

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 8, 1982 at 7:35 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

Mayor Kuzon called the meeting to order at 7:35 PM.

Mayor Kuzon: First on our agenda this evening is a Proclamation proclaiming this week of November 8 - 14 as Williamsville South Billies Football Week in the Village. This proclamation is in honor of the outstanding season that our local high school football team has had. In fact, this evening they are playing Lake Shore and if they are victorious they will participate in the playoffs at Rich Stadium this Saturday, and the proclamation reads:

PROCLAMATION

WHEREAS the Village of Williamsville Board of Trustees recognizes the importance of athletics at the high school level, and

PROCLAMATION

WHEREAS the Village of Williamsville Board of Trustees enthusiastically supports its existence in our community, and

"Billies Week"

WHEREAS we encourage our young people's participation in high school athletics for fun and fitness,

NOW, THEREFORE, BE IT RESOLVED that the Village of Williamsville Board of Trustees proclaims the week of November 8 - 14, 1982 as "Williamsville South Billies Football Week" in the Village of Williamsville.

Next on our agenda is approval of minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the regular meeting held October 25, 1982 are approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Saia, the minutes of the public hearing held October 25, 1982 regarding a proposed local law to amend Section 70.404(D) relating to a 10 foot buffer zone were approved.

Unanimously carried.

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 8, 1982 at 7:35 PM

Mayor Kuzon: For my portion of the agenda this evening I have two resolutions. The first is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, vouchers in the amount of \$242,105.86 were approved as follows:

Payroll Fund	W/E 10/29/82	\$ 8,563.54
	W/E 11/05/82	4,588.34
General Fund	Abstract #523	27,637.71
Sewer & Water Fund	Abstract #104	32,253.15
Trust & Agency Fund	Abstract #143	5,009.53
Glen Park Jt Activities Fund	Abstract #43	572.00
Capital Fund	Abstract #125	63,663.00
SSES Fund	Abstract #19	99,538.86
Federal Revenue Sharing Fund	Abstract #134	<u>279.73</u>
Total Vouchers		\$242,105.86

This is a rather large amount of vouchers and briefly the larger ones are first of all to the Erie County Water Authority for some \$20,000; Nickel City for \$63,000 (Nickel City is our sewer rehabilitation contractor); to Buffalo Truck for \$63,000 (that would be for the purchase of the new Autocar dump truck for the D.P.W.); and to M.C. Morgan for \$38,000 for the Columbia Drive rehabilitation.

Unanimously carried.

My next resolution deals with authorizing the County to collect unpaid taxes. Presently there are 14 pieces of property in the Village owned by 11 different individuals which have an unpaid tax bill. The outstanding amount is \$6,500 or thereabouts. We have done this for the last couple of years, authorize the County to collect our back taxes. It's rather a lengthy resolution and I think I'll move it as printed.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, 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, amount to \$6,554.54 (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

RETURNED TAXES

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 8, 1982 at 7:35 PM

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 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 \$6,554.54 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 concludes my section of the agenda. Next is Trustee Brenton.

Trustee Brenton: Thank you, Mr. Mayor. For my report tonight I would apprise the Board of Trustees, as well as the limited audience that we have here, of the fact that we have received communication from the Consolidated Rail Corporation pertaining to that abandoned portion of the former Lehigh Valley Railroad that the Village expressed interest in, that is from Union Road to Cayuga Road, and the Consolidated Rail Corporation advised the Village that they are asking \$290,000 for that property. The Village Board of Trustees submitted an offer of \$20,000 for that property and Consolidated Rail Corporation has refused that being not in significant amount as to the value in their minds for the property. So that now we will have to await the requirements of the New York Transportation Law that deals with abandoned railroad property and essentially what takes place is that Consolidated Rail Corporation has asked the Department of Transportation for a release from the nature of the Village

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 8, 1982 at 7:35 PM

having first right to that property and then the Consolidated Rail Corporation could simply renegotiate with us or else negotiate with another party. We do have a few options that we would employ to secure this property, one of which would be to offer a higher amount of money, or perhaps the same amount of money for a smaller portion of the property that we expressed an interest in and we will be discussing this later on to determine what our move will be regarding that property. I would say this though, that we certainly could use some or all of that property if for nothing more than a land bank for future generations or perhaps resale to an industry that might want to utilize it. I'm thinking of International Chimney in particular.

As far as the leaves are concerned we did very, very well on them up until I believe it was last Wednesday. We did well that day and then Thursday - no, I think it was Wednesday it rained all day, and Monday and Tuesday we did well and then Wednesday and Thursday, of course, the rain and then on Friday the snow. Now the leaves are wet and they are heavy to pick up with our picker so that is going to be prolonged a little bit and in fact we will probably be picking leaves up with the high lift and dumping them in the dump truck to be hauled away rather than trying to employ our leaf picker until such time as the leaves dry out which will allow them to be drawn into the picker mechanism. The branches that we see and the tree limbs that are from Friday afternoon and night's storm we are going to pick up. It's going to be a drawn out process without utilization of holiday work or work on Saturday. Irregardless it will still be a drawn out process. We've only got one chipper and this is the best way to handle it. We are proceeding with that and we hope to have that done perhaps by the end of next week and, it's certainly not a promise, but we look forward to it at any rate.

That concludes my report. I'll move to my first resolution which deals with the construction of a new fire hall and primarily the needs of the Fire Department regarding the site and whether or not the site is adequate, etc. and how best to configure the fire station on the site that has tentatively been chosen and this agreement will be in the absence of a formal contract with the engineering firm of Sargent, Webster, Crenshaw and Folley. Until we have a contract this agreement will empower them to work for the Village and it is my understanding that this charge they are levying generally conforms to the normal engineering charges for this type of work. The resolution reads as follows:

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

RESOLVED that the Mayor is authorized to sign a preliminary agreement with Sargent, Webster, Crenshaw and Folley for professional services for the proposed Hutchinson Hose Fire Hall, not to exceed \$3,000.

AGREEMENT FOR
FIRE HALL

Unanimously carried.

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 8, 1982 at 7:35 PM

I should also say, or should have said before the resolution, and we did discuss it at our work session and that is that the reason for the cap of \$3,000 on this agreement is that that is money that we have presently set aside in the Fire Department budget for energy saving devices which we don't believe we will be utilizing so we will be eventually in fact transferring this money to pay for this engineering work that this firm will be doing for us. And when they reach or approach that limit then they will have to come back to the Village Board for additional, actually an additional resolution now that I think of it. We will need another resolution at that time. And that concludes my share of the agenda this evening.

Mayor Kuzon: Okay. Since we did discuss your second resolution and it does appear on the agenda I think we need a motion to table that.

Trustee Murray: I would like to see it brought to a vote.

Trustee Brenton: You want it brought to a vote? Then I suppose I should discuss resolution No. 2 maybe. No, I'm not sure that you have a right to request it be brought to a vote if I decide to withdraw it.

Mayor Kuzon: Do you have to move the resolution and second it and then make a motion to table it?

Mr. Troy: That's right.

Trustee Kibby: The question that really comes up is suppose the person who thought he wanted the motion decides he doesn't want the motion.

Mr. Troy: Then withdraw it.

Trustee Kibby: And then someone else can make it?

Mr. Troy: Yes.

Mayor Kuzon: Then first under his portion of the agenda he would withdraw the motion before anyone calls for a similar motion.

Trustee Brenton: I will withdraw my resolution No. 2 at this time.

Mayor Kuzon: Okay. Next would be Trustee Kibby.

Trustee Kibby: I have no report tonight. I have two resolutions. The first one is related to the public hearing we had last month and to the question of the 10 foot buffer zone which is proposed here in this resolution. This 10 foot buffer zone would be between any commercial property and the part of that property that

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 8, 1982 at 7:35 PM

abuts residential property, only that part of the property that abuts residential property and it reads as follows:

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

RESOLVED that Local Law #9 - 1982 - Adding Section 70.404(D) of the Zoning Code, 10 (ten) foot buffer, which was the subject of a public hearing on October 25, 1982, is hereby adopted.

LOCAL LAW #9-1982
10foot buffer zone

(Copy of local law attached)

Trustee Saia: I'm very happy that that 10 foot buffer zone has been put back into the ordinance, but I'm still, and I have written a letter to this Board and to the Attorney, and I'd like to make it public now, that I'd like to find out how, why, when it was removed from our ordinance. Now it could have been accidentally removed, intentionally, or lost somewhere along the line, but I'd like to find out so that it won't happen again. That should never have been taken out of the Zoning Code, the 10 foot buffer, because you've got too many people that we've imposed that 10 foot buffer on and I'm sure that if you live in a residential area abutting a commercial that you want this 10 foot buffer. I don't know of anybody that doesn't want it that lives in residential. So I'm now requesting that somehow I'd like to find out so this doesn't happen again, why this particular 10 foot buffer zone was either accidentally or intentionally removed from the Zoning Code.

Mayor Kuzon: A roll call has been requested on this resolution.

Vote on Roll Call: Trustee Murray - aye; Trustee Kibby - no; Trustee Brenton - aye; Trustee Saia - aye; Mayor Kuzon - aye.

Ayes - 4; Noes - 1.

Carried.

Trustee Kibby: My second resolution tonight has to do with the Village Meeting House and the lease with the Queen's Players Theatre and it reads:

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

RESOLVED that the Mayor is authorized to sign lease agreement with Queen's Players Theatre, Inc. for a period of one year from September 1, 1982 to August 31, 1983 as per terms and conditions set out in such "Schedule of Terms and Conditions".

AUTHORIZATION
Mayor to sign lease with Queens Players

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.

~~xCounty~~
~~xCity~~ of Williamsville
~~xTown~~
Village

Local Law No. 9 of the year 19 82

A local law Add Section 70.404(D) to Zoning Code
(Insert title)

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

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

Section 70.404 (D) Except where accessory to a residential use off-street parking shall not be allowed within (10) ten feet of a lot line of any premises located in a residentially zoned district. Where accessory to a residential use, permitted parking shall be regulated by local laws controlling off-street parking in residentially zoned districts.

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

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 8, 1982 at 7:35 PM

Thank you, Mr. Mayor, I have nothing else.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: Before my resolution I'd like to announce that we have received the resignation of Dorothy Karrer from the Senior Citizens Committee and are looking for someone to replace her. If you remember, Dottie had proposed what she called the Nice Neighbors Program which worked like the Block Parent Program, in that it helps Senior Citizens instead of children. But it's similar to the Block Parent Program. So we are looking for someone to take her place who might be interested in running that type of program. If you know someone who might be interested let me know.

Also, I have received the resignation of Lou Woolcock from the Traffic and Safety Committee because of another commitment on the same evening we meet. I'd also like suggestions for his replacement on that Committee.

And my resolution tonight comes at the request of the County and follows the lead of the Town of Amherst. The County has instituted a program called STOP - DWI. What they're doing is making records on DWI arrests and court cases by the Erie County Sheriff's Department and should an Erie County Sheriff make a DWI arrest in the Village of Williamsville the County will pay the Village \$10.00 for taking it through their court. We get \$5.00 from the State for other Village ordinance - court cases that pertain to Village ordinances so this will be \$10.00 instead of \$5.00 because of the extra work and the record keeping. And the resolution reads:

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

RESOLVED that the Mayor is hereby authorized to sign agreement with Erie County regarding the STOP - DWI Program.

AUTHORIZATION

Mayor to sign agreement
re: STOP DWI

Unanimously carried.

Trustee Murray: Now, tell me how to get Trustee Brenton's resolution on the table again.

Mayor Kuzon: What would be the correct procedure? Would suspension of the rules be in order or is it simply a matter of making a resolution?

Mr. Troy: Suspend the rules.

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 8, 1982 at 7:35 PM

ON MOTION by Trustee Murray, seconded by Trustee Kibby, it was moved to suspend the rules for the purpose of presenting the resolution.

Vote on Roll Call: Trustee Brenton - No; Trustee Saia - No; Trustee Kibby - Aye; Trustee Murray - Aye; Mayor Kuzon - No.

Ayes - 2; Noes - 3.

Motion Fails.

Trustee Murray: I'll put it on the next agenda.

Mayor Kuzon: That concludes your section?

Trustee Murray: Yes. I'll put it on the next agenda.

Mayor Kuzon: Thank you. Trustee Saia.

Trustee Saia: For my report this evening I'd like to make a request of anybody in the Village of Williamsville, or I should say anybody who lives in the Village of Williamsville that is interested in looking into this coming year to some type of activity for the youth in the form of Halloween. If anybody has any ideas or if anybody wants to get involved in this they can either call the Village Hall and leave your number so I can call you, or call me at home. Also, for an Easter Egg Hunt for the youth in one of our parks call me at home. Remember I said a Village resident or someone in the Village that would really like to help to put this across. We've got a lot of ideas. We like ideas also, but what we need is the actual help. Also we need somebody to reactivate the Fishing Derby. We used to have this years back and it seemed to be given up and I think the kids would get the greatest kick out of that again. The creek has lost some of its pollution although it's quite polluted now, but not as it has been in the last 10 years. It's getting better. It's cleaning up a little bit thanks to some of the actions of the people up the creek and their communities, and Williamsville. So if anybody has any ideas and lives in the Village and would like to have input into these three projects I'd appreciate a call.

I have a resolution, Mr. Mayor, and it reads:

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

WHEREAS the next general Village election of officers will be held on March 15, 1983, and

ELECTION
RESOLUTION

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,

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 8, 1982 at 7:35 PM

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees designate the following offices as vacant at the end of current official year, to be filled at the Village election to be held on March 15, 1983 for the following terms; one (1) Mayor for a four (4) year term and two (2) Trustees for a four (4) 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.

That's all I have.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may bring up any item of interest to the Board, or the Board members may bring up those items. Anyone in the audience? Any Board member?

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

Unanimously carried.

Mayor Kuzon: If there is no further business...

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the meeting was adjourned at 7:55 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer