

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, August 23, 1982 at 7:32 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby Trustees

Connie C. Murray

V. James Saia

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

John Anstett, Dept. of Public Works

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

Mayor Kuzon: At this time we're going to break from the routine of our regular agenda and have the presentation of a very special award. At this time I'd ask our Fire Chief, Rick Andrews, to come forward and also Paul Doucette.

Chief Andrews: Ladies and gentlemen in the audience for your information I would say that on the afternoon of the 21st of July we had a first aid call at a residence on Mill Street. When we got there we found a woman that had been possibly there for most of the day, maybe even the day before, who had had a stroke and was laying in the bathroom. The reason we found her was that Paul went out and saw, sensed something wrong in the house and called the fire department and we came and found her and that's the reason we're here tonight for this award because I think it was a heck of a good, knowledgeable thing to do and I'd like the Mayor to read the resolution.

Mayor Kuzon: We do have a resolution and it reads:

WHEREAS on July 21, 1982 Paul J. Doucette was delivering newspapers at the Mill Street residence of Mrs. Ethel Bennett, and

WHEREAS he sensed that something did not look right, and further checking that there might be something wrong, he called the fire department, and

WHEREAS because of his concern and immediate actions, Mrs. Bennett is still alive today

NOW, THEREFORE, the Village of Williamsville Board of Trustees hereby commends Paul J. Doucette for his meritorious service and outstanding citizenship and concern for human life.

Congratulations, Paul.

Paul Doucette: Thank you very much.

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Mayor Kuzon: Getting back to our agenda next would be approval of our minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the regular meeting held July 26, 1982 were approved.

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the minutes of the public hearing held July 26, 1982 regarding a local law to amend Section 60.40(31) of the Traffic Code relative to a stop sign at Columbia and Scott were approved.

Unanimously carried.

Mayor Kuzon: For my portion of the agenda, I have a number of items to report. First of all, I received notification today that the Village of Williamsville has once again been presented a Pedestrian Protection Award from the local Automobile Club and a representative from our Village will be attending a special luncheon to receive this award and also the placque that accompanies it. That would be Trustee Murray.

Two other items to report. At our last Board meeting a resolution was passed authorizing the Mayor to appoint a committee to study the impact of Old Home Days. Maybe some of you read in the paper where I assigned that task to our already existing Local Government Committee which is made up of four or five residents of the Village already, which is a stipulation under the resolution authorizing this study. In addition, at our last Board meeting a resident asked that the Village Board study the concept of a Village Manager and under similar circumstances or similar situation I've also authorized the Local Government Committee to look into the concept of a Village Manager. This committee will be meeting in early September to begin its investigation of Old Home Days and once that's accomplished they will study the concept of the Village Manager.

I have three resolutions this evening. The first one is for vouchers. These vouchers represent Village business for the first two weeks of this month. Normally, this would be done at the first meeting of the month but because of the summer schedule we are meeting once a month. The first resolution is:

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$63,987.56 were approved as follows:

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Payroll Fund	W/E 7/28/82	\$ 8,988.72
	W/E 8/4/82	4,945.04
General Fund	Abstract #518	16,660.43
Sewer & Water Fund	Abstract #99	25,660.31
Trust & Agency Fund	Abstract #138	6,127.17
Glen Park Joint Activities	Abstract #38	<u>1,605.89</u>
Total Vouchers		\$63,987.56

The larger of these vouchers are to Cataract Disposal, our refuse collector, and the Erie County Water Authority, our supplier of water.

Unanimously carried.

My second resolution is also for vouchers and represents the transactions of the last two weeks of the month.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$110,220.88 were approved as follows:

Payroll Fund	W/E 8/11/82	\$ 5,048.72
	W/E 8/18/82	4,947.05
General Fund	Abstract #519	15,068.60
Sewer & Water Fund	Abstract #100	653.41
Trust & Agency Fund	Abstract #139	1,645.52
Glen Park Joint Activities	Abstract #39	111.21
SSES Fund	Abstract #15	<u>82,746.37</u>
Total Vouchers		\$110,220.88

The larger of these vouchers are to Nickel City, which is our sanitary sewer rehabilitation contractor, and to Niagara Mohawk, our electric supplier.

Unanimously carried.

My third resolution would authorize Trustee Murray and the Village Clerk to attend the Annual Training School at Grossingers held at the end of September. The money is present in our Village budget. This is an annual school which is funded by the New York State Conference of Mayors and Trustee Murray, I think you attended it last year, and the Clerk has attended for a number of years and they come back with a wealth of information. It reads:

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

RESOLVED that Connie C. Murray, Trustee, and Theresa L. Cummins, Clerk-Treasurer, are authorized to attend the 27th Annual Training School at Grossingers, New York from September 28 to October 1, 1982 and the cost, not to exceed \$350.00 each, to be paid by the Village of Williamsville.

AUTHORIZATION
Attend Conference

Unanimously carried.

That ends my portion of the agenda. Next would be Trustee Saia.

Trustee Saia: Thank you, Mr. Mayor. I've got a few things to report on. One is that August 3rd and August 10th we had the puppets down at the gazebo, down at Garrison Park. I know the children wish to thank the Board for the donation to have that hour show. They really enjoyed themselves.

Another thing I have is the wading pools will be closed by Labor Day. Now we're getting a lot of leaves in the Garrison Street pool and I don't know if we're going to be able to keep up with the leaves. They're starting to come down now but we're going to keep them open as long as we can. If we got good days we're going to keep them open for you.

Another thing is Glen Park. As you know we have that joint with the Town of Amherst and I'm really proud of that park. We had a bunch of youths in there this summer. They're just getting done. They did a fantastic job. If you haven't taken a walk down there take a walk down there and see the housekeeping they have done around the bushes, the trees. A fantastic job.

Now the other thing is I have a resolution here I'd like to have adopted and I'll read it.

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

WHEREAS the use of nuclear weapons can bring about irreversible nuclear damage to large portions of the earth, and

NUCLEAR
WEAPONS
FREEZE

WHEREAS nuclear weapons can cause untold genetic damage for countless generations to come, and

WHEREAS the President of the United States has announced that he is willing to pursue nuclear arms control negotiations, and

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WHEREAS a bilateral nuclear weapons freeze has been requested by the National Council of Churches, over 70 Catholic Bishops and almost 300 town, city and village councils in this nation,

NOW, THEREFORE, BE IT RESOLVED that the Williamsville Board of Trustees and the Environmental Advisory Council join with our fellow Americans in declaring the use of nuclear weapons a colossal evil and totally immoral and requesting that our President and our nation's government make every effort to secure agreement to a bilateral nuclear weapons freeze, and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the appropriate representatives of the States Assembly, Senate, the U. S. Congressmen, the County of Erie and the Town of Amherst Environmental Council and William Kindel, Councilman.

Vote on Roll Call: Trustee Murray - aye
Trustee Kibby - no
Trustee Brenton - aye
Trustee Saia - aye
Mayor Kuzon - I'm going to vote no and I'll explain my no. It is not that I'm in favor of nuclear weapons, that's not the case. It seems to me it's more a question of what's appropriate for Village government to discuss. While I think all of us as individual citizens have a responsibility to communicate to our other levels of government I think that this resolution is inappropriate for Village government at this time. So I vote no.

Ayes - 3; Noes - 2

Carried.

Mayor Kuzon: Anything else?

Trustee Saia: No. I want to congratulate - Mill Street now has - the northern part of Williamsville now has an association. It is called the Williamsville North Citizens Association. I want to congratulate them. They're - I guess they're getting their charter members and I'm sure they'll have meetings and I'm sure they'll be a viable force in this Village for time to come and I want to congratulate them.

Mayor Kuzon: Okay. Thank you. Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. I have two resolutions tonight and the first is to call for a public hearing and I'll read it:

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

RESOLVED that the Village Clerk publish notice of public hearing to be held September 13, 1982 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 59.50(1) of the Swimming Pool Code of the Village of Williamsville.

PUBLISH NOTICE OF
PUBLIC HEARING

Fences for
swimming pools

Unanimously carried.

Essentially what this code would do is call for chain link fences or their equivalent to be placed around swimming pools.

And the second resolution is - deals with the Federal Revenue Sharing Statement of Assurances. Essentially what it says is that we will call public hearings and comply with the regulations of the Federal Revenue Sharing program. It reads:

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

RESOLVED that the Mayor is authorized to sign Federal Revenue Sharing Statement of Assurances Form for Entitlement Period 14 covering the period from October 1, 1982 to September 30, 1983.

AUTHORIZATION

Mayor to sign
FRS Statement of
Assurances

Unanimously carried.

Thank you, Mr. Mayor. I have no other business.

Mayor Kuzon: Thank you. Trustee Brenton.

Trustee Brenton: Thank you, Mr. Mayor. For my report tonight I'd first like to thank Mr. Anstett and Mr. Laubisch, who you may or may not know are in charge of the day-to-day functions of our Department of Public Works resultant from the resignation of Mr. Way and these two gentlemen are doing a fine job and already tonight I've heard two very favorable comments from Trustees pertaining to the work that has been done over this summer, which is obviously the time that they have been responsible for the daily operations and these comments, as I said, were favorable and usually I get unfavorable comments from the Trustees so you can see that I'm really pleased pertaining to the functions of the Department under Mr. Anstett and Mr. Laubisch.

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I would also at this time like to thank in particular Mr. Lucey, the Highway Administrator of the Town of Amherst, and the Amherst Town Board for their recent assistance in our paving program in the Village whereas we have utilized Town equipment which is much more sophisticated than the equipment that the Village owns and allows us to achieve a better result and without having to purchase the equipment, and also we have the utilization of the very large Town trucks, this for the purpose of paving our streets and so that the professionalism of the job that has resulted is far superior to what we have done in the past to my estimation. I think we'll get a greater road, or street life as a result of this and I also believe that the actual street itself is more professionally done. And I'd like to say that that is not because our forces couldn't do a professional job but they quite frankly didn't have the equipment to do a professional job nor did we have the trucks to keep the blacktop hot and keep it rolling, etc. No comment of a derogatory nature toward our people. This was a joint effort with our people and the Town people. The point is that we have arrived at a more sophisticated paving of our streets now and I certainly hope it will continue in the future. The functions of the Department of Public Works which you probably know fall under my jurisdiction, in particular maybe a little more so now that Mr. Way has resigned. In that regard, I think we have attempted some innovations, to wit, that we installed a water valve on Hirschfield Drive, rather than go to a private contractor and saved some money. I know that the Mayor reported on that at the last meeting. So we are also endeavoring to paint our DPW building with our own forces. This will be the first time that this building has been painted in a considerable length of time and as you have probably seen we are painting our fire hydrants OSHA yellow. Some people find the yellow a bit glaring but I assure you that the color will diminish, or the glare will diminish as time goes by and I also assure you that as a result of input from Fire Chief Andrews this is the most safe color to paint our hydrants and that is why we're painting them OSHA yellow.

I would also like to comment on - or one other thing here - we will be installing bus shelters through the cooperation of the Niagara Frontier Transportation Authority at the corner of Union and Main and at the corner of Evans and Main and these shelters will be installed by the Transportation Authority. The Village will have the concrete pad put down for the Authority. They should be up by the time of inclement weather.

I would also like to comment tonight on the situation of the racket club and I feel a need to comment on that. That is the former racket club on Mill Street, which of course has been the center of a great deal of controversy recently and even involved a meeting of the Board of Trustees and the Building Department, which I was quite frankly absent from just last week, and I was out of town on my employment and unfortunately could not make it and I do, therefore, feel the need to comment.

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My comments are that I have received, and I'm sure that the other Board members have received, a significant number of letters from concerned citizens regarding this particular situation and I do think the citizens have a very effective way to communicate to elected officials and what I have here is I have received 21 letters with a total of 35 signatures on it and also copies of petitions with 7 signatures on it which is probably more input than I have ever received as a Trustee and I have to admit that I've only been here three years so that maybe there has been a greater controversial item in the past but obviously this situation has generated a great deal of controversy. I have followed it in spite of my absences, the absence at the official Village Board meeting when this situation was brought up and my absence from this past week's meeting at which it was discussed by the Village Board. I have followed it and I do feel that there are some concerns here that as a Board we might learn from. For instance the - I have to say that I would, if I had the opportunity, and I do believe it should be explored - disagree with the Building Department as to whether or not the structure is a temporary or permanent structure. There seems to be a great deal of interest regarding this situation, that is the allowance of a dome at this particular Village Glen Tennis and Fitness Center as it is now called. A great deal of emphasis was placed on the fact that this is a temporary structure and in some aspects our code does not address temporary structures item a, and item b temporary structures do not fall under the general areas of exceptional development in which the Village Board would have a say so. Quite frankly, I question the idea of this not being a permanent structure because it has to have a foundation and irregardless of what Webster or any other constructor of dictionaries terms permanent or temporary I do have to feel that a foundation is a permanent structure in and by itself so that, therefore, we have a permanent structure on the foundation alone which then has some bearing on the plastic dome itself. This then is one of my primary concerns as to some of the questions that arose pertaining to this situation and this obviously could apply to the Village Board in their responsibility to determine what our codes do provide and do not provide for and I would hope that we do, if we are not clear on our codes at this time, that we do endeavor to restructure our codes or reidentify our use of language so that it is clear in the future and that situations of this nature will not arise resultant from an ambiguity in our codes. This is my number one concern.

"BUBBLE"

on
Mill
Street

My number two concern pertaining to this structure revolves around the Planning Commission which sits as the Planning Commission and as the Architectural Review Board. This is Monday morning quarterbacking on my part. I don't want to belabor the subject but I do feel a need to comment on it. Having been a former member of the Planning Board, when the Planning Board determines to sit as an Architectural Review Board it is my understanding that they have total say so as to what looks good and bad for the community as to their eyes only.

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In other words, if they deem a structure or a situation to be applicable to what the community basically has and they, therefore, in their judgment establish that this indeed is a situation that we can have in the Village it is up to them to do so. Frankly, it was brought out and I noticed in the news media, that a former member and Chairman of that Planning Commission felt that the Planning Board erred in their judgment as to whether this type of structure should and indeed was compatible with the general community look, if you will. And I do have to support that question that arose as to whether or not our Architectural Review Board finds that these situations, building, construction of this nature regardless of whether it is a building or not, to be in the best interests, i.e., aesthetically in the community. The other question that arose regarding the New York State SEQR Law I am not really that concerned about. I do believe that we should have some impact which the SEQR Law does require pertaining to large situations and the SEQR Law simply allows for input from the citizens and therefore an elected body such as ours to develop the impact method via their input. I do think that that aspect of SEQR is a good idea, but I wouldn't want to get bogged down in the SEQR by and of itself because I think it is quite vague on some of these issues and I think, quite frankly, it's somewhat of a bureaucratic nightmare if you will and I'm not being critical of the law itself. So that that basically concludes my feelings on the situation that I mentioned here the- an overview, if you will, in my absence of how I really feel about it and with that I will move on to my resolutions.

Resolution Number 1 deals with the sanitary sewer rehabilitation on that portion of Columbia Drive from Oakgrove through to Wehrle Drive. We have a critical area in need of sanitary sewer rehabilitation there. It was not identified in the sanitary sewer evaluation study. We have that failure of people's sanitary laterals in that area and we have advertised for bids. We do have a low bidder and my resolution deals with awarding the contract to that low bidder. I'll read it.

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

CONTRACT AWARDED

WHEREAS the Village of Williamsville has advertised for sealed bids for Sanitary Sewer Rehabilitation for Columbia Drive, and

Columbia Drive
Sewer work

WHEREAS M. C. Morgan Contractors, Inc. has submitted their low bid meeting specifications,

to Morgan
Contractors

NOW, THEREFORE, BE IT RESOLVED that the contract for Sewer Rehabilitation for Columbia Drive between Manhole 60 and 62 be awarded to M. C. Morgan Contractors, Inc. for their low bid of \$42,200.00.

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Trustee Saia: On the question, Mayor, I would like to call for a vote on it but I did vote against this one time before and I think that at tonight's meeting, before this meeting, I think I had a question answered that there are some things in here that I was concerned about and that question has been answered.

Mayor Kuzon: Okay, but I'm going to request a roll call anyway.

Vote on Roll Call: Trustee Murray - aye
Trustee Kibby - aye
Trustee Saia - aye
Trustee Brenton - aye
Mayor Kuzon - I'm going to abstain from this in that manholes 60 and 62 which the contract is to be awarded here are in the block that I live on and to avoid any appearances of conflict of interest I'm going to abstain.

Ayes - 4; Noes - 0; Abstain - 1

Carried.

Resolution No. 2 deals with an additional cost for manholes in our present ongoing sanitary sewer rehabilitation program. This has been brought up previously. However, we didn't follow through on it with a resolution. We need the resolution. The manholes in question are in addition to the contract in that originally the manholes were to be treated with a grout material, the existing manholes that is would be treated with a grouting material and left at that and quite frankly, I questioned that myself as to whether or not the Village would be better served by the installation of new manholes at this time, precast concrete manholes, contrasting to the very old brick manholes which would be simply grouted and it was my understanding that the grouting didn't last that long and I would like it to last as long as possible as an effective way to use taxpayers' money. So that we did go through some precast solid manholes rather than grouting the old ones and the resolution reads as follows:

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

RESOLVED that the Mayor is authorized to sign Change Order #001 with Nickel City Contracting Corporation for Sanitary Sewer Rehabilitation Program dated June 1, 1982 in the amount of \$3,142.50.

SSSES WORK
Change Order #001 to
Nickel City

Mayor Kuzon: I have just one question I'd just ask, Larry. Is 75% of this funded?

Trustee Brenton: 75% of this is funded, yes.

Unanimously carried.

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Trustee Brenton: Mayor Kuzon's question refers to- it has to be federally funded. Our Sanitary Sewer Rehabilitation Program is 75% funded by the federal government. We have to pay 25% but it is money well spent and this is what our sanitary sewer program is all about. It is the result of federal mandates and I'm glad the federal government agreed to help with 75% of the cost.

Resolution No. 3 involves a continuation of, or rather it involves extension of the contract deadline of our Sanitary Sewer Rehabilitation Program and quite frankly, the extension is being granted as a result of the difficulty the contractor had in installing rather than grouting the aforementioned manholes. It required greater excavation in solid rock than the old ones maintained and they also created greater delay in the project. The engineering firm of URS recommends the extension of the contract deadline and for this reason we wrote the resolution.

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

RESOLVED that Nickel City Contracting Corporation be granted an extension of time for the completion of the Sanitary Sewer Rehabilitation Program, Phase I, Contract B from August 3, 1982 until September 10, 1982.

SSSES WORK
Extension of time to complete work granted

Unanimously carried.

I would also like to say that assuming that the program is completed on September 10th, and I see no reason for it not to be, this will conclude Phase I and a section of our Sanitary Sewer Rehabilitation Program. We are now working on the requirements that we need for Phase II which hopefully will be drawn up in the not too distant future and we will then go to bid on sanitary sewer work for Phase II and that's all I have, Mr. Mayor.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: Thank you. I have no report this evening but I have three resolutions. My first one involves, approves a stop sign at Columbia and Scott.

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

RESOLVED that Local Law #5 - 1982, Amending Section 60.40(31) of the Traffic Code, which was the subject of a public hearing on July 26, 1982 is hereby adopted.
(Copy of Local Law Attached)

LOCAL LAW #5-1982
adopted
Amend Section 60.40(31) of Traffic Code

Unanimously carried.

(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.

~~xCountyx~~
~~xCityx~~ of Williamsville
~~xTownx~~
Village
Local Law No. 45 of the year 1982

A local law Amend Section 60.40 (31) of Traffic Code
(Insert title)

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

~~xCounty~~
~~xCity~~ of Williamsville as follows:
~~xTownx~~
Village

Section 60.40 (31)

Scott Drive - Stop signs on (A) Highland Drive from the north and south; (B) Hirschfield Drive from the north and south; (C) Monroe Drive from the south; and (D) Columbia Drive from the south.

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

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My second resolution follows the lead of other communities in Erie County asking that the closing of bars be changed from 4:00 AM to 2:00 AM and it reads:

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

WHEREAS taverns throughout Erie County presently remain open until 4:00 a.m., and

WHEREAS taverns in Niagara County and Canada close at earlier times than in Erie County, and

WHEREAS the Police Department of the Town of Amherst has approved an earlier closing of taverns in order to reduce the number of persons driving while intoxicated,

NOW, THEREFORE, BE IT RESOLVED the Village Board of the Village of Williamsville recommends to the New York State Liquor Authority and Erie County A.B.C. Board to reduce the operations of taverns from 4:00 a.m. to 2:00 a.m.

ROLLBACK OF
TAVERN CLOSINGS
IN ERIE COUNTY
TO 2:00 A.M.

(Recommendation)

Vote on Roll Call: Trustee Saia - aye
Trustee Brenton - aye. I would like to explain my yes and quite frankly, the reason for my deliberation on whether or not to second it because sometimes we do deliberate down to the last second and this is one occasion. As I stated in our work session prior to this meeting, I am reluctant, and I'm sure some other members of the Board are as reluctant, to have government get too involved in citizens' lives. However, my primary reason for voting yes on this will be that the recommendation of the Amherst Police Department regarding the earlier closing of taverns perhaps will reduce the number of persons driving while intoxicated. I think this is a valid reason for my vote yes on this subject although I still have misgivings about government getting too involved in citizens' lives. Therefore, my vote is yes.

Trustee Kibby - no
Trustee Murray - aye
Mayor Kuzon - aye

Ayes - 4; Noes - 1

Carried.

And my third resolution is not printed on the agenda so therefore, I would ask to suspend the rules.

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

Unanimously carried.

Trustee Murray: The resolution calls for uping the senior citizens' exemption, again following the lead of the Town of Amherst.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held September 13, 1982 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a local law which would increase earning limits of senior citizens from \$9,200 to \$10,500 and still enable them to qualify for the 50% senior citizen exemption.

CALL FOR PUBLIC
HEARING

Raise earning level of
senior citizens to
\$10,500.00

Unanimously carried.

That concludes my report.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: Next on our agenda is Mr. Anstett from the Department of Public Works.

Mr. Anstett: Thank you, Mr. Mayor. I have no report this evening but I'd like to thank the Village Board on behalf of myself and Dave Laubisch for the recognition we were given for the service that we have been doing since the resignation of Ed Way. That's all I have.

Mayor Kuzon: Okay, thank you.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may address the Village Board. We ask for purposes of our minutes that you

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state your name and address and this evening use the microphone as we are tape recording the meeting. Anyone? Yes, ma'am.

Mrs. Cleo Wingerter, 187 Mill Street: I'm bringing up our famous bubble again. I don't feel it was right that you called a meeting on Thursday when anyone interested in this was at work and could not attend the meeting. At that meeting a decision that nobody but the Board and two owners of the tennis club wanted. That means the people of this Village mean nothing to you. We elected you to represent us, not two businessmen who don't even live in the Village. The bubble will be seen not by four or five homes but more likely twenty to thirty homes, and not in the summer when there are leaves on the trees that will hide it, but in the winter when nothing blocks the view of it. Also they claim that there are two hundred parking spaces down there. It is not possible. There's not enough room. This means that in time they're going to come forward with another permit, more cement and more parking area and less trees. Thank you.

DISCUSSION
ON

"BUBBLE"

Mayor Kuzon: Thank you. Anyone else? Mr. Weimer.

Donald G. Weimer, 65 Mill Street: I feel that I have to sympathize with this woman. I haven't become too involved in the situation but living on Mill Street I would have to agree with what she said. But I think I have a question for the Board. It seems in the past that we've had things that have happened in the Village where, for example on Mill Street there was a permit or whatever was required to open up a home, or I think a home for mentally retarded. Now I'm not for or against that. I have nothing to say about that. But it seems to me all these things that we find out about are always de facto and my question is how come, number one, we usually find out about these things after permits are issued or after some permission is given to do something, and number two, why is the Board always so persistent in seeing that these mandates are carried out against the will of the people.

Mayor Kuzon: Well, first of all I would state that the question of the home for the mentally retarded that there were meetings held on that. There was an informal public meeting held in our conference room to discuss the impact of that proposal on the Village. Concerning the issue of the bubble and what appears to be, some might call it a negligent or a neglect of the public interest, that is not necessarily the case in this issue as the permit followed already existing procedure and those procedures were followed, you know, as far as issuing the permit. I'm not going to say that those procedures were followed to the letter as far as some of the other alleged local laws concerning the permit but in issuing the permit, in reviewing the permit by the Planning Board, that is the standard procedure, and...

Mr. Weimer: I understand that and I appreciate your comments but like I said, it seems that you have people here that are

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definitely against something and there's more than one or two, you had a meeting here with the Planning Board and everybody here that night practically expressed that they were dissatisfied with this type of permit being issued and taking exception to it and I would feel it's the people elected by the people that you should in some cases listen to the people and get ideas from us before you go ahead and make such approvals.

DISCUSSION
ON
"BUBBLE"

Trustee Kibby: Mr. Weimer as a matter of fact that very good suggestion has already been proposed by Mr. Saia, one of the Trustees, and that will be starting next month. I will make sure that at our last meeting of the month that the agenda for the Planning Board, which is always the first Monday of the month, is announced. If Mrs. Stofko from the Amherst Bee cares to print it, it will be there to be printed. The Planning Board meetings are, like all public meetings, come under the Sunshine Law and are open to the public.

Mr. Weimer: I understand that. I thank you for your answers but I still think in the future the people should be definitely made aware, by either the media or some other means, that we should be able to know exactly what's going on, what your plans are, that we in turn can make our comments and maybe we will agree with you, and maybe we won't but I think you ought to listen to the people. Thank you.

Mayor Kuzon: I would just add one thing along with your comments, Mr. Weimer. There seems to be, part of the confusion of this controversy is that the Village, you know, whether it's the Village Board, or the Planning Board or whatever it might be, that something was done that was deceitful or devious in issuing this permit and that's not the case at all. As I tried to explain earlier, and maybe not as best as I could, is that when a permit is applied for and that use is permitted within a zoning district, then the standard, what is called the standard operating procedure of our Planning Board is that the Building Inspector would review the permit and make notes about it and look at the application, review the application, make notes about it for the Planning Board and then they would be the agency, the body that would review permits and in this case a permit for a C-1 zone. So that it did follow standard procedure and maybe because of its unique nature there should have been, maybe let's call it, an informal public hearing, not necessarily by the Planning Board, but by this Board but of course it's easy for me to sit here tonight and say that. But I would just like you all to understand that it is the procedure, when a use is permitted within a zone, it's approved or not approved by the Planning Board under their architectural review and site plan approval procedure.

Trustee Saia: Don, I must add I don't think there was anything deceitful about this. I've been right on top of it. But, there's been some bureaucratic bungling in the whole thing right from the start. Now you know I realize interpretation of laws - I can interpret one different than Mike down there, or the attorney, or Connie and you, but I've sat in this audience for a good many

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years and I've always said to the Boards that were up here that it's like talking to a brick wall. Well now I'm sitting up here and I'm talking to a brick wall again and I'm getting an echo and the echo I got was that I live in the neighborhood - in the neighborhood where this thing had taken place. I was very well aware of it. I knew some of my neighbors and I approached my neighbors and they were not notified of anything that was going on until I approached them. And then I had to get a ton of plans to show them what this thing was going to look like. I don't think anybody really liked the way it was going to look. Now you can say, and I liked, I was very surprised at Larry's statement tonight because I did not expect it, but Larry said something about we have a - I think it's our duty and our right whether it says so in the law or it doesn't say so in the law, to notify our constituents of a major change in this Village. And I think a \$230,000 change in this Village warranted some kind of input to the Village residents, especially the ones on Mill Street. We talk about temporary structures, we're talking flood plain. I noticed Mr. Kibby gave me something that says this thing is not in the flood plain. The U.S. Corps of Engineers says it is. The Army Corps of Engineers says it is. We happen to have an insurance program in this Village and that insurance program outlines it. So part of it is. So there's a lot of things that were, that could have been questioned on this whole project. I would like the residents to be notified of any major project. If it's somebody putting up a garage I really don't care but I think on a major project like this I think they should be notified and like Mr. Kibby said they're working on something right now. There is something going on. I noticed that our Fire Chief has submitted a proposal either July the 22nd or so, the 26th, 22nd - I delivered one to the Board members and I'm glad that they're looking at it. I don't know what we can do with this thing now. I really don't. I've made enemies. I've been called opinionated. I've been called despicable. I think that one way or another somebody is going to sue me but I still think I did the right thing. I still think I came out and notified my neighbors that something was happening, whether it was as a Trustee - if I was back in the audience at that time I would have done the same thing. I would have come up here and I would have talked to a brick wall.

Mr. Weimer: Thank you.

Mayor Kuzon: Thank you. Anyone else? Mrs. White.

Mrs. Judy White, 142 Mill Street: Last week I was at the meeting on Thursday afternoon in opposition to the bubble. I accepted the fact after this meeting that the bubble would be put up and I met with my neighbors and we determined that we would do the best we could just to be sure that what the Village had obtained for us in the way of prevention and assurances would be so. I met with the attorney from the tennis club right after the meeting and my attorney met with the attorney

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for the tennis club and the two of them agreed that the reasonable thing to do would be to come to a meeting of the minds in terms of what was needed for assurances. What I asked for was that they assure us that this would be a pleasant appearing bubble and I asked that there be sound level that could not be heard with my windows closed in my house - not open - on September 15th and 16th, but closed. I also asked that they consider several different possibilities for the life span of the bubble. I understand the manufacturer has told them that they have an eight year life span. I'm not sure whether any of you were aware of this or not. It didn't seem to come up the other day. The bubble that was at UB first had a three year life span. They kept it up five years and the last two years the outer skin had entirely peeled off of it. It also had more patches than it had plain fabric on it. But at any rate, I did ask them that they consider several different ways of addressing this. At first I asked that they would assure us that at the end of eight years they would replace the bubble. They said that was impossible. I said, well, why don't you assure us that at the end of eight to ten years that if the neighbors agree that there is a problem with the appearance, every neighbor with no exceptions, that you would then replace the bubble with a new one, and they said, no, that wasn't feasible. And I said, what about if at the end of eight to ten years you polled your own membership, your own tennis players who you tell us will not play in a bubble that doesn't have a pleasant appearance and ask them if they feel it's time to replace it. If they say no, we'll accept that. If they say yes, you put up a new bubble at that time so that we can look out on bright shiny plastic instead of bird droppings and patches and this skinning of the bubble that takes place in some instances as I understand it. I have only seen a couple of these instances on the bubble I looked at. They said that was impossible. They then said it was impossible to have any written agreement and I said well what about if we drop the life span of the bubble and just get some assurances on the sound level and the landscaping around it. And they said oh, no they could have no written assurances. I think this points out a couple of things. I think it points out that possibly what they have told us in the neighborhood - I'm not sure what they told you - but possibly what they told everyone of us was incorrect if they're not willing to put it in writing and back it up. It may be incorrect. Possibly what they told you was also incorrect.

I think it also points out that this Village does not have ordinances that deal with a situation like this, a nine month temporary bubble. Permanent is 12 months, but temporary is 11 months and 30 days? I have some problems with some of these. I also have some problems aside from my problem with not being able to reach a simple agreement on the state and the quality of life standards in my neighborhood. I have some problems with the fact that the SEQR questionnaire that you filled out did have several negative answers on it as you filled it out.

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Trustee Saia: Judy, pardon me, but...

Mrs. White: Excuse me, may I finish?

Trustee Saia: Sure, go ahead.

Mrs. White: Thank you. One of them had to do with public controversy. I believe the way it was read the other day was - is there public controversy on this issue and it was answered yes. But this Board did not consider that significant enough to go into it further, to perhaps prevent what is happening to my neighbors and myself where we cannot even get a written agreement from businessmen who are moving into our backyards. It also asked you if there is historic impact involved. My neighbor who lives in a house that was built in 1808 is as horrified as I am in a house that was built in 1820 about what is happening to our neighborhood and to the property that Williamsville so values for its historic importance. I also have a problem with the fact, and I may be wrong on this, but I was told that there was a 3 to 2 decision by the Planning Board on this matter but there were only four members of the Planning Board present. I don't understand this.

Trustee Kibby: There were five.

Mrs. White: At the time of the vote?

Trustee Kibby: On the SEQR resolution.

Mrs. White: I think this matter tends to look like there are more significant problems than were realized originally and I think it demands your continued concern and investigation. Thank you.

Trustee Kibby: In terms of the 3 to 2 vote on the SEQR there were five members available, or present at that time for that meeting which was held August 9th. Okay. There were five members present, plus the liaison, plus the Building Administrator.

Trustee Saia: Judy, to clarify that, that was not the form that they tried to fill out that night. I know what form they were trying to fill out but that's really not the sequence of events that was supposed to take place. It was a bungled job. That's my opinion.

Trustee Kibby: That's been explained a couple of times and you heard the explanation of that a couple of times Mrs. White, about the bungling of the sequence. But Mr. Saia I do not believe is quite correct when he discusses the fact that he doesn't understand what it was the Planning Board was looking at when they evaluated this particular structure in terms of environmental impact. What they were looking at was the SEQR Law and there are 11, 12 or 13 - and I forget right at the moment - 11, 12 or 13 specific set of criteria laid out and the Planning Board went

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through each one of those right here and discussed each and every single one of those criteria on the night they looked at the SEQR Law. Where Mr. Saia is absolutely correct, where the Planning Department and the liaison to the Planning Department were remiss was in the fact that we didn't know about the SEQR until after the fact and on advice of counsel the Planning Board reconvened and examined this particular structure in terms of the SEQR Law and at that time went through each of the criteria and the criteria are the same criteria that are on the EAF form which was later filled out. So the criteria have been examined. They were examined at length by that particular Planning Board. The night that the building was approved for site plan on July 6th the SEQR requirements were not in front of the Planning Board. The Planning Board was by and large unaware of them. There may have been an individual member or two who were aware of them but probably didn't bring them up. The site plan approval was given on that particular night, July 6th. There may have been four members there, there may have been five. I don't recall, but that was unanimous. It was after the fact that Mr. Saia brought to the attention of the Planning Board and the Building Department that the SEQR Law had not been applied, that we had not complied with the SEQR Law. At that time we went backwards and looked at the SEQR Law and took the action that the Planning Board took. At the same time I looked into the question.

Trustee Saia: I'm not going to keep dragging the SEQR Law up. Judy, I assure you that they are well aware of it now and I'm sure that the next permit they talk about somebody's going to really get down and start studying some of those codes that we have in our Village Law.

Trustee Kibby: I've got the permit right here.

Mrs. White: That's wonderful. It makes me feel better.

Trustee Kibby: I can't do anything more than apologize.

Mayor Kuzon: Yes, sir?

Robert Gorman, 150 Mill Street: I live next door to Mrs. White. As I recall the Amherst Bee said something about sewers in the back that would take off this water. I'd like to have the Board come down and take a look at the sewer that's supposed to be taking off the water for the tennis courts now. If you can find it in the woods next door to me, which is a woman's backyard. Come down and see how that sewer could possibly take off water by putting up another balloon. This Town of Amherst wants to keep everything historic. Now they want to build something from outer space. So you can go from yesterday to today. I think this is what they're trying to show. They don't care. I remember I was up here once when I was selling my house when I lived farther on Mill Street. A woman over on Sheridan wanted

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to buy my house. Somebody had already made a downpayment on her house 'cause they had bought one down on Sheridan. They were going to put a business in. They were half a foot short of the code so everything fell through. Now this guy says he's got parking for 200 cars. Take me down there and show me where you get 200 cars in there now. Then he wants to make it bigger, and bigger and it's going to go into a lot of construction and it's going to be one thing after another. If they don't check into it now and really take a good look at it I hate to see the results. I hope I'm not here to see them. Thank you.

Mayor Kuzon: Thank you. Anyone else? Mr. Weller.

Gartley Weller, 129 Mill Street: I agree with everything that has been said so far in opposition to this permanent proposal but I have a couple of more questions. The DB level of the blowers - what is this precisely going to be? Do you know?

Trustee Kibby: Yes, the decibel level will be in the range of 50 to 54 decibels which is the range of a normal conversation between two people which by the textbooks I read, or tried to read, called "normal or ordinary conversation".

Mr. Weller: Is this for one motor? Two motors? Three motors?

Trustee Kibby: There's only one motor running at a time, Mr. Weller.

Mr. Weller: I understand there are three.

Trustee Kibby: No, there are two motors and - there are two fans and two motors. Two fans will be operated by one motor to put the bubble up and then one fan will kick off and the other fan will remain on to maintain the bubble in its position. The second motor is - excuse me, it's not a motor, it's an engine, as a matter of fact an auxiliary engine in case there is a power failure. It's a gas powered engine that will come on only in times of emergency.

Mr. Weller: And what is the DB level of that?

Trustee Kibby: That I can't answer. It isn't indicated. Those are going to be housed. The DB level of an electric motor that runs between $3/4$ of a horse, 3, or $3\frac{1}{2}$ horse, I believe it's either 3 or $3\frac{1}{2}$, that's not a terrible lot.

Mr. Weller: Well I have worked, done engineering testing on electric motors for a period of 16 years. Of course they were larger motors I believe, from 50 to 3,000 HP. I know a little bit about motors. I know a little bit about DB's and I again question it. What is the size of the motor? What is the speed of the motor? What is the DB level? Will we hear it on Mill Street, or will we not. I think these issues should have been answered before the permit was issued, not after. What will the DB level be?

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Will this be annoying? I believe that if it was in your backyard you would have the answer. What is the DB level going to be? Is it annoying? What does OSHA, the office of safety and health have to say about this.

Trustee Kibby: 54 decibels is not a very lot. I also know about that.

Mr. Weller: Well 54 decibel, if that's what it is, I'll agree with you. If that's what it is.

Trustee Kibby: That's what it's rated.

Mr. Weller: Is that what it is? It's probably too late now to get the answer but this I'm concerned about. Another thing I'm concerned about, some years ago we had an inferno in our Village that was, excuse the expression, but hell down in the glen. We have a potential again down at the tennis club. There's a liquor license. There's a food license. Can you assure us this will not happen in, at the tennis club. When the previous owners moved down there they also assured the environmental committee of which I was a member that the weeds would be cut around it, that there'd be no rubbish discarded. Do you notice the weeds on the south end have not been cut in 13 years except what John Klute cut and what I did. You will notice there - very unsightly. On the west side near the creek there was rubbish, junk, trash, a rat infested place that the previous owner assured us would not occur, but it did. Are these people going to do the same? If these people are taking over this business hoping to make some money why did the other people leave it go. There are more bankruptcies this year than there have been since 1929. What do you think - or what is backing these people to assure us this will not decay and collapse and be a real eyesore and not the colonial quonset hut as they've got built down there now? Is there assurance? Is there anything in writing that...

Trustee Kibby: The Village can't demand it, that the person who comes in and starts up a business has the financial backing to stay in that business. All we can do is make sure...

Mr. Weller: Is this the opinion of counsel?

Mr. Troy: Gartley, if you're asking us can we predict what the future will bring for any operation, the answer is no. Do we have the authority to compel through bonding or otherwise a guarantee that certain maintenance provisions will be upheld over a period of time, we have to assume that the businessmen will cooperate. Oft times they don't.

Trustee Kibby: As a matter of fact, Mr. Weller, this Board is frequently accused of interfering by our local paper here, of inhibiting certain business activities by many of our codes which they consider ornery and cantankerous and none of our business. As a matter of fact, I think we discussed this...

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Mr. Weller: I think you can become too involved, that's right. But I still think we, the people of the Village, should be heard and considered and I hope it isn't too late. It probably is, but I hope you will first, according to your oath of office, think about it first. Thank you.

Mayor Kuzon: Thank you, Mr. Weller. Anyone else? If not, any Board member have any additional comments?

Trustee Saia: Yeah, I'd just like to say, and Gartley Weller just finished saying that somehow when you get a project that entails, or encompasses a neighborhood, a condition more like we have down on Mill Street, we've got nice homes, we've got older homes, we've got newer homes. We've got them where people are starting to throw some money into them which they haven't for a long time. I'm talking about the row houses that are up on the escarpment there. One gentleman told me, is he here tonight, he told me he's sinking around \$15,000 or something in the back of his house to make it look nice and I think somehow we've got to give some consideration to these people also. We've got a unique park in this area that a lot of people won't, don't want to bring up, but if you stand in three acres of this park and take a look north that's where the bubble's going to be. I'd like to preserve the looks of that park. We've spent a lot of money in that park. I'd like to preserve the looks of it. Granted we now have this quonset hut that sits in the back, but gee, why add to it? Why do we have to add something else to it? Somebody brought up tonight about the deteriorating look of these bubbles after they've been up a while. It never dawned on me that one would look bad after a while because it's made of plastic, but now I can understand. Somebody put a couple of big patches on it. I just hope they put the right color patches on it. Some of my neighbors are out there. I really don't know what else to do. I've got to say this. The Board has been conscientiously pursuing this for six weeks, or from the time that the ruckus was made when the permit was issued by myself and I know some of the Board members have been right on top of this. Now some agree with me, some don't, but what it really boils down to - the whole thing boils down to, it doesn't make any difference what we can do to the business or not, what we should give them is what we tell you is going to happen before we give it to them. So you can have some input. There might be some way around it that we can have to do with the businessmen before we give them the permit and I hope that if there is a next time and there is another permit issued and it's in a residential area like that place is, that consideration is given to the residents of that community. Thank you very much.

Mayor Kuzon: Trustee Murray, you had a comment?

Trustee Murray: Yes, in my three years going on four years on the Board, I've often had to suffer the consequences of the mistakes of my predecessors and I feel that that area was rezoned incorrectly in a residential neighborhood. It is a C-1 District. However, I can't be responsible for the mistakes

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of my predecessors. I'm now stuck with a C-1 District. I think that the tennis club as it was, and it is, is to me inappropriate to the Village of Williamsville. However, this Village Board has no legal vehicle for getting rid of it. We can't say no to them. We have examined our exceptional development law, our landscape law, our flood plain law, the SEQR Law, and our fire code and we have found no legal vehicle for stopping a building permit. I feel that they've let me down and I agree with you but there is nothing legal we can do about it. We have no legal vehicle now to notify the public previous to a building permit. There's something we can do about that. We can change the law and now notify the public. And another thing we can do is to promote a noise ordinance. I've asked the Board previous to our meeting tonight for their permission to study a more extensive noise ordinance. Several of the seminars that I have been to have discussed noise ordinances. Right now we have what is called "a nuisance ordinance" only. This does not set decibel levels. I think that if we have an adequate noise ordinance and if that place is noisy that we can do something about it through the Town of Amherst Police Department. I understand that now they're trained in noise enforcement so I promise you that within the next year we will have an adequate noise ordinance. And as far as the grass and weeds, I have sent a law to the Village Board previously about the cutting of grass and weeds and I have not received a response from the Board about that local law. We presently have no vehicle for making someone cut their weeds in a commercial district or a residential district. If you're interested in that kind of law I would pull it out of my file and try again. I apologize to you that we as members of the Village Board are your representatives and we tried the very best we can to find some way of objecting to this but there is no legal thing we can do.

Mayor Kuzon: Thank you. I would just add that I don't feel that there is a need to change the law regarding notifying the public. We already have a vehicle to do this, we just have to implement it, so we could hold some type of public hearing whenever we anticipate a controversial issue. Right now, with respect to building permits, the Planning Board agenda will be read at the last meeting of the month. Hopefully the press will pick it up and publish it in the paper so the public is aware of it. We will publish it on our bulletin board in the Clerk's Office and if we can anticipate anything is going to be controversial I'm sure that we're more than willing to hold an informational public hearing. And if there is no further discussion...

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

Unanimously carried.

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Mayor Kuzon: Before adjourning I would remind all of you that we are meeting with the Building Committee from our Fire Department this evening after this meeting to discuss various proposals for the relocation or renovation of the fire hall to better serve our residents. If there is no further business...

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the meeting was adjourned at 8:30 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer