustee Murray stated it would not prevent them from coming in but would restrict them to the light manufacturing districts. Mr. Zinter asked if they would be near residential districts. Trustee Murray stated any area in the Village is close to a residential district. Mr. Zinter asked why we could not keep them entirely out of the Village. Trustee Murray advised him that the First Amendment to the Constitution does not allow us to eliminate this type of business.

Mrs. Rita Falzone, 76 E. Maplemere Road, stated she understood that the Supreme Court said a community could set their own moral standards. She asked why they couldn't be kept out completely if the community does not want them here. This type of business trespasses on our children. We have Erie Community

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College at one end of the Village and near one of the proposed areas. Most of the people she spoke with don't want this in our community at all. According to the Supreme Court the local citizenry can control the moral standards of the community and if everyone says we don't want this at all we don't have to have this here. This actually opens the door for them to come in. The area for them is too large and too close to residential and school and church areas. We don't want our children or young adults to have this in their community. She stated she thinks she speaks for a lot of people here and in our community.

PUBLIC
HEARING
(Con't)

Paul Bitner, 100 S. Long, stated the area proposed is supposed to have the least impact on the community. Almost directly across the street from one area you have St. Peter & Paul Church and School. We see the children going past in the morning and afternoons and some would have to pass this area that will be frequented by these deviates who will be patronizing these businesses. People who are walking to and from the Bell's Store will also be passing this area. The senior citizen apartments are also in this area. By putting this type of business in this area you will be making these people prey to those people who will frequent the area of the bookstores, etc. If this Board opens this community to this type of business and sanctions them by passing this ordinance they will go down in this community known as the "porno board".

Propose
Local
Law

Adult Uses

David Quagliana, 115 Los Robles, stated the one area seems to be near the ball diamonds where lots of children play ball and go to during the day. It doesn't make sense to put this type of business where children congregate. He asked what the actual chances of this (are). The area they would be allowed in should be tightened up considerably.

Trustee Murray stated she doesn't know what the chances are of such a business coming into the Village. She has spoken with a Buffalo detective about this situation. Buffalo is the first city to have done this. He feels the bookstore in Kenmore is a test within the county and that the people who run the store are a corporation from Cleveland and are seeing which communities have restrictions on them. They would not choose to go to those communities where there has been such a public outcry. They would choose to go to other places.

Mr. Quagliana stated if this ordinance is passed they should be restricted to a much smaller area. This area at present is too big.

Vivian Lorber, 96 Windsor Avenue, Amherst, stated the fact that we are trying to decide where to allow this type of business to open shows the sickness in this society. She doesn't think it should be permitted. It should be kept out. They don't belong in this society. She doesn't think the constitution protects these places.

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She stated that just because other communities have such laws does not mean we should copy them. She feels if they were prosecuted they could be kept out.

Mrs. Lila Heimiller, 876 Sweet Home Road, attended with her daughter Marie. They are totally against any filth being in any way in this community. She believes it should be done away with. She doesn't see why anyone would want to have anything like this in their community.

PUBLIC HEARING
(Con't)

Earl Passmore, 158 Lafayette, stated he has been a youth leader for 23 years serving the youth from all over Williamsville, Amherst and Clarence and he would like to go on record to do everything possible to keep them out of our community and not give them the privilege of coming into the community at any point. They should be kept out 100%.

Proposed
Local
Law

Mrs. Carolyn Schlifke, 192 Evans Street, asked Trustee Murray to give the boundaries of the areas involved, and Trustee Murray stated there is one area on Aero Drive near the Thruway and the other by the Lehigh Railroad tracks and the Long Street diamonds. Mrs. Schlifke stated the Village area is one mile square. In that size of municipality she cannot see where an area could be designated for this type of business and not have an effect on the residents. She stated she understands that they can come in now and locate in any of the yellow areas. Mrs. Schlifke asked Mr. Troy if it would be possible if someone like this were to come in and try to establish a store, could the Village delay any kind of zoning and take this through the courts and discourage them in this manner.

Adult
Uses

Mr. Troy stated at present they can move in to any commercial district at all. We want to restrict them to an area so limited and defined that they will find it very difficult to come in at all. They could be taken through the courts but this would be a very expensive undertaking.

Mrs. Schlifke stated that setting aside an area for them is like opening pandora's box. She doesn't believe anyone in the Village wants this in any way. She stated she thinks that rather than set aside an area for them you should wait for one to come in and then act on it. It doesn't matter where you put the store. People would come from all over. They won't care if it is put by the railroad tracks as long as what is in the store is there. That is all they are interested in.

Joseph Granville, 1466 Wehrle Drive, stated he wanted to go on record as very much opposed to any kind of store like that opening up in our area. The Village and Town are not going to let any manufacturer dump PCB, sewage or garbage on our streets and we should not let them come in and dump this kind of stuff on us. PCB's are not good for our health. We have to be concerned with the health of our children, their moral health. He stated he is opposed to having this and if you have to restrict them it should be to the smallest area legally possible. Even if you restrict them to

one area you don't know what someone might want to put in a nearby area in the future years. If we give them an inch they will take a mile. If we restrict them they are going to have to come in and bring the Village to court if we disallow them. Then it would be on them to present the lawsuit, and they would have to spend money on that. We should say outright that the people of the Village just don't want them.

PUBLIC HEARING

(Con't)

Mrs. Falzone stated they had picketed "Caligula" and the D.A. told them the theatre would have a lawsuit if they didn't take the movie out of Erie County and they did take it out. If our children are strong morally perhaps they will not be tempted but this type of thing can poison our children. If they know they are not wanted they will go away. We have to take a firm stand now, regardless of what the law says. If we make it hard for them they will not come in. We have a golden opportunity to stand up for our community.

Proposed
Local
Law

Diane Galuski, Maple Road, stated she is a representative of the national organization of Morality in Media. She stated she had some concern that the zoning considerations might not be fully explored. If you are allowing a retail establishment like a bookstore and a service establishment such as a massage parlor into the manufacturing area, perhaps you might someday find a manufacturing business that wants to go in on Main Street. She stated the people here don't want pornography here. Some don't really know what pronography is. She stated she doesn't think the Board should be labeled as a "porno board" as they are bringing up the topic as they realize they have a possible problem and are trying to deal with it. She stated there is a case before the Supreme Court at the present time. A community did not want this type of business in so it listed every possible type of business or industry that it wanted in its area. There are indications of a favorable outcome and perhaps the Village should wait for the final decision which is due in about five to six months before acting on this proposed law. She left an application with the attorney so he could send for information from their organization's legal bureau regarding this case and the prosecution of this type of business.

Adult
Uses

Mrs. Sharon Graham, 96 S. Long Street, stated she is against this business and law. She has three small children and there are others on her street. She does not want this on her street. The area is also too near the church.

Mrs. Vivian Marsh, 17 The Common, stated she has been a girls' youth leader and is concerned about the effect of this on their lives. Kids get around. One might go to the store and pass on what they get there. She does not want this blight in our community.

Mrs. Gertrude Blackburn, 2 Garden Parkway, stated she is strongly against this.

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Mr. Bitner stated if these businesses are put in out of the way places you won't know who goes there, and it makes it difficult for law officers to monitor them. If we have it it should be put on Main Street so we can see who goes in and out.

James Likoudis, 71 N. Ellicott, stated that using the zoning approach has the effect of breaking up the community solidarity, with respect to opposing this at all. Interest in this subject is long overdue but he is wondering whether the zoning approach is the right way and whether this should be handled on a county level, particularly in view of the small area involved. Using the zoning approach makes it more difficult for the community as a whole to say they are opposed to all kinds of pornography. We already have some in family type stores such as drug stores and fast food stores in the form of certain magazines. Nothing is presently being done about this. The judges and legal officials of the community should make it clear that if this type of business moves in they will use the full power of the law to oppose it. Something should also be done to eliminate the magazines from the family types of business in the community. People could also write letters to their legislators about tightening up the present state obscenity law. Law officials should make it clear that if they open up an adult store or whatever they will get full prosecution under the law. He stated he thinks this is a much more effective way to handle this than zoning which breaks up the community solidarity against it. These cases have been prosecuted in other areas but not in western New York because the legal officials and judges don't have the kind of prosecution they need. Perhaps a letter could be sent to the Chamber of Commerce asking them to contact the county and state legislators about tightening up the maximum penalties and also going on notice with the local businesses that they support full prosecution under the present pornography section of the state law.

PUBLIC
HEARING
(Con't)

Proposed
Local
Law

Adult
Uses

Mr. Zinter stated he wanted to thank Mrs. Murray for bringing this to the community's attention and her efforts in trying to get something done that will control this situation.

Trustee Brenton stated Mrs. Murray should be thanked for her efforts in trying to intelligently handle this problem before it occurs but he stated he was not sure this type of business should be sanctioned at all and if it is sanctioned via this type of restricted plan there might be problems with it in the future. The Board does not sanction this type of activity and do not want it in our community. The purpose of the hearing is to secure citizen input on how to best control this problem. He thanked everyone for coming to the public hearing and letting the Board know their feelings on this matter.

Trustee Murray also thanked everyone for coming tonight and stated it was nice to see so many people at a public hearing.

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ON MOTION by Trustee Murray, seconded by Trustee Brenton, the hearing was closed at 8:15 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, January 12, 1981 at 8:16 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

William Bancroft
Lawrence R. Brenton Trustees
Connie C. Murray

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

Mayor Kuzon called the hearing to order at 8:16 PM.

The Clerk read the notice of hearing regarding a proposed local law which would extend the term of office of the Mayor and Trustees from two years to four years and set the dates of election to the odd years effective with the election held in 1982.

PUBLIC HEARING

Mayor Kuzon stated that at first glance this could seem like a self-serving attempt by local politicians to isolate themselves from their constituency. However, the Board and our Local Government Review Committee have considered this proposal and carefully scrutinized it in this regard. It is felt that this proposal will increase the effectiveness of local officials and make better use of tax dollars. Last year we received a letter from the Executive Committee of the Civic Pride Party asking that the terms be examined. In April, 1980 the Local Government Review Committee was established. They have been meeting for the last nine to ten months regarding this and have carefully studied this proposal. They have also met with a State department and have come to the conclusion that the terms should be extended from two years to four years.

Local Law

Four-year term for Mayor and Trustees

Mayor Kuzon read a portion of the Local Government Review Committee report. They feel it will help the Board to govern more effectively and be in the best interests of the Village. It decreases the effectiveness of the Board member when he has to run every two years as he has to spend time campaigning and raising money. When a person is elected to a four year term it will increase his effectiveness as he will not have to think about raising money or running a campaign again for four years. They do not see any appreciable loss of representation.

Mayor Kuzon stated the Village is a small area and most officials live here and often work here as well as spend their leisure time here. It is very easy to get in touch with an official of the Board at his home or even at work. Increasing the term of office will not decrease the responsiveness of Board members to the community.

The hearing tonight is to collect information on how the residents feel about this. The question has to be put on the ballot for a referendum vote and should be on the 1981 ballot. The electorate will vote on this issue at that time and if the vote is negative we will act accordingly. If the vote is positive the Trustees will run for two year terms in 1982 and then in 1984 the Mayor and Trustees will be elected for four year terms.

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Mayor Kuzon stated elections would be held in odd years, every two years. This year we had a problem with the presidential primary being so close to our election time and if not for the assistance of the Town Clerk's Office we might have had to use paper ballots. We do not want to run into this problem again and that is why we will hold elections in odd years.

Richard Hill, 18 Brookside, stated he was in favor of this change. It will be easier to get candidates for these jobs if they don't have to run for office every two years. This will give a candidate three years when he won't have to think about campaigning.

Mayor Kuzon stated one other advantage will be to give some continuity to the Board and their work. In his time on the Board (five years) there has been a large turnover in the Trustees and Mayors on the Board. This presents a problem with new trustees who have to spend time learning their jobs and sometimes they repeat the efforts of a predecessor with a duplication of certain aspects. This is part of their learning process. The four year term will also give us continuity in dealing with the Town, County and State governments and be of advantage to us.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the hearing was closed at 8:24 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer