

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, November 9, 1981 at 7:35 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

William Bancroft
Lawrence R. Brenton Trustees
Michael Kibby
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 7:35 PM.

Mayor Kuzon: At this point in our agenda we have approval of the minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the regular meeting held October 26, 1981 were approved.

Unanimously carried.

Mayor Kuzon: Next on the agenda is my report and resolutions and in the form of a report I would like to report to the Board and the public that I have recently received two petitions. One petition concerns truck traffic and enforcement of the existing Village truck ordinance on Union Road. The petition will be referred to our Village Traffic & Safety Committee for its review and recommendations. Their next meeting is the 19th of November. The second petition also will be referred to Traffic and Safety. It's from a group of residents of Arend Avenue requesting additional street lighting. They reported an increase in vandalism in their block on Arend and they feel the street lighting will act as a deterrent to vandalism.

Also, I'd like to report that last week during the near disaster in Akron our Fire Department was on mutual aid stand-by and I talked to the Chief and he reported to me that one of our ambulances was in Akron as a backup and also our pumper was up at the airport on stand-by because the airport crash truck was in Akron.

I have two resolutions. One is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$68,657.85 were approved as follows:

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Payroll Fund	W/E 10/28/81	\$ 7,967.67
	W/E 11/04/81	4,688.41
General Fund	Abstract #500	23,314.42
Sewer & Water Fund	Abstract #81	18,116.63
Trust & Agency Fund	Abstract #120	5,485.52
Glen Park Jt/Activities Fund	Abstract #20	49.15
Federal Revenue Sharing Fund	Abstract #118	1,818.62
Sanitary Sewer Rehab Fund	Abstract #4	<u>7,217.43</u>
Total Vouchers		\$68,657.85

Unanimously carried.

My second resolution basically calls for the County of Erie to collect our unpaid taxes and it's ratherly lengthy and I'll read it.

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

WHEREAS the Village Clerk has returned her warrant and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amounting to \$5,702.57 (see attached listing) containing description of the land upon which such taxes are unpaid as the same were placed upon the tax roll, together with the amount of the tax so assessed and interest thereon, and

VILLAGE
TAXES

(Unpaid)
Returned
to County

WHEREAS the said Village Clerk under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

WHEREAS upon receiving such account from the Village Clerk, the Board of Trustees compared the same with the original tax roll of the Village, and

WHEREAS said Board of Trustees find such account to be true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Village of Williamsville is hereby credited

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by this Board of Trustees with amount of said account in said return, and

BE IT FURTHER RESOLVED that a certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$5,702.57 and reciting that the account has been compared and found to be correct; and that the Clerk transmit said account and certificate to the appropriate officer of the county of Erie within 15 days to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried.

That's all I have. Trustee Murray. Oh, I'm sorry. - Trustee Kibby.

Trustee Kibby: I have two resolutions this evening and one thing to report. Letters will be going out within the next eight or nine days to the homes in the target area for community development funds. Letters will be going to each of the 300 to 320 residents in that area indicating to them that such funds are available and some of the criteria that are going to be taken into account in establishing who will be eligible for those funds. So if you live in that area you should be expecting a letter by the end of the week or the following week.

My first resolution is related to those community development funds. The resolution gives the Village the right to require a consensual lien on all people receiving grants or loans from these Village community development funds. This lien provides for repayment to the Village of the amount advanced without interest upon future conveyance of the property. The resolution reads:

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the following resolution was adopted:

RESOLVED that the Community Development program shall provide for the recovery of all moneys advanced or applied for the rehabilitation of dwellings within the Village of Williamsville. To that end, the owner of any such dwelling shall execute a consensual lien agreement and any other appropriate instruments required by the Village Attorney, to provide for repayments to the Village of the amount advanced, without interest upon future conveyance of the property. This requirement shall apply to all moneys advanced following the date of this resolution.

COMMUNITY
DEVELOPMENT
FUNDS

Consensual
liens

Unanimously carried.

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The second resolution has to do with the number of days of advance notice needed to be given before a Board of Appeals hearing. Our present code calls for five days and we are changing that to ten days so that advance notice must be given ten days before the Board of Appeals can actually meet. This will make us in compliance with State regulations.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on December 14, 1981 at 7:35 p.m. in the Municipal Building for the purpose of hearing all persons interested in a Local Law which would amend Section 70.124 of the Village Zoning Code - Public Hearing.

PUBLISH NOTICE
OF PUBLIC
HEARING

Amend Section
70.124 of
Zoning Code

That would be to discuss the change in the number of days.

Unanimously carried.

Mayor Kuzon: Trustee Murray.

Trustee Murray: I have no report this evening and I'll move to my resolutions. Because of the Glen Park Joing Board's change of date, Shirley Thomas who is a member, a Village appointment to that committee, has found it necessary to resign because of a committment on that evening. I accept it with regret and my first resolution is an appointment to fill that vacancy.

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

RESOLVED that James Tamaro, 125 Los Robles, is hereby appointed to the Glen Park Joint Board to fill the unexpired term of Shirley Thomas, until the end of the official 1981-1982 Village year.

APPOINTMENT

Glen Park Joint
Board

Unanimously carried.

I might also point out that Mr. Tamaro was a former Chairman of the Glen Park Joint Board and has been inspired by the Beaver Meadow Nature Building and he would like to set a goal of something similar for our nature building in Glen Park, and since it has sat there without much use I look forward to his contributing to the committee.

My second resolution is a housekeeping item for the Village elections which come up next March 16th, and it reads:

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

WHEREAS the next general Village election for officers will be held on March 16, 1982, and

ELECTIONS - 1982

WHEREAS the Board of Trustees must designate by resolution and publish the offices which are to be filled in such election and the terms thereof,

Dates and offices designated

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees designates the following offices as vacant at the end of the current official year, to be filled at the Village election to be held on March 16, 1982 for the following terms; two (2) Trustees for a three (3) year term each.

Section 2. The Village Clerk is hereby directed to publish this resolution in full in the Amherst Bee.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

As you will remember, at our last election there was a proposition on the ballot to increase our term as Trustees and as Mayor from two to four years and in order to make the years alternating - you remember the resolution said a three year term - this time the two Trustees are going to run for a three year term and the following year the Trustees and Mayor will run for a four year term. That concludes my report.

Mayor Kuzon: Thank you. Trustee Bancroft.

Trustee Bancroft: Thank you, Mr. Mayor. I have one resolution this evening which pertains to the Village's participation with the Town in sponsoring the youth program. All of the funds which we obtain from the state for youth related activities are transferred to the Town's Youth Bureau for administration. This resolution tonight simplifies the paperwork and the funds which we receive from the state in that the funds will go directly to the Town and we don't have to get involved in the intermediary paperwork.

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

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RESOLVED that the Mayor is authorized to sign Waiver of State Aid for Approved Program form authorizing the State of New York to pay \$5,975.84 of Village of Williamsville Youth funding for the joint Village-Town program directly to the Town of Amherst.

AUTHORIZATION

Mayor to sign waiver for youth

Unanimously carried.

Thank you. I have no report this evening.

Mayor Kuzon: Thank you. Trustee Brenton.

Trustee Brenton: Thank you. I have no report this evening and I'll move right to my first resolution which deals with a street light that was knocked down several years ago and unbeknownst to the Village at that time or in the intervening years has not been replaced. It was brought to our attention recently and Niagara Mohawk needs a resolution to replace the street light of this nature. There is no charge to the Village and so I will read the resolution.

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

RESOLVED that the Village Clerk direct Niagara Mohawk to restore to service light standard in front of 142 Highland Drive.

LIGHTING

Restore light at 142 Highland

Unanimously carried.

Resolution No. 2 deals with a proposed change in the type of material used in our sanitary sewer laterals. Those are the lines that run from the individual building to the main and whereas we have a section in our code presently that does allow for the use of Schedule 40 PVC pipe in that instance the thought would be to perhaps change that, which will be later developed, and it - also this resolution pertains to the use of PVC pipe within our sanitary sewer system - that is that portion of the system known as the main - the lines that run down underneath your street, and it is a generally accepted construction procedure and accepted by governments in most areas, if not all areas, to allow the use of PVC pipe. As you know, we are presently undergoing - will be undergoing a rehabilitation of the areas of our sewer system that need treatment and the suggested method of rehabilitation is to replace the existing clay pipe with PVC pipe. Therefore, this legislation, if passed, would allow for the use of PVC pipe in our sanitary sewer main where we have no - we presently have no legislation involving the use of any material in our sanitary sewer main. This calls for the public hearing and I'll read the resolution.

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

RESOLVED that the Village Clerk publish notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville on November 23, 1981 at 7:35 p.m. in the Municipal Building for the purpose of hearing all persons interested in a Local Law which would amend Section 40.50(6) of the Sewer Code and add Section 40.51 - Specifications for P.V.C. pipe in the Village Sewers.

PUBLISH NOTICE OF PUBLIC HEARING

Local Law to amend sewer code re:

PVC pipe

Unanimously carried.

Resolution No. 3 deals with the acceptance of bids. The low bidder as far as the Village is concerned has been identified through the aforementioned sanitary sewer rehabilitation program. That low bidder is Nickel City Contracting Corp. The results of that bid procedure have been forwarded to the Department of Environmental Conservation where they will be reviewed and if Nickel City remains after the Department of Environmental Conservation scrutiny, if Nickel City remains the low bidder then they will be awarded the contract. However, the Department of Environmental Conservation does need authorization or indication by the Village of the fact that this is the low bidder and that's the reason for this resolution which reads as follows:

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

WHEREAS the Village has advertised for sealed bids for Sanitary Sewer Rehabilitation Phase I, Contract B, Project # C-36-1244-01, and

AWARD OF BID RECOMMENDED

WHEREAS Nickel City Contracting Corp. submitted the lowest bid meeting specifications, and

Nickel City

WHEREAS Nickel City Contracting Corp. bid on Alternate "B" - replace and excavate, and

for SSES Rehabilitation Program

WHEREAS U.R.S., the Village Engineers on this rehabilitation project recommend acceptance of this bid,

Phase I

NOW, THEREFORE, the Village of Williamsville Board of Trustees recommends acceptance of the Nickel City Contracting Corp. bid for excavate and replacement in the amount of \$284,457.00.

Unanimously carried.

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Resolution No. 4 deals with the legality of the situation that we were involved in last summer and the fallout that could occur for not having such a situation legalized. That situation I refer to was when we had assistance from the Town of Amherst Highway Department in the paving of Mill Street. We used the Town personnel and the Town vehicles and basically this is something that should be authorized by local law. Therefore, we will be doing this at this time, authorizing the Mayor to enter into an agreement for the use of these - to jointly share these materials, vehicles and personnel depending on what the individual situation is and they - the situation would be identified at a later point as to, for instance, whether or not the Village would use a paver of the Town of Amherst and the operator of that paver and the method of reimbursing the Town. That would be identified at a later point. What we do now is simply allow for the Mayor to enter into an agreement to do such and we would have to have reciprocal or similar legislation on the part of the Town of Amherst and I will be discussing the situation with Councilman Southwick, who has that responsibility, so that hopefully the Town will enter into a similar agreement. Resolution No. 4 reads as follows:

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

RESOLVED that the Mayor is authorized to enter into Municipal Cooperation Agreement with the Town of Amherst for mutual exchange of highway equipment pursuant to the provision of Article 5-G of the General Municipal Law.	AUTHORIZATION Mayor to enter into Mutual Cooperation Agreements with Town of Amherst
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Unanimously carried.

That's all I have. Thank you.

Mayor Kuzon: Thank you. Mr. Way of the Department of Public Works.

Mr. Way: Thank you, Mr. Mayor. I would just like to say we know these leaves are heavy on these streets. We are getting around as quickly as we possibly can but it's pretty hard to keep up with them and I would also ask that they not put them into the street as they are a real problem with the receivers. Thank you, Mr. Mayor.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may bring any issue to the Village Board. We ask that you state your name and address for the minutes. Anyone?

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Mr. Henel, 99 N. Ellicott: I moved to Williamsville in 1907 so guess I'm one of the oldest oldtimers around and I have noticed changes from that time on to the present - good and bad. And my reason for being here tonight is the same reason as my neighbors are here. We have a new eyesore, as one of your own Board members described it, in our neighborhood and that is a parking space in front of a home displacing the lawn. Now you've probably heard about this. I don't know how much protest has been made to date, but we're here to make a protest and I in particular, because it is offensive and I don't know whether this parking space is made by permit or not. It certainly wasn't made for the approval of the neighbors. This is at 95 N. Ellicott Street, which is next to me.

Complaints
from
residents
on
North
Ellicott
regarding
paved
front
lawn
used for
parking
cars

Mayor Kuzon: Okay. First of all I'd refer your question to Trustee Kibby and the Village Attorney who are in charge of the Building Department and the Village Enforcement Committee and I think that they can respond more appropriately. Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. This is the first I am aware of this, sir, and I will ask the Village Inspector to take a look at this tomorrow. I can't make any comment on it right now from where I sit and from what I know, which is...

Mr. Henel: Well you know someone is making an inquiry anyway.

Trustee Kibby: Well I'm glad to know, I'm glad you're here and glad you made the inquiry, and I will inform the Village Inspector tomorrow and he will go out and look at it and see if there is something out there that is not supposed to be.

Mr. Henel: It's not only the cars, but it's old, battered cars.

Trustee Kibby: Thank you. Did you want to say anything?

Mr. Troy: No, not at this time. I have a question though as to whether or not our Village law even addresses itself to this matter. It may very well be that our law, as I interpret it presently, would not exclude such parking in the front of premises as long as a functional driveway were there. Just parking on the front lawn, of course, would be an absolutely illegal act, but if a properly constructed driveway were there that met the requirements of the law I don't think the Village law would be able to do anything about it the way it's presently interpreted.

Mr. Henel: Someone said to me that you can do - that you can make such a space if it's widening of the driveway, but this obviously is not. It is not a widening of the driveway.

Mr. Troy: We will review it after the Building Inspector comes back. The Enforcement Committee will get a report on it and we'll review the situation again. But in the past, when this has

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occurred the position of the Enforcement Committee has been that we are unable to do anything about it as long as there has been a properly built drive. The exact placement in front of the house, as I said, the law doesn't address itself to.

Mr. Henel: I'd like to ask a question. Suppose we all did that?

Mr. Troy: It would look like hell.

Mr. Henel: It would, yes. And as one of your ex-Board members said it certainly is an eyesore. It's an eyesore to us.

Trustee Brenton: Well I would just like to ask the attorney if he would feel there would be nothing that could be done about it in the event that the vehicle in question was on the Village right-of-way, that portion of the street that extends off the shoulder of the street and into the lawn area. In other words is the car parked right off the shoulder of the street or is it parked back up.

Mr. Henel: He parks it up against the house and they removed some dirt which has been placed in front of the house. Whether it will ever be occupied by flowers or bushes or what, I don't know.

Mr. Troy: Have they installed a concrete drive?

Mr. Henel: It's not concrete. It looks like blacktop. They had a machine there to do it.

Trustee Kibby: I'll have Mr. Meidel, our Building Inspector, go out there as soon as he can, which will probably be tomorrow, Wednesday or Thursday, and take a look at it and report back. If there is a problem or looks as if there will be a problem it will be referred to the Enforcement Committee. Thank you for coming.

Trustee Bancroft: Mr. Henel your street number is?

Mr. Henel: 99.

Trustee Bancroft: Thank you. Dr. Post, what's your number.

Dr. Post: 94.

Trustee Bancroft: 94, and the Magowan's are 98. It would be on the east side of N. Ellicott.

Mr. Henel: Yes. Their building is on the east side. 95.

Trustee Bancroft: Thank you.

Mr. William Magowan, 98 N. Ellicott: I live across the street - almost directly across the street from the place. Of course, you

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have to get the cars off the street for the winter. He has four cars in the establishment. He has a car and his wife has a car, and he remarried recently and he and his son, who has one and his wife's son has one. And they have a double garage. I'm not sure whether they can use both sides though. They had a machine in one side for some time now. It was left there by the previous owner. In any case, he hasn't got room in his backyard for all the cars and he can't leave them on the street all winter so he's got rather a problem I must admit. We don't - Ordinarily we don't object to people parking in their driveway, but this blacktop pad that is 21 feet in width - I paced it - in front of it and about 20 feet deep. This runs off his driveway but it occupies more than half his front lawn. I've lived here for 40 years and never complained about anybody, what anybody did there, but it seems to me it's getting to be a new problem in this area. We haven't had this problem before. On Orchard Street there's a house there where the previous owner paved his entire front yard and kept a couple of cars parked in there. I don't know the number over there. It's on the west side of Orchard Place which is a street of varying types of houses, small houses. Small, old houses, but very nice ones and this certainly doesn't add to it - it doesn't add to the appearance of the area at all. It has nothing to do with us except if you have one person on the street do it and the surrounding neighbors see it and they feel they can do the same thing. There is only one on our street as far as I know but I certainly hope it doesn't get encouraged. I suppose it will be rather difficult the way the law is. People can find a loophole. I hope that something can be done about it.

Trustee Kibby: We'll look into it and see. Thank you.

Mayor Kuzon: Yes, ma'am?

Mrs. Edith Magowan, 98 N. Ellicott: I just wanted to add a little bit to what my husband said. The house on Orchard Street which is parallel to us off Eagle is 80 Orchard. Now I understand from a lady who lives across, almost across from there that this lawn was paved about three years ago. Now she saw the man putting in a foundation so she said to him I don't think you can do this, you better go see the Village Board or get a permit or something. Anyway, he put in the rough stone but he didn't finish at that point but apparently from what she understood that he did go and they said well we can't stop you from paving it but you can't park on it. So, therefore, he went ahead and blacktopped the whole front lawn. There's still a little foundation planting there but he did not park on that part of the front lawn in front of the windows. He parked in the driveway. I think it was a gravel driveway. I don't know. That was about three years ago and all the neighbors didn't like it but didn't complain much about it. The house did change hands fairly recently. So now everything about not parking in front of the house has changed and the people that live there now park in front of the house. I saw it the other day. One car parked in front of the bay window and one in

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front of the driveway and this doesn't look good. The thing is we really have a beautiful Village and I don't think that people should just put in these parking pads any old place they feel like it. Now maybe stone's a better material. You know once you put in a blacktop parking place it's going to be hard to get rid of. You have to chop that up and remove it and put soil in there, and all that. Maybe some material that could be removed easily and the dirt put back and grass put on after it isn't needed any more like flagstone or brick or something like that. Now I don't know. They'll say we couldn't use a lawn mower on it and maybe there could be some provision for landscaping to make it look a little better for the neighbors than it does. These houses on Orchard are small, old houses and they don't have much front lawn and the one next door to this one has quite a lot of blacktop and you know it just spoils that area of the street to me. On Ellicott, where we live, you have one of the most historic houses in the Village. The Joseph Ellicott house. Now they can't see this parking place but you know it just doesn't seem like a right thing to do. I think the Village Attorney and whoever might be concerned should look into the problem and just see what they come up with.

Trustee Kibby: The whole Board of Trustees is concerned about this. It happens to be my responsibility to look into this on their behalf. It looks to me that there are two or three things that we need to be concerned with. One is the legality of such pads, such parking pads. If they're illegal there are things that can be done and steps that may be taken to correct that situation. If they're not illegal that presents a different kind of problem. The second thing is if it's legal to have pads but not legal to park there then that becomes a policing problem and it would depend on the citizenry involved to complain to the police department and indicate that such violations are taking place and on their regular patrol the police would come by that place - make sure they come by that place and probably hang a parking tag on such vehicles. There's a third avenue that might need to be looked at too, and I'm not promising that this will happen or won't happen, but it will be considered I guess and that is the possibility of looking into - or looking into the possibility of an ordinance restricting construction of such pads and the use of such pads. I can't say right now whether this Board would be in favor of doing or not doing this thing. There are a lot of ramifications that need to be discussed. I can see where there are alternative points of view. Where if one doesn't have a garage and has limited parking space, and today these people do have two and three cars, I think that has to be taken into view.

Mrs. Magowan: Well we had boys too, and when they had cars we just moved them in and out of the driveway. We never widened our driveway. We do have space where we could put cars off but we just never did it.

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Trustee Kibby: Well this is the second time, Mrs. Magowan, this has come up. Not this particular problem, but the whole idea of Fall parking of multiple cars has come up in a month so obviously the - two swallows don't make a spring but still and all it does look as though it's a problem to be looked into.

Mrs. Magowan: When we saw this bulldozer there we called the Village and asked if they had a permit and we talked to somebody - I don't know if it was the Village Clerk or who it was - and they said well we'll send an inspector out and I don't know if he's been there and it's been a week or so it's been in I think. He should have already have seen it. It should be landscaped or something done to make it look better.

Trustee Kibby: Thank you for coming.

Mr. Henel: Let me ask you one question. Suppose somebody was doing it opposite your home. What would your reaction be? Is that an unfair question?

Trustee Kibby: No, it's not an unfair question. I don't think I'd like it but the question is whether or not it's legal and then the question is if it's not illegal whether it should be made illegal. It's not something I think I can respond to on the spur of the moment. I've had neighbors I didn't like also and that's not necessarily illegal. I've got a neighbor right now I don't like - Mobil Gas Station, but there's nothing I can do about it. It's there and it's going to be there a long time. Mr. Mayor, I'll turn it back to you.

Mayor Kuzon: I like all my neighbors. Anyone else? Any Board member? Seeing none...

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

Unanimously carried.

Mayor Kuzon: Before adjourning I'd like to remind everyone that our offices will be closed on Wednesday in observance of Veterans' Day. Our next Board meeting is on the 23rd of November and if there is no more business...

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:10 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer