

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 14, 1983 at 7:38 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
Phil Boudreau, Dept. of Public Works

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on February 14, 1983 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a Local Law which would amend Section 65.40(A) of the Village of Williamsville Water Code regarding Water Charges.

PUBLIC HEARING

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the hearing was opened at 7:38 PM.

AMEND SECTION 65.40(a)

Unanimously carried.

of Water Code

Mayor Kuzon: At this point I will turn it over to Trustee Brenton who will handle this hearing.

Trustee Brenton: Well unfortunately, I have to conduct this hearing because water is one of my areas of responsibility. I don't like the news that prompts the reason for this public hearing. However, it is simply a pass through of an increase in the Erie County Water Authority's rates to the Village of Williamsville and with the condition of our water system fiscally I am afraid it requires us to pass this increase through also. At least I assume that. Essentially what it amounts to is that the Erie County Water Authority is raising us \$.11 a gallon which will thus make our rate for Village residents \$2.06 per 1,000 gallons, or that is \$.11 per 1,000 gallons at the rate of \$2.06 per 1,000 gallons within the Village and \$3.09 to Village customers of our water system who reside outside of the Village. Some of the reasons that we are confronted with raising this, passing this rate increase directly through I might allude to and they are that our water system still operates under a deficit. However, it is going down. Last year approximately \$10,000 was our deficit in the water system. That contrasts with \$68,000 the previous year so that you can see there is a dramatic decrease and if this continues there's hope in the future, a light at the end of the tunnel. Some people might say a headlight. But at any rate we are working on our system and we are trying to make the cost of water as low as possible in this community even though it doesn't appear so.

Increase Water Rates

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We have endeavored to work, and in particular Mr. Boudreau's efforts have now gotten started in water. Don Dehn, who is our water man, is very, very skilled and is constantly on top of our system, our problem, in that we lose a great deal of water that's billed to us from Erie County Water Authority and that we don't have the ability to bill off. So that there is that problem. I would say that that is all I have to say concerning the proposed increase that we are looking at here and if there is anyone from the audience who would like to comment on it I guess it would be appropriate for public comment at this time. Mr. Lane. John Lane.

PUBLIC
HEARING
(Con't)

Mr. John Lane, 222 S. Cayuga: Members of the Board, I am one of your customers outside of the Village at 222 S. Cayuga. Myself and several other property owners there buy water from the Village. Some people tell me I'm perhaps one of the better, if not the best customer the Village has because I seem to have in residence in my house several water buffalo who like to take showers forever and ever. I don't think there's any question but what the Village has to pass along the increase that the Water Authority has imposed on it. My purpose in being here tonight is not to suggest you ought not to. Before I get to the main point of my comments, however, I would like to reflect upon one piece of information which I received about 10 days ago. I understand that the Town Board in Elma, which has done a little research on this subject, have adopted a resolution suggesting that all municipalities in Erie County protest this increase in the rates which are proposed by the Water Authority. The Water Authority for better or worse is an independent public authority and has the ability to raise its rates without holding public hearings. The only justification that I've heard for the increase of the rate is a suggestion that because Bethlehem Steel Company and other water users are going out of business therefore the Water Authority won't sell as much water and typical of all public utilities such as the electric company and Niagara Fuel Gas when people conserve they get to pay more. If it's true that the increase in rates is based upon a speculation on the part of the Water Authority as to how much it may or may not lose because Bethlehem Steel Company is proposing to close down its operation in Lackawanna it seems to me that the Water Authority has acted too precipitously, that the Water Authority could probably within its existing budget postpone any increase until it had a better knowledge as to what the impact would be to it from the closure of Bethlehem. So much for that.

Increase
Water
Rates

As a customer of the Village living outside the Village, in the Town of Amherst, I pay a 50% premium based on the dollar cost of the water that I get from the Village and I understand that the basis for that is a just one because after all the Village taxpayers through the general tax that the Village imposes collects some money from them for the maintenance of the lines and the operation of the water department, and in order to achieve some form

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of equity the Village in the past has imposed a 50% premium to the Town purchasers of water so they can also contribute to those expenses not reflected in the cost of the water. I have no quarrel with that thought. I think that it probably made a great deal of sense at the time that the system for doing this was originally designed because at that time I'm sure the dollar cost for providing 1,000 gallons of water was nothing approaching \$2.06. But on the other hand, the use of the water system is really not related to dollars. It's more related I think to gallonage or I expect that perhaps within the Village itself some of these charges are based on an assessed value basis. By that I mean I think that Village residents who contribute toward operation of the water department and maintenance of the water system beyond what they pay for the water they use are charged on their tax bill on a dollar valuation basis so that you have a number of procedures that are available for charging - dollar valuation, gallonage, consumption, or a percentage levy, as we have now. I think when the cost, the basic cost gets to \$2.06 per 1,000 gallons that it ceases to be equitable to charge us outside the Village a 50% premium. I'm not prepared to suggest tonight what the alternative might be, but I would like to suggest to you before adopting your local law and automatically passing the 50% charge along to us that you take some additional time to study the matter and during that period of time that you allow, some of us may be able to come up with some suggestions that you could find worthy of consideration. Thank you.

PUBLIC
HEARING
(Con't)

Increase
Water
Rates

Trustee Brenton: Well I think that that's all well taken by the Board and I - certainly there's no reason to - I don't know, we didn't discuss this about the rate. No I think there is a reason. We incurred the rate increase as of February 1st so that actually we're close to a month behind right now on collecting for this increased charge from the Erie County Water Authority and we are into a three stage billing procedure that in effect doesn't give us a chance to catch up for awhile so that we do incur a greater deficit by prolonging the agony as it is. However, I am sure that the Board will consider these requests that you have made, Mr. Lane, and perhaps factor them into whatever increase there will be. Is there anyone else from the public? Mr. Gallagher.

Mr. Richard Gallagher, 38 Chalmers: Two questions. Has the Board gone on record or communicated with the Water Authority in respect to protesting the increase and the other is that I assume that the full \$.11 per gallon is going to be charged to us. Is it true that in past years the rate increases that they have been phased in? Two separate questions. One - has the Board protested the rate increase or communicated to the Water Authority, or are we just taking it and there's nothing we can do?

Trustee Brenton: The answer to your first question is we have not communicated, to the best of my knowledge, officially to the Water Authority. I think Mr. Lane's suggestion regarding the Township of Elma probably was a very good one and I think that perhaps

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a resolution of that nature will be following at our next meeting. The other question as to whether or not it was phased in, usually our increases are passed directly through, at least in my time on the Board we have passed them through immediately.

PUBLIC
HEARING
(Con't)

Mr. Gallagher: So there are no rate increases that are phased in. Just 100% paid by the taxpayer.

Trustee Saia: This \$.11 rate pertains to everybody in Erie County. Has the Town gone on record, John, as opposing the \$.11?

Proposed
Increase
in
Water
Rates

Mr. Lane: Mr. Sharpe as of last week was working on something in response to the Elma resolution. I don't know where it stands at the moment.

Trustee Saia: Maybe we can copy something from the Town when they send their's in.

Trustee Kibby: I don't understand Mr. Gallagher's question about phasing it in. You mean the Village taking a loss? This is an actual cost. This \$.11 is what we are now, right today paying this \$.11 rate. Are you suggesting that we should phase it in for a nickel a year for two years and take a loss?

Mr. Gallagher: I think that's what I understood what I read from previous correspondence that the last rate of 13¢ was phased in. I'm just trying to understand this, if there was a different way of handling it this year than in previous years.

Trustee Kibby: It may very well have been that the last rate increase of \$.13 may have, and I'm not positive, it may have reflected, part of that may have been a pass through. Let's just say for example \$.07 pass through and \$.06 general increase to make up for deficit and debt and that may have been phased in. I don't know. But, No, since I've been on the Board this kind of pass through has not been phased in. It's been passed on. And it should be indicated that that is probably one of the first times in the last couple of years that when the pass on cost has come to the Board that's all that's gone on. The pass on cost. We haven't had any additional, we've had no additional increase over and above the pass on of \$.11 here basically because the water department is, through the auspices of the Trustees and Don Dehn and his partner, have just kept a cap on the loss of water, the great loss of water that we had 2, 3, 4 years ago. It's been cut down drastically so at this moment there's no particular need to increase the cost of water over and above what it's costing us to buy, the additional cost for us to buy water. Have I sufficiently muddled the waters?

Trustee Brenton: No, I think you've clarified the issue. I frankly understood Mr. Gallagher's question I thought and I did, but I think some others were confused. Anyone else? Mr. Walker.

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Roger Walker, 274 Mill Street: I am in much the same position as Mr. Lane is myself and 14 other homeowners and the owner of the condominiums down there. I was not aware he was going to be here tonight to speak on this. I'd like to support his position and request the Board to take some consideration of the 50% charge over and above what the Village residents pay. After it hits a certain point, I think you should try and make some adjustment for them. Thank you.

PUBLIC
HEARING
(Con't)

Trustee Brenton: Thank you. Anyone else? I can - well, first of all I'll ask if there are any comments from the other members of the Board? Seeing no comment I'll add one of my own, that there is an out for those subscribers that are not Village residents who have enjoyed the Village rates and that's to join the Village. We could use the extra assessed valuation I'm sure and then you will be treated equally as are all Village residents, and with that comment, I'll move...

Proposed
Increase
in
Water
Rates

Mr. Lane: Now that you raised that it's no secret that some of us on S. Cayuga Road, Dr. Murray and Mr. Taylor my next door neighbor here tonight. I think we represent 50% of those people involved, 6 houses there, and I know Mr. Walker represents the people on Mill Street who may very well be interested in petitioning the Village Board and indeed the Town Board to consider an annexation. But these things cannot be accomplished overnight. I spent a little time last week trying to research the costs and benefits to the property owners from annexation. At least it appears to me that if I added correctly and used the right facts that there may indeed be a benefit to the property owners involved and the Village if annexation were to occur. With that in mind I'd like to offer another alternative. That is that the Board perhaps consider if it has to, and I can see the reasoning why the Board may conclude that it does have to pass the \$.11 along right now because after all the Water Authority is going to charge you \$.11 in any event, that you consider passing the \$.11 along to everybody that you serve including the property outside the Village in the Town for a brief but reasonable period of time to allow this annexation to be considered.

Trustee Brenton: I'd be interested in your figures when you compile them as to the benefits of Village residency contrasting to being outside of the Village. Because I've always felt that it might cost a little more to be in the Village to be honest with you, but we do provide at least equal services and in some cases we should provide more spontaneous service I think because we're so small. But I always thought it was a little more expensive to be a Village resident and I'd like to be proved different so if you do come up with it I'd appreciate seeing the results. Is there anyone else?

Mr. Walker: Just on that subject, I've been working on that on Mill Street also and not counting the condominiums, I don't know

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what they're paying, but the average for the homeowners on Mill Street would be somewhere between \$100 and \$175 a year savings to come into the Village.

Trustee Brenton: Beautiful. That's very interesting. We welcome you.

Mr. Walker: We're working on it.

Trustee Brenton: Any other comment? Seeing none...

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the hearing was closed at 7:58 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby

Connie C. Murray

V. James Saia

Trustees

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:37 PM.

Mayor Kuzon: Next on our agenda is approval of our minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the regular meeting held January 24, 1983 were approved.

Unanimously carried.

Mayor Kuzon: Our next order of business on this evening's agenda is a public hearing regarding a proposed local law which would amend the water code and increase those rates for water consumption.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved to open the public hearing at 7:38 PM. (The hearing was closed at 7:58 PM.)

Unanimously carried.

Mayor Kuzon: That concludes our public hearing on the question of water rate increase. I guess I would just add on the question of annexation to Mr. Walker and Mr. Lane that anyone of us on the Village Board would be willing to talk to you at any time regarding that subject. I know that our Village Clerk and the materials and figures she has in the office are available for your use to substantiate your case and anything that we can do to help you don't hesitate to ask us.

For my portion of the agenda this evening I have three things to report. First of all this evening the Trustees and the department heads received their 1983-84 budget requests. As they have just received these this evening I would inform them briefly that they are expected to be returned to the Village Clerk by the 28th of February and at that time we will compile our tentative budget and proceed into our budget planning and budget preparation.

Also, I'd like to report that tomorrow, which is the 15th, is Grievance Day in the Village of Williamsville. The time will be from 4:00 PM to 9:00 PM in the Village Conference Room so that anyone having a problem, a question, or a grievance with their assessed valuation can come to the Village Office and talk with the Assessor and Trustee regarding that assessed value.

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I'd also like to say that for those of you who regularly attend Village Board meetings you are familiar faces to us on the Board and one of those people who regularly attend is Marcy Marble. And this evening is Mrs. Marble's last meeting. She has been attending on behalf of Senator Walter Floss as his representative to our local government and as I understand it she will be moving downtown and into a vacancy in the Senator's office and she has written me a letter and I would briefly read it to you. (Mayor Kuzon read the letter stating Debbie Anscombe of Eggertsville will be covering the future meetings for Senator Floss, that she enjoyed being with us and will miss us all.) We have enjoyed working with you and appreciate your interest in the Village and good luck in your newest endeavor.

For my resolutions this evening I have three. The first is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$78,129.59 were approved as follows:

Payroll Fund	W/E 1/28/83	\$ 8,897.44
	W/E 2/04/83	4,819.91
	W/E 2/10/83	4,843.55
General Fund	Abstract #530	31,058.19
Sewer & Water Fund	Abstract #111	23,612.46
Trust & Agency Fund	Abstract #150	4,798.66
Glen Park Jt Activities Fund	Abstract #50	92.32
Capital Fund	Abstract #127	<u>7.06</u>
Total Vouchers		\$78,129.59

The larger of these vouchers are to Erie County Water Authority for a sum of approximately \$22,000, to Rapid Disposal our contractor for garbage collection for \$9,000, and to Niagara Mohawk for \$6,000.

Unanimously carried.

My second resolution is regarding Old Home Days and the Chairmen of the Committee that would be coordinating the event and it basically appoints Jean Gaulin and George Measer, who have been Old Home Day Chairmen for the past number of years, as Chairmen of the 1983 Old Home Days, and it reads:

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

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APPOINTMENT

RESOLVED that Jean G. Gaulin, 114 S. Cayuga Road and George Measer, 120 Oakgrove Drive are hereby designated Co-Chairmen of the 1983 Village Old Home Day Committee.

CO-Chairmen of
Old Home Day
Committee

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

Ayes - 4; Noes - 1.

Carried.

Trustee Saia: I would like to explain my no vote. I don't know if the public is aware of it but we've had - there've been numerous hours and a lot of searching in the last few weeks especially on this subject of Old Home Days. It seems like, I went to a couple of meetings and we almost agreed on just a list of articles on this Old Home Days - safety, age, drinking age and everything, but we never got from the Committee, we never got an agreement on any one of the items that we mentioned. Now if this agreement is forthcoming, I really didn't understand if it was or not. But for instance that the days will not be in conflict with the Western New York Volunteer Firemen's Convention, curtailment of advertising, the drinking age to be raised to 21 and so forth and so on. We never really got something verbally or in writing of any of our, of anything we presented to the Old Home Days Committee. Now granted in respect to Mr. Measer and Mr. Gaulin, a lot of the items we asked for pertain to the Jolly Boys who are the big operators of this Old Home Days, but I got to worry about that. 42, the age in the Village the age is 42.8 I've been told. That's the median age and I kind of worry where everybody thinks that the Old Home Days is for the benefit of the Village residents. We've got residents of the Village, myself, who worry about next year's Old Home Days. It's getting a little too big I think. It's my personal feeling. It's a little too big, too long, too noisy and also I see illegality in it. Now this is my personal opinion again and that should be looked into, that parts of it are illegal. And I'd like some answers and here all of a sudden now we're getting Jean Gaulin and George Measer for the Old Home Days Committee Chairmen.

Old Home
Day
Discussion

Trustee Kibby: I think the illegality needs to be cleared up. There's a question that's been raised, possibly appropriate, which I don't argue with Mr. Saia, and that is that if this is a four day event it may be, and he doesn't know any better than I, it may be that a sales tax needs to be charged on a four day event. So be it. If there has to be a sales tax charged let the people who run the concessions and the operation charge sales tax. It's no skin off my nose. It's no skin off anybody else's nose. If that's not the case, if that's not the law, then let it go.

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Illegality means basically that you are condoning something, Jim, that you know about, you know you shouldn't be doing, and as soon as you brought this up I didn't hear a Trustee who didn't say well if that's the way it is then we'll charge sales tax. But we still don't know whether sales tax should be charged. Illegality about kids drinking is something we've been trying to work on and maybe we made some progress, maybe we didn't, but certainly we made our views clear to Mr. Gaulin and Mr. Measer that 1. we weren't going to tolerate any underage kid in their tent drinking, and secondly I think we put them on notice that a whole list of things would need to be attended to in this next Old Home Days, things to deal with safety, things to deal with the drinking age of kids, and the number of people in the beer tent. I don't think the meeting was maybe as productive as you want it but I think the meeting was productive and we made it clear to them that if there is any sloppiness in this next Old Home Days, and I'm not sure that there really is, that it be cleaned up. And the question of illegality I think, I hope I made that clear that we're not running an illegal operation. If we need to charge sales tax we'll see to it that sales tax is charged. We still don't know whether you have to or not.

OLD HOME DAY
Discussion
(Con't)

Trustee Saia: Well that's the only thing, Mr. Kibby. But are you satisfied in our discussion at the meeting we had and the established terms and conditions that have been discussed were to your satisfaction at that meeting.

Trustee Kibby: For a first meeting, Trustee Saia, I was reasonably satisfied, for a first meeting. I didn't think we were going to solve all the problems in one meeting and I think to think that we were going to solve all the problems in one meeting would be naive. I think some of the things we thought were problems may not be problems. I think some of the things we thought were problems neither Mr. Measer or Mr. Gaulin know they were problems. They are now aware of them. I think if we meet with them again and if we meet with the Jolly Boys we will be able to resolve a number of these things. Do I think that the list, all the things we listed will all be taken care of this year, No. I'm not naive enough to think that.

Trustee Saia: What did we accomplish then? I feel we accomplished nothing.

Trustee Kibby: They are aware of it.

Trustee Saia: We still have a four day event that takes six days to operate on the Island, that the Island is tied up for six days.

Trustee Kibby: That wasn't on the list to discuss. That was not on the list.

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Trustee Saia: For the drinking age to 21, we were promised that they would have signs there. They would try to have signs there. I really didn't feel that the time that we spent we accomplished anything. As far as moving the date because of the conflict they have now with the Western New York Convention of Firemen, this has been going on for years. They've known about this for years and it's been that they can't get the rides any other time or something. I don't know if they've made an attempt to move this Old Home Days to another week and that's a safety part of it. I'm very unhappy with it and that's why I voted no on it and I've got to say this. You've got to hand it to George and Jean because they've done a fantastic job with this. They've got it so big that they've got the citizens scared that live in the area. They're actually scared of this. Some of them even leave the area during Old Home Days and I happen to know one that does. This person and man and lady leave the area because they're deathly scared of Old Home Days. We've had people in this audience talk about Old Home Days. I didn't hear anybody get up in the audience that lived in the Village that said they enjoyed it, in this audience that came to our meetings. So I appreciate George and Jean for the time put in it and it's been so damn successful that it's too big for this little Village of 5,800 people.

OLD
HOME DAY
Discussion
(Con't)

Mayor Kuzon: Okay. Moving on in the agenda...

Trustee Brenton: I would just like to comment on this, in that it appears to have entered the political arena also, Old Home Days that is. As to whether or not anything was accomplished at the meeting, no there was nothing accomplished at the meeting in black and white. There's no question of that. However, we have evolved as a Board of Trustees from say four years ago when the Village of Williamsville was shouldering the large percentage of the fiscal responsibility of Old Home Days to wit, the clean up and a multitude of other aspects that were previously unknown and when as time went by members of the Board recognized the possibility for a disaster back there, as I think I coined the term, which is definitely there. There's no question about it. Now we have talked about these things and we haven't really accomplished anything but our first meeting with the Committee, the Chairmen of the Committee that is, at least put us on record and I'm making this statement because one way or the other I'll be back here a year from now questioning as to whether or not it's going to be carried out. We placed the Committee on record with the concerns of the Village and those concerns are the questions of underage drinking. There might be those in the audience that like Old Home Days and want to keep it the way it is but I'm sure that that doesn't include the liability suit that the Village has been confronted with as a result of alleged underage drinking and the results of that underage drinking that we have been indeed put on notice of claim of. We have to control these things. We have to control the size. We now have an itemized record that this Board has and that the public has and we'll see if these issues are carried out.

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You and I have expressed concern as to the length of Old Home Days. Frankly I agree. I don't think it should be four days. I think three are sufficient, in my own mind. However, you all I think, including you, Jim, agree that Old Home Days by and of itself are a good thing for the community and that we would like to continue with Old Home Days. Now whether we continue in the present format will certainly be partially determined by the result of how Old Home Days is conducted this coming summer so that I think that point should be made and the point that the Village Board is in general agreement to Old Home Days, I guess was made last January 24th when we made that statement. I heard no objections and I assume that everyone concurred with it therefore, and if we do agree with Old Home Days then we want to see Old Home Days continue. What we want in the first place and I think foremost to have safe Old Home Days and we want to have Old Home Days controllable and therefore, enjoyable by the entire community if that is possible.

Trustee Saia: Well I must stress this also. I'm not against Old Home Days 100%. I used to enjoy that one day Old Home Day. Now Larry's saying three days. Well that's better than four and if we have some progress in that respect this year, but as far as I'm concerned we made no progress. You pay \$5,000 to hold that back there as Village residents. You have to put up with that dump and the filth and the garbage that looks like a pig sty the next couple of days over there. Now granted the Village does a nice job cleaning up but they can't go up and down the streets 24 hours a day picking up garbage and these people don't know what a garbage can is. We've brought all these things up before. This stuff has been going on. One year ago before I was on this Board, well it's better than a year ago - it's two years ago - 2 years ago I sent a letter to this Board, I sent it to the Police Department, I think I sent one to every member on this Board on my concerns on the Island and they had a change. We've now got four suits of \$1 Million. I look at the suits and it says Town of Amherst, Village of Williamsville, but it never says nothing about the Jolly Boys, the Executive Club of St. Peter and Paul, who has the beer license. Nothing is ever mentioned about all this. The Village of Williamsville comes in again and we dish out this money to take care of this doing on the Island and I honestly - to be honest with you I don't go for this kid drinking on that Island. I happen to have the Youth Board in this Village and damn it anything I can do to stop these kids from getting any of that kind of stuff and drinking it I'm going to try and stop it, and I've seen it. I've seen the police pick up these juveniles 13, 14 years old. Some of them are well known kids, you'd recognize the names, and they're inebriated and they get it there. They might not get it all there but they get a lot of it there, illegally. I'm sure the police are doing the best they could to hold this back. They can't. It's too big. They're belly to belly, back to back, shoulder to shoulder in there.

OLD HOME
DAY
Discussion
(Con't)

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Mayor Kuzon: Okay. Moving back to the agenda, I have one more resolution and that is concerning Work-for-Taxes and the concept of the Work-for-Taxes Program. This idea has been discussed publicly for a number of months now and was the subject of a public hearing, I believe in January. I will read the resolution which I believe is self-explanatory.

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

WHEREAS Buffalo and Erie County, New York have one of the highest unemployment rates in New York State, and

WHEREAS the number of jobs on the Niagara Frontier has dropped to the lowest total in 16 years and unemployment has soared to its highest level since the Great Depression, and

WHEREAS every local municipality in Erie County has resident taxpayers who have experienced the human hardships and economic pain of unemployment, and

WHEREAS the current recession drags on, further threatening the already critical financial situations of many unemployed resident taxpayers, and

WHEREAS local government is government closest to the people and prides itself on its capability to efficiently and effectively respond to local needs without unnecessary and burdensome bureaucratic redtape, and

WHEREAS a valid need exists for local government to respond with positive action to the legitimate economic needs of its unemployed resident taxpayers, and

WHEREAS the interests of the Village of Williamsville and resident taxpayers can best be served by a simple, direct and uncomplicated effort that assists unemployed resident taxpayers to meet their Village property tax obligations and benefits the Village of Williamsville at the same time, and

WHEREAS one of the available methods of assisting unemployed Village residents, a Work-for-Taxes Program to employ jobless resident taxpayers in useful work for the village, has proven to be highly successful and beneficial in the Village of Kenmore, and

WORK FOR
TAXES
PROGRAM
ADOPTED

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WHEREAS the Work-for-Taxes Program has been the subject of a public hearing and publicly discussed and considered on several occasions.

NOW, THEREFORE, BE IT RESOLVED that the Work-for-Taxes Program be implemented in the Village of Williamsville for part-time seasonal employment and commence with the employment of all part-time seasonal employees during the 1983 season/year, and

BE IT FURTHER RESOLVED that the Work-for-Taxes Program in the Village of Williamsville be conducted in accordance with the following guidelines:

WORK FOR
TAXES
PROGRAM
Discussion

1. Eligibility be limited to unemployed resident property owners, not more than one adult from each household.
2. Property ownership and residence shall be verified by the Village property tax roll.
3. Unemployment status shall be verified by N.Y.S. Unemployment Insurance records and/or notarized statement.
4. Duration of employment shall be seasonal.
5. Participants shall be paid \$3.45 per hour.
6. Funds shall be appropriated from the various budget accounts for part-time seasonal employees.
7. Participants shall be required to take a physical from the recognized Village physician.

The Program shall be conducted in accordance with all Village Personnel Regulations, local and state laws.

Trustee Brenton: Just on the question, as far as there's something - I think that we have arrived at an acceptable level as far as I'm concerned personally, but assuming that we have three unemployed people that come and want to work in the Department of Public Works was it your intention to choose the individual that would be most skilled or appear to be most skilled for that endeavor? By that I mean we could have a clerical employee that obviously wouldn't perform too well on the back of a blacktop truck or a truck for picking up brush or things like that. Is there an intended method of, or will the Superintendent of Public Works have the option of reviewing the applicants or the liaison to the Department of Public Works and in this case, myself.

Mayor Kuzon: It would only make sense to place individuals where they are going to be the most benefit not only to themselves but also to the Village. If someone is more clerically inclined and could do a better job in the office and there is an opportunity for

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part-time clerical employment in the office we'd be better off by placing that individual in the office. What I'm saying is that we'll try to place the individual where their job skills match up best and certainly the Superintendent of Public Works would have a say in the placing of these individuals.

Trustee Brenton: Primarily my question is - I probably used a bad example of clerical worker in the office - but my thought there was that in other words you wouldn't be operating on a first come, first serve basis. Just because you had your application in would not necessarily entitle you to employment because you had your application in first. We would perhaps set a deadline for applications and then have an opportunity to review these applications in order to place these people in our normal seasonal endeavors and then we would place them based on what we thought was their abilities to do the work that we had in mind for them. Again my thought is that here to date we acquired college or high school people who were hired very honestly on their background or their appearance to do the type of work we had in mind. I guess that's discrimination in a way and I'm guilty of it myself but I would want to continue that because there's no sense in having someone in the Department of Public Works that isn't able to do the work. That's what I think I want to get into the record.

WORK FOR
TAXES
PROGRAM

Discussion

Mayor Kuzon: That's right. The resolution states that it is to serve the best interests of the Village as well as the unemployed resident taxpayer and if neither can be served best we'll try to work it out.

Trustee Saia: I like this better, a lot better than the last one. The one thing I'd like to ask though, this is not a Work-for-Taxes Program.

Mayor Kuzon: That's true. It's been expanded to include seasonal work.

Trustee Saia: I'd kind of like to see the Work-for-Taxes taken out because really it's an unemployment deal. The only other thing I have to say is I also have hired disadvantaged youth in the first year that I was here because I felt that it was right. And I'm talking about people that maybe have a little rough time getting some money for college and needed a summer job. But I think it's more important that a homeowner, a property owner probably should. So I agree there but I don't get the Work-for-Taxes because it has nothing to do with really taxes. If somebody paid their tax could they get this job if they are unemployed?

Mayor Kuzon: Yes.

Trustee Saia: Then it's not really Work-for-Taxes.

Trustee Brenton: If they didn't pay their taxes we'd already be aware of that and they'd have first preference and then from there we'd go down in that regard once the individual did work off his

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taxes perhaps it would be appropriate if we had enough to bring on another person. That should only take three or four weeks to work off taxes.

Mayor Kuzon: That was one of the initial criticisms of the proposal, that the people who were working off their taxes that their employment would be too short for the Village and that's why it was expanded now to include seasonal employment so that unemployed residents could work for the duration of the summer, or whatever season it would be in the Village. That was meant to address that criticism where someone might only work a week or ten days, etc. If the majority of the Board would like to see that incorporated into the proposal then I would have no objection.

Trustee Saia: Well either it's incorporated or it's removed as far as Work-for-Taxes because...

Mayor Kuzon: On the name of it, yeah. The name is not important. It's the intent that's important so you can call it anything you like as long as unemployed resident property tax owners are hired for part-time seasonal employment in the Village.

WORK
FOR
TAXES
PROGRAM

Discussion

Trustee Saia: We're not adding any people. We're just using the people to work our regular jobs.

Mayor Kuzon: We can work out the name later. Why don't we move it as it is for tonight and if we need to change it we can do it later. I'm going to ask for a roll call, please.

Vote on Roll Call: Trustee Brenton - aye
Trustee Murray - aye
Trustee Kibby - aye
Trustee Saia - aye
Mayor Kuzon - aye

Ayes - 5; Noes - 0.

Unanimously carried.

Mayor Kuzon: That concludes my portion of the agenda. Next is Trustee Kibby.

Trustee Kibby: For my report tonight, Mr. Mayor, my first resolution is to call for a public hearing for the allocation of 1983 Community Development Funds. It reads:

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held March 14, 1983 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons

PUBLISH NOTICE OF
PUBLIC HEARING

1983-84
Community
Development
Funds

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interested in expressing an opinion on community development and housing needs and to discuss possible projects or programs to meet those needs, in particular projects which would benefit low and moderate income persons in the Village of Williamsville.

Unanimously carried.

Just for information, this year's allocation is \$51,450 to which a large part of that would be, is already committed to further water line work in the Village.

My second resolution relates to Old Home Days and it reads as follows:

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

RESOLVED that July 19-22, 1983 are hereby designated Old Home Days for 1983 and that the Old Home Day Committee be granted a park permit for the use of Island Park for the 1983 Old Home Days.

PARK PERMIT
GRANTED

OLD HOME DAYS

Trustee Saia: The only objection I'd have on that one is the same reason as before but my Park Committee is also against this.

Vote on Roll Call: Trustee Brenton - To preface my yes vote I would just simply say that we have outlined the areas of concern, I think in unanimity by this Board, and it is yes this year but certainly these concerns I'm sure will be addressed because it will be back again next year. My vote is yes.

Trustee Murray - aye

Trustee Saia - no

Trustee Kibby - aye

Mayor Kuzon - Before voting just let me preface

it as Larry did, but with a little background this time. At our last meeting I think Mr. Gallagher asked the status of the request for the Old Home Days permit. I believe that was approximately three weeks ago. Since that time we have had two meetings, one among the Village Trustees to kind of establish our criteria for Old Home Days and then secondly with the Chairmen of the Committee, Mr. Measer and Mr. Gaulin, to communicate our concerns to them in the hope that our objectives or goals would be indicated to address our concerns and just let me bring you up to date to summarize our major interest areas. First of all, I think it goes without saying that we are interested in improved safety for all who participate in Old Home Days, both concessionaires and participants, on the Island. We are concerned with reducing the potential for municipal liability, any claims. I think Trustee Saia made

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reference to a lawsuit pending against the Village. We are interested in reducing any further potential for liability. Along with that we'd like to reduce the nuisance factors in the neighboring commercial and residential districts like the noise, the trash, or the spill over from the, whatever it might be and also reference has been made to the costs that are incurred by the Village whether it's for sanitary waste disposal or in kind services provided by our D.P.W. We are interested in reimbursement for all our direct Village expenses. In attempting to address those concerns we identified a number of things that we thought were necessary to satisfactorily take care of our concerns. First of all, we felt the event should be financially self-sufficient, self-supporting. It should pay for itself in terms of cost to the Village. One of the other things that has been mentioned this evening is that a date should be selected that does not conflict with the Western New York Volunteer Firemen's Convention. The reason for that is that many of our local firemen attend the convention and it puts a strain on the manpower that's left in the Village and many of the firemen would like to enjoy the celebration too. We felt that the size of the crowd posed a problem and we felt that curtailing advertising would be one way to limit the size of the crowd. Considerable concern was expressed over underage drinking. We thought that increasing the drinking age to 21 would be one way to get a better handle on that problem and we felt along with that it would be then necessary to establish an entrance to the beer tent that would allow this increased drinking age to be enforced and a exit from the beer tent would have to be altered also to improve safety and facilitate this increased drinking age. Regarding music we felt that there should be no amplified music in the beer tent and that the event should be operated in accordance with all the state and local laws and along with that we felt that we could appoint Committee Chairmen and approve a four day permit for 1983 Old Home Days. We felt it would be necessary to establish a joint activities fund for the event so to have a better or clearer understanding of the finances and we felt that perhaps the Building Inspector should consider an occupancy limit for the beer tent and that would be based on code and not be arbitrary and that we would annually and objectively evaluate the safety and financial aspects of the event and I would vote yes on the permit for '83 Old Home Days.

OLD
HOME
DAY

Discussion

Carried.

Mayor Kuzon: Yes, Mr. Schueckler.

Donald Schueckler, 124 S. Union Road: Before you get off of this, in other words you give them permission already to go ahead for this year regardless if they say yes or no?

Mayor Kuzon: As the Board discussed earlier we talked to them about the things that I have just mentioned, okay, and...

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Mr. Schueckler: And they didn't say yes.

Mayor Kuzon: They didn't say no. There are still some details to be worked out.

Mr. Schueckler: But you've given them permission tonight that as far as you're concerned they're able to go ahead with this just the way it was last year. Right or wrong.

Mayor Kuzon: No, not the way it was last year. But the way it is with these things being implemented.

Mr. Schueckler: Yeah, but they didn't state that. They haven't stated that they will go along with any of your recommendations but yet you give them a permit tonight to go ahead.

OLD
HOME DAY
Discussion
(Con't)

Mayor Kuzon: Yes. I'm not sure it's necessary for them to state it once we communicate to them what we expect of them.

Mr. Schueckler: They could still tell you to go fly a kite.

Mayor Kuzon: They have a permit for '83 Old Home Days but these are our concerns and we have communicated them to them. We will be watching closely to be sure that, as I said before, safety is improved, potential for liability is reduced, and that the nuisance factors are cut way down. We're going to be keeping a close eye on it to make sure our major concerns are addressed.

Mr. Schueckler: Are they going to pay the expense, at least part of the Village expense, the \$4,000 or \$5,000 to run it?

Mayor Kuzon: The Committee Chairmen feel that it will take some time to implement that self-sufficiency. They feel that it might take like a phased in type of approach. We're not so sure that that time delay is necessary.

Trustee Kibby: There are some expenses they are going to incur this year on the Island that we may have had to pay for out of our own pocket. Okay, maybe, maybe not. I think that there's some agreement - yeah, we didn't get anything in black and white, you're right, but what was conveyed and I think Trustee Brenton said this quite eloquently is that, and let me say it a little less tactfully, that yeah, they've been put on guard that this year you've got the go ahead and you've got it tonight and go ahead and run it this year. Okay. They know our concerns. They've heard our suggestions. We don't want to get into the business of running the Old Home Days. We could have appointed Gordie as the Old Home Day Chairman and let him run it. That's not what the Board of Trustees should be doing. We shouldn't be running it. We tell them what our concerns are, giving them some suggestions as to ways they can meet those concerns, and let's see what happens. That's kind of where we are. But on the other

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things as far as the safety aspects. As you know, I'm a member of the Traffic and Safety Committee and we were very concerned with what was going on and through the cooperation of the Amherst Police and the Old Home Days Committee I feel that the situation in the peripheral area of the park was much better than it had ever been before. The safety aspect on the Island itself I can't speak for. I didn't spend much time back there mainly because I don't like to stand elbow to elbow with people and so I was only down there one evening, but the streets I feel were better. I think the Fire Department was satisfied with the areas that were posted for no parking and everything so I feel we took a step forward in the safety aspect last year. As far as the monetary aspect I don't feel the Village has stepped forward at all. Each year because it has grown larger and larger the expense to the Village has become larger. You lay down guidelines for the Old Home Days Committee that you expect reimbursement. We have yet to see any. They give the Village money and designate it to be used for the youth. That's fine. That's great. I'm all in favor of giving money to the youth. But it isn't putting any tax dollars back into the Village coffers. And I think it's important that they don't just give money. They get great coverage in the Amherst Bee every year for the money that they're giving and designate that it be used for certain things such as the youth. If they want to give \$3,000 to the youth fine. Let them. But let them give it in the Jolly Boy's name or for opening the library. Give us reimbursement for tax dollars that are spent to clean up the mess that is caused by what they are putting on and what they are profiting from and then if they want to give money to charities or anything fine. But give it back to the taxpayers of the Village.

Mayor Kuzon: Okay. Thank you. Mr. Hill.

Richard Hill, 18 Brookside Drive: I'd like to continue one thing we did last year. We got the police to enforce the traffic laws. I'd like to see that carried on this year because it did open up our roads. It did open up the fire department and I hope this is carried over this year and it did make it a lot safer. This was a big step last year.

Mayor Kuzon: Thank you. Does that conclude your portion of the agenda?

Trustee Kibby: Yes.

Mayor Kuzon: Thank you. Next is Trustee Murray.

Trustee Murray: I have copies of the program for the Village Evergreen Senior Citizens Program. If any of you would like to see what the program provides I'll be glad to give you a copy after the meeting. If you know of any Senior Citizen who's interested please take one for them too.

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hand they do know that we're here. They do know that we're awake. They do know we're concerned and they do know that we're watching and I might just add to that that just because we're awake, concerned and watching doesn't mean that there's any negative opposition, or any general negativism towards Old Home Days. I like apple pie and motherhood, but I like to watch my own pie. I like to have it with ice cream or cheddar cheese also. That doesn't mean I'm against that pie. The same way with Old Home Days and the same way with most of the people on this Board is that they're probably pro Old Home Days but there are some problems and there are some things that have to be attended to. But it's not our job necessarily to go out and actually do that. It's our job to tell the committee what the concerns are. They may not attend to them this year. If they don't attend to them this year it'll be an interesting year next year. I think they will attend to a good number of them. I don't think they'll attend to all of them, but there's a good number they'll attend to. This is the first year we've approached this committee also. That's one trustee's opinion.

OLD HOME
DAY

Discussion
(Con't)

Trustee Saia: I must say this. Last year, or the year before, I was sitting right back in the audience. That was a concern that this Board sat here and took the concerns from some people that were sitting back there, which I was one of them, to relay to the Old Home Days Committee and to the Jolly Boys, whoever was running it. Now one of the things that was conveyed was we'd like to see some kind of financial statement. Well I honestly got to say that we don't have much on the financial statements from the Old Home Days Committee. We have asked about the Jolly Boys and what Msgr. Logal told me he tried to get it from them quite a few years ago and he says forget it to get a financial statement from them to submit it. So it works two ways you know. I would like to work with the Jolly Boys and with anyone but it's got to work two ways. I see the hazards back there. Some of us on the Board see the hazards down there on the Island. We'd like to see it rectified but sometimes the things are not being done. It's just like they give us five years for this and maybe we'll see that it's done. Here we are. We've been paying for a good many years to do these services on that Island to conduct this Old Home Days and we have not gotten this money back, and we are the taxpayers.

Mayor Kuzon: Okay. Mrs. Schlifke.

Mrs. Carolyn Schlifke, 192 Evans Street: I'd just like to say a few words. For about the last three years I've sat here every time this comes up a list of what the Board of Trustees wants gets longer and longer. Each year you lay down more rules for the Jolly Boys and for the Old Home Days Committee and each year those rules even though you've added to them are ignored. Now last year I feel we really began to get somewhere. They did do quite a few

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The Traffic and Safety Committee met last Thursday and at the previous meeting also was discussed what they see as a problem with the bus stop in front of Ed Young's Hardware. They had asked that I call the N.F.T.A. and I have spoken with Curtis Barber of the N.F.T.A. asking if they could move the bus stop in front of Ed Young's Hardware. When the bus stops it blocks the main driveway into that complex. I would report tonight that I have received a call from Mr. Barber and he will be moving the bus stop 40' to the east so if any of you know someone, or if you wait for the bus there, keep in mind that the bus stop will be changed in front of that complex 40' to the east so that when the bus stops it doesn't block the main driveway.

I have one resolution tonight, also on a traffic and safety matter. We have received a resolution from the Town of Amherst requesting that we remove parking on either side of the three driveways that enter this complex because it is their intention to widen those three driveways and I'm merely calling for a public hearing on that subject that comes at a request of the Town and the resolution reads:

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

RESOLVED that the Village Clerk publish notice of public hearing to be held on March 14, 1983 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a local law which would amend Section 60.32(21) of the Traffic Code regarding parking on the south side of Main Street in the vicinity of the Municipal Building.

PUBLISH NOTICE OF
PUBLIC HEARING

Proposed Amendment
of Traffic Code
Section
60.32(21)

Vote on Roll Call: Trustee Kibby - no

Trustee Brenton - There was a little conversation about this in our work session which I didn't resolve in my mind. I have to vote yes in particular in that it's nothing more than a public hearing, although I do feel a little uncomfortable about the intent of the public hearing.

Trustee Saia - I vote yes because I'd like to see a public hearing. I have some questions to ask.

Trustee Murray - aye

Mayor Kuzon - aye

Ayes - 4; Noes - 1.

Carried.

Trustee Murray: I really think and will say that the problem with the Board of Trustees is that this would eliminate six parking spaces in the Village and as I think the whole Village is aware,

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we do have a parking problem in our commercial area in the Village. On the other hand, it also makes the entrances and exits into these driveways more safe so there is an argument in the Board of Trustees about what should be done about the Town's request. That concludes my report.

Mayor Kuzon: Thank you. Trustee Saia.

Trustee Saia: I have a resolution pertaining to the Park Regulations. We are raising the permit fees and it reads:

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

RESOLVED that Sections 25.150 and 25.160 of Parks Regulations be amended to read as follows:

PARK REGULATIONS

25.150 PERMIT FEES - There shall be a \$20.00 fee charged each park user for the issuance of a permit. An additional \$15.00 fee shall be charged if the park user desires the use of electricity and/or overhead lights. No permit issuance fee shall be charged for any sport, game or other such activity scheduled by the Parks Committee.

Amended

25.160 PERMIT DEPOSITS - No permit shall be issued for the use of any area of a Village park without payment by the applicant of a deposit refundable (except for the permit fee as stated above) on condition that the group cleans and restores the area to the condition existing prior to the granting of the permit. Deposits shall be in the following amounts:

Groups 25 - 50	\$35.00
Groups 51 - 200	\$50.00
Groups in excess of 200	\$100.00

No permit deposit shall be required for any sport, game or other such activity scheduled by the Parks Committee, and

FURTHER RESOLVED that all references to recreation committee in any other section of the Park Regulations be changed to the Parks Committee.

Mayor Kuzon: I have a couple of questions. What is the present permit fee now?

Clerk: \$15.00.

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Mayor Kuzon: Is there an additional fee for using the lights right now?

Trustee Saia: No.

Mayor Kuzon: The use of the park and the lights is \$15.00 now?

Trustee Saia: The problem we have now is that we have to get somebody to go in there and put those lights up. It doesn't cost us \$15.00. It costs us about \$32.00. There are some things that we have to do in order to get the pavillon into use. So we have to get more money for that.

PARK
PERMITS

Mayor Kuzon: So this \$35.00 is to use the pavillon and the lights. This would be the basic charge, not counting the loss of any deposit?

Discussions

Trustee Saia: Yes.

Mayor Kuzon: And as we discussed in the work session one thing I'd like to see added and a permit be charged would be the ball diamonds on Long Street and I think you said you'd bring that up with the Parks Committee.

Trustee Saia: I'll bring it up with my Parks Committee and I think it's a very good idea for the people that reserve the diamonds.

Mayor Kuzon: Mr. Schueckler.

Mr. Schueckler: I've got a question for Mr. Saia. This excludes the john. I've got a permit that says I've got to pay \$35.00 to open the john if we use the park and I can't see me paying \$35.00 for 10 people to open the johns and have everybody in the park use them. Has that been taken out now?

Trustee Saia: Yes. If you use the pavillon, you'll use the john.

Mr. Schueckler: That's not the way you've got it in the permit I've got.

Trustee Saia: That permit has been corrected.

Mr. Schueckler: Thank you.

Mayor Kuzon: Trustee Brenton is next and he had to leave for a minute so I will just delay his report until he returns and ask that Trustee Kibby take his first resolution that authorizes the Mayor to sign a contract with the County for snow removal.

Trustee Kibby: Trustee Brenton's first resolution reads:

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

AUTHORIZATION

RESOLVED that the Mayor is hereby authorized to sign 1982-1983 Snow Removal Contract with the County of Erie for snow plowing of 3.14 miles of County roads at the rate of \$900.00 per mile. Mayor to sign Snow Contract

Mayor Kuzon: That would be an increase from the present which is \$675 per lane mile. This \$900 increase was recently approved by the County Legislature.

Unanimously carried.

Mayor Kuzon: I'll do Trustee Brenton's second resolution. It calls for the advertisement of bids for our garbage and trash pickup. Our current contract will expire May 31st. As I stated earlier it is with Rapid Disposal. This resolution basically publishes the fact that we are going to bid and that our contract expires.

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

ADVERTISE FOR BIDS

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for Garbage and Trash pickup within the Village of Williamsville. Bids to be opened on March 18, 1983 at 10:00 a.m. in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradein allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

Garbage and Trash pickup

Unanimously carried.

Mayor Kuzon: We've done numbers 1 and 2 so you can pickup with the rest of it and then do your report.

Trustee Brenton: Thank you. You'll have to excuse me. As some of you may or may not know I am on 24 hour call and when the secretary motioned to me that I had to receive my call so that's why I left.

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Resolution number 3 deals with the question of a street that is commonly known as Lehn Lane. However, it's never been officially designated as such so that maybe in technicality the resolution should not read change - the possibility that is of changing the name of Lehn Lane. However, it's the only way we have to describe this particular street which used to be an alley in question so that I would ask that the resolution be accepted as it is bearing in mind that the name actually is not Lehn Lane. It is simply known as Lehn Lane. The reason for the resolution, or the concept or the thought of changing the name of this particular street or lane is that the Amherst Fire Control Office has informed us that there is conflict between that name and the Lehn Springs area and they feel that it would be appropriate and in the interests of public safety to reidentify this street which is commonly known as Lehn Lane so that we will simply be holding a public hearing regarding this and we'll be open to new names also prior to the public hearing, suggested names for this street. The resolution reads as follows:

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

RESOLVED that the Village Clerk publish notice of public hearing to be held on March 14, 1983 at 7:45 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion regarding the possibility of changing the name of Lehn Lane.

NOTICE OF PUBLIC HEARING

Change name of Lehn Lane

Unanimously carried.

I have a couple of additions to the agenda. The first one involves the, our current wage negotiations procedure with the union which represents our Department of Public Works employees. Previously the Board has negotiated these contracts and the last contract was negotiated by myself in fact. However, it was deemed best not to do it. I frankly don't have the time to do it now and also I think in this case it is better because there are some major changes that are being requested by the union in the contract so that the Board agreed that it would be probably in the best interests to have a private negotiator come in here. The negotiator that we have selected is the Mayor of Angola, New York, which is a comparable community to ours and he is familiar with municipal affairs. He does have a private consulting firm known as Kenbar Enterprises and so therefore, I think we've got a very good man. I will say that I didn't pass judgement on him until I met him personally and had an opportunity to talk to him and I was very impressed with this gentleman. So that by this resolution we will be authorizing the Mayor to sign an agreement with Mayor Herman of Angola. I suppose I should say Mr. Herman of Angola. The resolution reads as follows:

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

RESOLVED that the Mayor be authorized to execute an agreement with Kenbar Enterprises, Mark Avenue, Angola, New York, retaining the services of Kenbar Enterprises to negotiate on behalf of the Village the 1983 Collective Bargaining Agreement with Local 1783-C A.F.S.C.M.E. in accordance with the terms and conditions set out in a proposal received by the Village on February 4, 1983.	<p>APPOINTMENT</p> <p>Contract Negotiator</p> <p>for Labor Contract</p>
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Unanimously carried.

I would just like to say that I was erroneous in discussing the Angola situation in connection with this individual as our negotiator.

Another resolution regards the possibility of sending two of our firemen to a training school. The Fire Chief has informed us he is not sure these two people will be accepted into the training program due to the reservation situation. However, in anticipation of them being accepted we have a resolution tonight to allow these two people to attend the training school. The resolution reads as follows:

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

RESOLVED that Bill Pidgeon and Peter Stroebel be authorized to attend the Volunteer Fire Service Management Course at the Academy of Fire Science in Montour Falls, New York from February 26-27, 1983 at a cost not to exceed \$175 each.	<p>AUTHORIZATION</p> <p>Firemen to attend Volunteer Svc. Management Course</p>
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Unanimously carried.

That's all I have regarding resolutions. I did have one report tonight and that was we did install another street light on Brookside Drive in the last few weeks at the request of an individual there and it increased the cost of that particular lighting area in the neighborhood of \$800 I think. However, I would like to point out that we, in spite of this additional cost, will be paying for this lighting district within approximately four years. By that I mean after four years the lighting district will be paid for. This is different from other street lighting we have in the community in that Niagara Mohawk owns the bulk of the poles, not all of them, but Niagara Mohawk does charge an exorbitant fee, I feel, for lighting these lights on the poles and this is a little bit of innovation to put this lighting district in ourself on Brookside and happily at the end of its payment period

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that is once it works off the initial cost we will be saving probably at that time approximately \$3,000 a year on that lighting district so that, and that will increase every year as Niagara Mohawk gets rate increases. Frankly I'm very happy and proud that we did this because it showed that there are other ways to do things and this Board is capable of doing them. That's all I have, Mr. Mayor.

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

Mr. Boudreau: Regarding streets, our highway pothole patching program commenced on January 25th. To date our road crew has covered approximately 80% of the Village streets. Weather permitting we expect to complete the pothole patching program in approximately one week. Regarding tree trimming, our tree trimming program on Village streets commenced this past month in the area south of Main Street from Union Road easterly to Ellicott Creek. Tree trimming in the area south of Main Street from the creek easterly to the Village corporate line is now in progress. Regarding Tree stump removal, the tree stump removal program swung into action this past week with work being done on Village streets. The D.P.W. will remove all wood chips from stumps located in the Village right-of-way. Wood chips from stumps removed on private property will be removed by the lot owner. Under our sign program, new colonial style wood signs are now being readied for erection on each highway entering the Village limits. These signs are identical with lettering saying "WELCOME TO THE VILLAGE OF WILLIAMSVILLE - ESTABLISHED 1850". The early colonial style lettering done by Mr. Pete Obenauer is eye catching and in keeping with the colonial history of the Village. 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: This portion of the agenda is reserved for public comment. Does anyone in the audience wish to address the Board on any subject? Mr. Hill.

Richard Hill: I'd like to ask the D.P.W. and Trustee Brenton whether any place in that schedule is a sign for Garrison Road with left turn lanes. Is that in your schedule to be done this year or not?

Mr. Boudreau: Yes.

Mr. Hill: That's a dangerous intersection and I'd like to see it taken care of.

Trustee Brenton: Well why don't you elaborate on that just a little bit and let Mr. Hill know just where you're at right now.

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Mr. Boudreau: I've been in contact with the New York State Department of Public Works and a letter was sent in, some phone calls were made. I have had no response to date from that organization. I've been in contact with the Erie County Department of Public Works. A letter was sent in there and they responded and I've been directed to prepare some planning for that intersection. A topographic survey was made of that intersection and a map was made up and I intend to meet with the Traffic Engineer of the County and sit down and do some hard core planning. The County owns the right-of-way of Garrison Road and Evans Street. The State owns, or the DOT has jurisdiction on Main Street. They own the signal system there and they own and control the radar heads that in the original plan were running cable off of. I understand now that's a no, no. So if it's okay we're planning four major poles put up with the proper curb clearance and the cable height and what have you so that we qualify at that corner in case of an accident. So we have to cover every base.

Mr. Hill: The County refused to mark it. They say the Village is responsible for marking it. Right?

Mr. Boudreau: They will mark the pavement, the turning arrows. They will assist us.

Mr. Hill: They didn't mark it last spring. They said it was up to the Village to mark it.

Mr. Boudreau: They're going to repave I understand Evans Street this summer so it will be done. It's in the plans. I was to a meeting with the County Engineer last week.

Mr. Hill: And they're going to mark it?

Mr. Boudreau: They're going to mark the pavement. They have no say so over signs, but they will help us with the planning.

Mr. Hill: They refused to mark it last year and now they've changed their mind?

Mr. Boudreau: Yes, they have.

Mr. Hill: Good. I still think they got to be overhead signs there. There are plans to go ahead with that?

Mr. Boudreau: Yes. The planning has to be done.

Trustee Brenton: I would like to say that after the planning if it's a large expenditure, comes budgeting. We have no funds budgeted for that so if there is a large expenditure of funds we will probably have to budget that into our fiscal year starting June 1st.

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Mr. Hill: Trustee Brenton, you can use 402 funds for traffic and safety.

Trustee Brenton: What kind of funds?

Mr. Hill: 402.

Trustee Brenton: Well what kind are they?

Mr. Hill: CHIPS.

Trustee Brenton: Well we can, yes, I would imagine we could do that but we had intended to use our CHIPS money and we've encumbered - I don't know if we've encumbered it but at any rate we've set it aside and the CHIPS money is intended to do a major program in the community, i.e., street reconstruction or something like that so we have determined that at least at this time to utilize these funds for street reconstruction and to accumulate the funds up to the maximum two year period, I think it is, and use it for that. However, we will investigate.

Mr. Hill: A certain percentage of those funds may be used for traffic and safety and signal control.

Trustee Brenton: That's interesting. Either I know it and forgot it or I didn't know.

Mayor Kuzon: Anyone else? Mr. Schueckler.

Mr. Schueckler: I'd like to know if you're going to have a public hearing on the railroad right-of-way that you're going to talk to Conrail on. Are you going to have anything before you intend to buy it so the public can speak or are you just going to go down and negotiate with the County, or Conrail and buy it outright?

Trustee Brenton: Well at this stage of the game we're in the process of negotiating with Conrail a purchase price. However, if we did establish what the Board felt was an acceptable purchase price we could either go one of two ways. We could have a public hearing first or in effect buy the property and await a permissive referendum. I think if there was any opposition to purchasing the property we'd probably call for a public hearing. Discussion

Mr. Schueckler: There's going to be opposition. At the present time evidently somebody has been going around with a petition telling everyone that International Chimney bought it all up. That you had negotiated with International Chimney, some other contractors and apartment developers and negotiated to buy it. And I think the people that live there, the people that live over there should have something to say about it. I mean you go down and negotiate and come in and all of a sudden it's sold and nobody knows nothing about it.

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Trustee Brenton: Well unfortunately it's like - say you were the first one in the front seat and they're all lined up behind you. If you tell a rumor to the person in the front seat and he was to turn around and tell it to the person behind him and so on down the line and when we got to the end seat and asked what the rumor was it was so distorted and so unrealistic as to what the original rumor was that you can see the graphics of the situation and I think that's kind of what's taken place here. But to set the record straight, exactly what has taken place between International Chimney and the Village Board with me being the negotiator in other words between International Chimney and myself, I discussed with the Village Board the concept of having International Chimney tell us in effect what property they would like to have if in fact we do acquire that property, what portion of the property that is and how much money they would be willing to pay so that that would help us in our cost figuring as to what kind of a burden if indeed we did buy the property we would be placing on the taxpayers. In other words, what kind of an offset could we get. CONRAIL PROPERTY
Now certainly the intent to buy the property is to preserve a portion of the entire right-of-way for the purpose of having some type of sanctuary, walkway, etc. There are those on this Board Discussion that feel we should buy the entire right-of-way and dedicate that property to that type of endeavor, i.e., a sanctuary, a respite place to go, etc. I don't really think that it's appropriate to discuss my feelings on it but at any rate, I did ask International Chimney what they would want and how much they would be willing to pay for it and provide us with a letter on it. That is public information. We have discussed that openly as we went along with the Board and they felt it was the way to go. If the community does not want to buy that property, we have sufficient opposition not to buy it, or to buy it and to totally retain it for passive use then I would listen to that particular opposition but you know to get into the aspect of it's been discussed throughout the community by people carrying petitions, that an apartment developer bought it, or it has been - I guess it's been that I sold it for some reason. You know it's really hard to believe, Don, how it's been distorted. There is no power you know for either the Board to sell anything without having it a public record and anything that anyone wants to know about it you know they can just ask me and I'll be willing to discuss it with them and I think I've been - I've told the Board all these things, I think the Board is aware of our position.

Mr. Schueckler: But you didn't tell the people in the community.

Trustee Brenton: Well I've told the people at these Board meetings that I am continuing my negotiations.

Mr. Schueckler: All you stated to the public was that you had talked to certain individuals last meeting, you talked to certain individuals involved in the railroad. You didn't say International Chimney or anybody else that you had talked to them but that you had not talked to the railroad yet. That was your last statement.

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Trustee Brenton: No, we had talked to the railroad.

Mr. Schueckler: You had but you had not gone down there since the last meeting, that was your statement. That you should get off the table. That's what you said. That you did not negotiate with Conrail at the present time. You had negotiated with the people. You had talked to them.

Trustee Brenton: We have negotiated with Conrail I think I indicated that. I'll gladly go back through the minutes of the meetings and I think I'll be vindicated about that. But at any rate I have indicated that we have conferred in writing, Conrail and myself, and I have advised the Board, I have shown them the latest offer from Conrail which is to purchase the property for \$169,000. But to elaborate more on it I conferred with a representative of the New York State Department of Transportation, the Niagara Frontier Transportation Authority, Mr. Lane who was representing the Town of Amherst regarding their negotiations. I've conferred with a lot of people in order to determine prices and I honestly think that I'm doing the right thing. I don't see the newsworthiness of telling anyone that you know that I explicitly talked to John Lane and he told me what the Town of Amherst was going to do. Moreover, I see the need to come out and say that, which I think I did say, at any rate that we had conferred with International Chimney. There's certainly nothing - you know this is all right out in the open and I wish if you have a question, or anyone else that they'd just simply ask me because I'll tell you everything that I know about it. I'm very open.

CONRAIL
PROPERTY
Discussion
(Con't)

Mr. Schueckler: We understand that but we want to know now are you going to give us an opportunity.

Trustee Brenton: Well I can't say that. The Board would have to determine that.

Mr. Schueckler: We ask the Board, the Mayor to bring that up that at least the people over there, that live there have an opportunity to voice their opinion one way or another for or against it or maybe we'll buy it.

Trustee Saia: Don, I'll tell you everything I know. In fact, right now, Don, because of these negotiations if you want to know about them I'll tell you what's happening which surprised me. We are now going in, our Environmental Committee is now going to a historical preservation code. We're going to submit it to this Board at the next meeting but I found out that the old railroad building was sold. That the little railroad house is gone.

Mr. Schueckler: That's what we heard but we couldn't make, like you said...

Trustee Saia: I'll be honest with you. I didn't know anything about this until I was told it was gone to be honest with you, but the property is still there but the house itself, which is a

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historical landmark for this Village, has been sold. Now as far as what Larry has brought up that I know of I don't understand this thing myself, but Larry is working on it and I'm sure he's going to come back with some kind of recommendation and I'm sure he'll tell anyone who wants to know what the recommendations are. I honestly sit with this Board and I don't think this Board is going to sit down and say to Larry go buy it.

Trustee Kibby: Mr. Schueckler, I'm having a hard time understanding what the problem is here. I think Larry would have been remiss had he not talked with International Chimney or anybody else who might be interested in buying that property just to get all the homework done. When the railroad said to us \$169,000 - \$189,000 that's one whale of a lot of money. We were looking for ways, if there was anything that could be done to first off reduce the price and Larry's been trying to negotiate with Conrail to try to reduce the price and if there was any other way to come up with another, with at least a part of that money. I think that you're asking us to say yes there's going to be a public hearing. We don't even know if we're going to have an opportunity to buy the property or not. For us to say there's going to be a public hearing would simply be projecting too far into the future. I think we need to get all the ducks in a row first and I think it's really unfortunate that such a rumor or such a petition is out because I think we would be remiss if we were not getting those ducks in a row before we go around traipsing to one newspaper or one television station talking about business companies that would be interested in buying that property. I think we just got to get those ducks in a row which I think is what's happening.

CONRAIL
PROPERTY
Discussion
(Con't)

Mayor Kuzon: I think your question, Don, is that after the negotiations have taken place with Conrail and with whatever businesses might be interested in any surplus property will the Village Board then hold a public hearing so the neighbors can have input into number one buying the property or number two selling any surplus to the surrounding residents and speaking for myself I would think that that would only be, you know, fair and logical for us to have a public hearing at that point. And I think that's what Mike's saying. That once you know, right now it's still pretty wide open. Okay. Larry has talked with Conrail and he's talked to some of the businesses but nothing has become, you know that serious that the Board is ready to make any immediate decision and I guess what I'm saying is when those things are in place and it's time to make a decision well then I think it's only appropriate to have a public hearing and I would support and favor a public hearing.

Mr. Schueckler: That's one reason I'm here tonight to find out if you would have a public hearing on it and number two we're not the people back there that said International Chimney. Your Board said that they were negotiating with them. You mentioned it. So we had to figure he was negotiating with International

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Chimney and then we hear that I mean as the rumors go on I mean we could keep things going on for hours on the thing and we would like to know are we going to have an opportunity for us and the Mayor answered he would be in favor of it. But one other thing that I got in my mind and it's nothing against Larry. I like Larry, but I think Larry is negotiating with his employer and I do think, maybe it's not, maybe it's a conflict of interest. Maybe he shouldn't be doing it. Not that maybe it's going to eventually come back and hang him.

CONRAIL
PROPERTY

Trustee Brenton: Okay I'll tell you something right now. In a way that's kind of a criticism of my integrity and I have to speak to it. I don't think anybody has worked as diligently and scrupulously honestly as I have tried to do in the past four years that I've been on this Board. Every nickel, every voucher I have questioned. I have spent a great deal of time. Now as to whether I'm negotiating with my employer or not it matters not. I'll be very honest with you because in the first place you're probably going to be farther ahead because Conrail happens to work that way as do many municipalities, not so far as negotiations, but if you know somebody things go your way a little bit more. However, I know how a railroad works and believe me after spending 27 hours on one and that's 365 days okay I think that I probably - and Trustee Saia will probably disagree with this - but I've got a little bit, a better way of going about this and I think Jimmy's mentioned that to me too that I'm in conflict because it involved my employer. But I don't really care about the Consolidated Rail Corporation. It is my employer but I have no wedded bliss toward it. It's simply my employer. My first duty is to the Village Board and as I sit here now anticipating going to work for my employer at 11:00 PM tonight I would stay right here until the bitter end. That's beside the point. I think that I can do the job. I think I have shown already by the contacts that I have made that probably wouldn't have been made by other people, negotiators if we hired a private person, that I know where I'm at. And if I come down and say look on the right hand side they're paying \$6,000 for an acre and on this left hand side they're paying \$5,000 an acre and I recommend \$5,500 I don't think you're going to be able to doubt whether or not I used proper judgment because the facts are going to be there on the right and left. The property's being sold all the way so I really don't have a problem with that, Don.

Discussion
(Con't)

Mr. Schueckler: Let me ask you a question, Larry. I agree with you. You should be it maybe, maybe you shouldn't be it. I'm not saying that. I'm not questioning your figures. I think you did a damn nice job on this Board. I'm not questioning that. I'm questioning that you are employed by them and it makes it a little difficult to negotiate with your employer than it does to negotiate with an outsider. But don't you think that the property owners in back of the railroad would have anything, that maybe they would like to buy it. Nobody has come down the road and said to us now look it we're going to buy the railroad, were you people interested in buying some of it.

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Trustee Brenton: Okay, as I explained the answer to that question my intent is in the event that the Village does purchase this is that there will be a dedicated right-of-way on the south side, that is the side toward the property owners on the south side, a dedicated right-of-way. If in fact we buy it, if in fact we sell some of it off to the adjacent people that there will be a portion of the south side that will be dedicated right-of-way that will be deeded into that right-of-way, the treatment as to what's going to happen to it, etc. Now I want to point something out that if the negotiations fail between the Village and Consolidated Rail Corporation under the New York State Transportation Law, Chapter 18, we will eventually run out of time. Consolidated Rail Corporation will notify the Department of Transportation that the Village of Williamsville and Consolidated Rail Corporation are no longer able to negotiate on this because we cannot arrive at a satisfactory negotiation. Then the Consolidated Rail Corporation, under the law, has the right to appeal to the Department of Transportation who is the assignee of preferential right of purchase and by that I mean they assign to whatever municipality they deem deserves the property the most and that assignment has been allocated to the Village of Williamsville. Upon the aspect of no successful negotiations Conrail can go in and say New York State Department of Transportation we can't negotiate any further with these people and we demand to have that property released. Now the property at that time will go under a 120 day time clock. At the expiration of 120 days if the New York State Department of Transportation deems it advisable, which I think they probably would, the Consolidated Rail Corporation could sell that property to anybody that they want right up to the rear property line with no say so from the Village of Williamsville. So that I think when you consider the overall picture and all the input that really that I have developed including acquiring that portion not in the Village that extends from the easterly Village line through to Cayuga Road. It is not in the Village of Williamsville. It would be necessary for us to annex it. But I wrote a letter that I think convinced the New York State DOT that we should be allowed first right of refusal and they gave it to us. They assigned it to us. It's not even in the Village of Williamsville. But I think it's a key, important part of that property to what my designs are and I think the Board probably shares some of my designs and I do have to caution you though that if negotiations aren't successful the 120 day clock starts and runs out and the Department of Transportation deems that there's no further reason for negotiation that they can release the Consolidated Rail Corporation and they can sell the whole kit and kaboodle to International Chimney or Poodle Boutique, or whatever you want and you will have whatever you get there. So again I refer back to what I think I have done here in four years and I've always had the people's best interests at heart and I've got to say that I think that my thinking here is correct and I think I'm doing the right thing and I'm appraising the Board of that as we go along.

CONRAIL

PROPERTY
Discussion
(Con't)

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Mr. Schueckler: Okay, Larry, I have another question then. You say along the southerly edge you're going to reserve a right-of-way. Don't we have a right-of-way along there? We've got a storm sewer that serves the Town and the Village back there. We have a right-of-way for that.

Trustee Brenton: You've got an easement.

Mr. Schueckler: Or an easement, right-of-way, whatever.

Trustee Brenton: I assume you've got an easement because I really don't know. The Town of Amherst installed that storm sewer partially within the confines of the Village of Williamsville, covered it that is, they put the tile on, and they never asked the Village of Williamsville. They caused water backup in the yards of Garden Parkway so maybe the Town doesn't have an easement because I know the Town never got permission from the Village of Williamsville to cover that drainage ditch that's within the confines of the Village and it required the Village spending money to relieve the drainage problem on Garden Parkway.

CONRAIL

Mr. Schueckler: Don't you think we ought to look into that. I mean we're talking about the railroad now. We've got the property right next to it that would be a buffer and that's a good 25', 30' there and you're saying that maybe we would buy and use the right-of-way and maybe we could get it for nothing from the railroad or something right now.

PROPERTY

Trustee Brenton: You can't get it for nothing because the railroad knows damn well...

Discussion
(Con't)

Mr. Schueckler: They can't shut the water off.

Trustee Brenton: They can negotiate. So there's an easement there. Al Weber reconfigured Union and Main and we have an easement under there as you well know for that same drainage ditch No.9.

Mr. Schueckler: Yeah, but that doesn't go under his building.

Trustee Brenton: It doesn't go under his building, no.

Mr. Schueckler: That would stop International Chimney from coming over and putting a building at the lot line. What I'm referring to is...

Trustee Brenton: Well let's not say put a building at the lot line. Maybe the codes prohibit that. They might want to store their pipe at the lot line. That's not going to hurt the tile besides the tile doesn't really get to that point.

Mr. Schueckler: No. The only thing I wanted to know if you people as a courtesy to the taxpayers back there would at least have a public hearing or let us know so we can voice our opinions. That's all.

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Trustee Brenton: I would favor a public hearing. I would. I'll go on record for that right now. No problem at all.

Mayor Kuzon: Okay. Mr. Gallagher.

Richard Gallagher, 38 Chalmers: One question. Is there a time frame the Board has given Larry to in effect negotiate this? In other words you're talking about the fact that they, you know, can start the clock for 120 days and it can revert back to Conrail to do whatever they want to do. Is there a time frame and a price they have given you to negotiate?

Trustee Brenton: No, the Board hasn't. What I will do is attempt to strike a deal with the rail corporation and if we can do that then I'd bring the agreed to price back to the Board and say here it is, this is what they say is the bottom dollar. Now they've come from I think \$270,000 down to \$167,000 or \$169,000 so that they have dropped and this is in writing. I have had no personal contact with anyone from the Consolidated Rail Corporation, merely by writing them and as far as a time frame is concerned the Village Board hasn't given me a time frame. There is no time frame.

CONRAIL
PROPERTY
Discussion
(Con't)

Mr. Gallagher: Why wouldn't there be a time frame?

Trustee Brenton: Because I don't think there is any reason to rush it. I'm only paralleling the attorneys for the various other municipalities whose brains I've picked and I'm only paralleling their action to be honest with you. There's no reason for it because the 120 clock doesn't start until we prolong the negotiation sessions out to a considerable length of time. However, I mean we are working on it. That's not to say we just forget about it for six months. The situation regarding International Chimney took time. They gave us an offer of X number of dollars for the property. I have written International Chimney that that is not acceptable, would not be acceptable. Not to say we intended to purchase it and I pointed out in my letter that this is only for informational gathering purposes that there is no intent and verbally this is what I told them.

Mr. Gallagher: It's for information gathering but it still represents yourself as negotiator representing the Board with Conrail. The other question is if you're dealing with one company, International Chimney, are you dealing with other businesses or asking questions as to who might be interested in leasing property or whatever?

Trustee Brenton: Have I asked other businesses, No. I have not asked any other businesses whether they're interested in the property. I know that International Chimney, you see International Chimney owns the station and the sheds behind the station and International Chimney I'm totally aware of over the years because I've addressed traffic and safety complaints. I'm former liaison

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to the Traffic and Safety Committee and even though it never got to the committee it got to me and I took care of it. I talked to the Amherst Police, they have a parking problem and they have a full complete site problem for room that is and so I knew that they would be the natural benefactor if they were allowed to acquire any of this property. Frankly, I can see no use to the Village for other than the 20' right-of-way for the property west of Long Street. The property east to Long Street where International Chimney currently stores some of their materials, etc. is where the station is located. They own the station, they tell me they own the station. I don't really know this. Jimmy alluded to the fact again that they own the station. Only that they tell me they own the station do I know it. I've never really researched it. CONRAIL PROPERTY

Trustee Saia: Do they own that station, Tom? Are you aware of it?

Mr. Troy: I don't know, Jimmy.

Discussion
(Con't)

Mr. Schueckler: Would that be an issue that needs to be known?

Trustee Brenton: No, I don't think the station has anything to do with the property. I must say that the owner of International Chimney is a Village resident and a longstanding resident and this corporation I think is very sincere in their feelings. I've had occasions where I've been called to it because of dust, etc. down there they were developing from their operation. I've gone down there. I've talked to their general foreman. It was cleaned up. I never had another complaint. They're very responsive and as I say, they're locally owned.

Mr. Gallagher: The only comment I'd like to make is that I respect your integrity and I don't think anyone would. This is strictly from whatever point of view, I really think that it is not good business to the extent of having Village representation elected by the people negotiating using your terms with Conrail which is your employer. I really think that you were set up by the Board for technical assistance to the Board or whatever and if that's in a resolution fine. As far as what's in the minutes and what's being said tonight I really do think that's not good business practice. That is not belittling anything you have done. It's just a matter of business.

Trustee Brenton: You're entitled to your opinion and frankly I'm probably the better person to do these types of things and as I spoke before I handled the contract with the union three years ago and spent a considerable amount of time in negotiation, etc. and the thing is when it's all done the union, bearing in mind that I am a union person myself so then perhaps I shouldn't be negotiating with the union at the Department of Public Works using the same logic. However, the union got only what was approximate to the other municipalities in this area and I assure you that we

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will only pay for that property, irregardless of who negotiates this but I think I'll probably get a better deal than the next guy, what approximately the other municipalities or governmental bodies will pay per acre and if we do we'll be getting a buy because they're paying for vacant land that has no other use where our land happens to be very, at the easterly end of it, zoned very flexible and so thus making the property more valuable and we can come out of it with an approximate cost per acre of what the N.F.T.A. or somebody else, the New York State DOT is buying it for then I can't see the conflict.

CONRAIL
PROPERTY
Discussion
(Con't)

Mayor Kuzon: Don.

Mr. Schueckler: Larry, you talked about you went down there on complaints, fine, and you said that's a local business which we can't do anything about. It's there. It was zoned business when we came here. The gentleman that owns it lives up at the other end of the Village which is fine. But we as residents down there got to stand and listen to them 24 hours a day and don't tell me it's not a 24 hour a day operation, which it is.

Trustee Brenton: I didn't tell you that.

Mr. Schueckler: It is very much so. You go over at night and say gentlemen how about quitting sand blasting at 2:00 in the morning. Sure we will. We'll quit. But the next night they do it over again. Let's talk about parking. They park in the ball diamond. The kids go to play ball and they chase them off because they don't want their cars hit with the ball. Okay. Fine. They got a place to park. They bought property along Long Street to make parking lots. He's taking a house down so dang slow I could take it down board by board and save it, which he is doing. Fine. But they're not helping the residents up there, Larry. Sure they're local businessmen and we grant you they're there. But the object is he lives at the other end of the Village. He doesn't have to listen to them sand blast. How would you all night like to listen to a highlift go beep, beep, beep, beep. He's loading trucks at 4:00 AM in the morning, 3:00 AM in the morning. You can't go by there. You can't get up the road at night half the time. They've got trucks parked in the road. But, okay, he's doing business. Everybody goes over and speaks their piece. You say you have negotiated with them but they don't seem to be moving very fast and now you want to add more property to them and you want to push them right up into our backyard. All you're doing is getting them out of the ball diamond and putting them in our backyard.

Trustee Brenton: You've got the rumor again. No one is intending to sell that property to International Chimney. This is the first time that you've brought these complaints to this Board about International Chimney. You've been to these meetings many, many

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times. The first time I've ever heard it. Mayor Kuzon's parents have addressed complaints to me. Other residents on Garden Parkway have addressed complaints to me. And when I've had them I've gone and acted on them. You know that's no longer my balliwick. So I would say that if you have any complaints that you should either if it's a traffic and safety thing you address it to Trustee Murray and if it involves parks you address it to Trustee Saia.

Mr. Schueckler: We already did that. The Mayor's folks did it. The people up there did it. What do you want us to do? Keep coming and coming? So consequently we're the ones that mentioned International Chimney. We did. You said that you were negotiating with them. So when we found this out - if you wouldn't have said nothing and gone to the railroad and said we're going to do this we wouldn't have known about International Chimney. But you're the one who stated it. So now you tell me that they're going to need more property.

Trustee Brenton: We are not negotiating with International Chimney. I pointed out that I wanted an informational aspect from them as to what kind of money we could get if, in fact, we sold it to them. That's all. A public hearing then we'll bring it all up. Frankly I think we ought to let it go. Let the 120 days go. International Chimney can buy the whole thing up and do what they want.

Mayor Kuzon: Anybody else on any other topic? If not...

ON MOTION by Trustee Murray, seconded by Trustee Saia, 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 9:26 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer