

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, September 12, 1983 at 7:39 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby Trustees

Lawrence Law

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 September 12, 1983 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would add a new section to the Village of Williamsville Building Code entitled Fire Limits.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 7:39 PM.

Unanimously carried.

Mayor Kuzon: This public hearing will be conducted by Trustee Saia and I will turn it over to him at this time.

PUBLIC
HEARING

ADD "FIRE
LIMITS" TO
VILLAGE CODE

Trustee Saia: Thank you, Mayor. Just to make it as simple as I can unless I have some questions from the floor, being a member of the Fire Company for 20 some odd years I just never realized - I guess I wasn't the only one because I think all the Chiefs in the Fire Company and the other people who are giving us the fire service have not realized also that we do not have Fire Limits in the Village. Now the Town does have it. Now in a nutshell when I submitted this proposal I asked the Board that if there's anything they would like changed on here or make any additions or subtractions, but what I was primarily interested in was that I would like to see new construction of a masonry type in the commercial or the manufacturing area of our Village because the residential area of our Village is so close to the commercial district. We just don't know what's going to go into a commercial building. It might be an optical place this year and next year you might have a paint store in there, or some other type of highly inflammable material in there and it gives the Fire Department just a little more chance to get ready to fight a fire if it's of masonry construction, but they - we have a volunteer fire company, although they are as close to professional, in fact sometimes I think they're better than professional. You've got to give them a little chance to take a situation of a flaming building and give them a little help by making it masonry or saying that it should be masonry instead of wood. So just to make this, just to condense this sort of what I'm saying here is that from here on in any building permit that's issued in a commercial or manufacturing district shall be of concrete, masonry construction. Now there are certain instances that you can build or add in the frame to a building out of frame and that is by going through a procedure of the Zoning Ordinance where the Building Inspector and the Chief of the Fire Department

determine that there is enough water to fight a certain type building and that the exposure which is residential is covered, or it is at a safe distance that if that building changed hands or anything should burn that they would have a fighting chance and that they wouldn't jeopardize the residential, the people in the residential area. That's all I have to say about it. Rick Andrews, the Chief of the Fire Company is here. If he has something to say about it, or anybody else that's about what I have to say.

PUBLIC HEARING
(Con't)

Mayor Kuzon: Okay. Rick, you have something to add?

Rick Andrews, Fire Chief: Briefly, I have briefed the Board on this situation beforehand. We've talked it over for numerous times at pre-meetings. I just want to highlight a couple of things. I've briefed them on the possible effect on the A rating. I've briefed them on the, as to the area municipalities that have this law in effect or use it through zoning, and I've briefed them on the Town law and how their procedures, how they go about it and what procedures they use. I even went to the extent to get the Assistant Building Commissioner from the Town to come in and speak to the Trustees to give them a rough idea of how the Town law works and how their appeal process works in the event that someone would want to build a wood frame construction. We've worked awful hard through the last, I'd say probably 15 years 1) setting up a fire prevention code and 2) getting a fire inspector in the Village, and 3) to actually obtain the highest rating you can get from the State for fire safety and that is an A rating for our district here. So we don't want to compromise these things by leaving any loopholes or anything where we can run into some problems somewhere down the road.

Add "Fire Limits
to
Village
Code

I'm not picking on the building at Main and North Ellicott by any means, but I'm using it as an example. That building is built right to the lot line and is of a square footage which is large enough to compromise us, to give us, or have, or involve a large fire if it was fully involved and it would take X number of gallons of fire flow or water to put that fire out and it's something we haven't even looked into yet, whether it's adequate in that area. However, what I wanted to bring up about it is that next door there's an antique building which is also wood frame construction. They've added on now and they are now within at least 20', probably closer, and our concern is exactly what's up there now. We don't want this type of construction continued down the Village line, continued through our commercial district. That's what we're trying to prevent, we're trying to at least slow down or compromise in some respects and that's the reason we're recommending to the Village Board that they establish Fire Limits in the Village and go out and continue our fire safety record that we've been trying to promote for the last 15 to 20 years of legislation, appointments, things like that. As Jimmy did mention that Ellicott and Main area is an old highly congested area as far as homes. The homes there are very, very close. During the blizzard of '77 that was one of our main concerns. It's an awful congested area in the oldest part of the Village and a lot of those homes are many, many years old - 100, 125, 175 years old - wood frame construction and they are built very close as I said and we just don't want to see more developers come in, demolish a brick masonry building and build wood frame buildings. The code calls, I believe, for up to 6,000, possibly more than that, square footage. So it's a rather large building and I don't know how many of you people remember when, or were around when the old Glen fire took place.

If the fire had been even as small, as little as the second fire in '73, which we just had an anniversary date on. It was just in the Bee again. If that small barn area, the original area that got going had been any where in our commercial district you would have had one hell of a hard time trying to stop it especially with the good start that that fire had on us. A wood frame building versus a masonry. It just gives us that little extra time to possibly stop the fire in the original building it's in and prevent the exposure if possible. It's not going to completely prevent it but it may give us that few extra minutes it might take to stop the fire where it starts. We've got a lot of wood frame buildings in our area now and hopefully as they continue to expand and add on that they will look at either this type of law or listen to the Fire Department recommendations for an early warning fire detection system. And we've banged our heads against the wall up and down the street with Ever Williams.. He's going to places like the Roneker's building which is a wood frame building. It looks like it's brick but it's wood frame, what they call plank construction, or ordinary construction. But they've gone and put a detection system in there. It's something to give us that little headstart so that we don't pull up in front of that building and see flames come out of every window. At least now the detection system - it may be a small fire that starts or even smoke. We get there and at least now we've controlled the situation to put out. The Eagle House when they redid, when they remodeled, we went in there and talked to the owner and developer and we asked them if they could possibly, if they were possibly thinking about a sprinkler system. Well in this case monetary value came in. Those people sat back and said there was a lot of money in the building and they went to their insurance company and the insurance company said yes, you put that in we're going to give you a break on your premium, and that's what they did and that Eagle House is standing today because of that sprinkler system and had it not been in there who knows what would have happened on the evening of December - I forget the exact date - but we got in there and there was a small fire that developed into quite a large, if not quite a large area, but maybe 6' square and it was charcoal. And that sprinkler system knocked it down, just like that. So we got a chance in there. We got a chance at that fire. The sprinkler system had alerted us, not only alerted us but put the fire out. So this is what we're trying to do. We go up and down these local commercial areas and we stop in and we talk to these people and we get them to put these types of things in. We get them to put smoke domes in. In a steel masonry constructed building we get them to put smoke domes in so that the heat doesn't melt the beams and possibly collapse on the firemen when they're attempting to put the fire out. What it does is it releases, because it has an automatic detection system on it it opens to let the smoke, heat and gasses out of the building. It's awful hard to ventilate a metal deck roof with tar build-up stones, etc. but smoke domes help us out and that's another little fire safety feature. Anything that can help us along the way here up and down the street in wood frame buildings is a plus. In this case we come up to the owner and I'll be very honest with you, when that plan came through I looked at it, I saw brick veneer, I just assumed that it was brick concrete construction. I never even looked much further then that. All of a sudden the building was being put up and it was wood frame construction. Then I asked about it and my reply was they were perfectly within their rights, which they were. So we're trying to prevent that type of construction in this area and for that reason we don't want to see this continued down the street. We don't want to see a place like Carmer Auto Parts be demolished and a wood frame building set in there. We don't want to see anything

that's masonry today demolished and put a wood frame building up or some of these
larger wood frame buildings with an addition.

PUBLIC
HEARING

So that's basically what our reasoning for bringing the Fire Limits before the Board is all about. And finally I'd like to suggest that before there's a final vote by the Board that first of all be sent this whole package be sent to the Planning Board for review and for their recommendations. That the Fire Safety - or excuse me it's called Fire Safety in the Town - it's Traffic and Safety here - Traffic and Safety Committee be sent this whole package, let their recommendations come back to the Board. And finally that and/or whatever the Mayor determines, I'd like to see a committee set up by the Mayor to look into this to give you people a little more information on what is going on as far as Fire Limits. And I'm sure you realize that the Fire Department has, the only thing we have to gain out of this whole thing is a fire safe building. That's the only thing we're pushing for. We don't want to put a hardship on builders or anything else and I'm sure the law can be written and can be worked on so that is the case. Thank you very much.

(Con't)
Add
"Fire
Limits"
to
Village
Code

Trustee Saia: Thank you, Rick. And I also must bring up at this time that I got a letter from the Secretary of the Fire Company backing the Fire Limits law, that the membership has backed the Fire Limits. Any questions from the audience? Any questions from the Board? I think maybe the attorney might have something on this. Tom, do you have any questions on this law?

Mr. Troy: I thought I expressed myself earlier. I don't think - I think that it's a matter of some consequence to approach this thing. I think that as Rick has suggested that there should - some special consideration should be given before the Board votes on it. There are many areas which I have doubts about. I'm not even sure the way the law is presently written or proposed that it wouldn't stop all commercial activity in those districts until the Board of Appeals could act simply because there are no provisions for protection or inclusion of non-conforming use. I'm not even sure that in matters of public health and safety that the principle of non-conforming use applies so that if a building is presently used for commercial purposes and is of frame construction whether or not that building could continue to be used without some kind of a special exemption the way this law is written. I think we're dealing with an enormous amount of money, a lot of taxpayers' money and I think we have to proceed with extreme caution here. I have thoughts in no direction. I have been advised, however, by people who are familiar with it in Albany and in New York City to proceed with great caution and I can carry that message to the Board. As I said earlier, that we have to be careful how we approach this thing and we have to go very well and very carefully and with great certainty of what the consequences may be and I think that caution would be the watchword in a situation like this because we are dealing with a lot of property, a lot of taxpayers.

Trustee Saia: Well then between now and the next meeting I think you should look at this and if you think that we should make alterations or changes to your satisfaction so that we may review them as a Board and the Fire Department may take a look at them. I think...

Mr. Troy: Unfortunately, Jim, I'm not an engineer. I'm not an expert in fire studies and I think as Rick has alluded and as I have earlier suggested that you need professionals in here to give you advice as to the consequences of this thing. I

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am not. - I'm a novice, a pure novice and I don't think anybody on this Board,
with the possible exception of Larry Brenton, is very much more familiar with
the matter than I. The only one with any real knowledge is Rick and his is
practical experience. I think you should talk to the insurance underwriters.
I think you should talk to fire safety engineers. I think you should talk to
many people before you lock the Village into something which we may regret.
And this doesn't mean I oppose fire safety. After all I live here too and I
have a family and a house that I'm interested in protecting and preserving.
But you've got to be careful.

Trustee Saia: Thank you, Tom. We'll take that into consideration.

Mayor Kuzon: I'd like to thank Rick for his presentation. He made a number of
excellent suggestions about referring the proposal to the Planning Board as well
as the Traffic & Safety Committee and I think I will follow-up on Rick's suggestion
that we appoint some type of group, you know, with expertise to further
examine this proposal and report back to the Board so that we can act on it with
a greater depth of knowledge. So thanks, Rick.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the public hearing was
closed at 7:55 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

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Lawrence R. Brenton

Michael Kibby

Trustees

Lawrence Law

V. James Saia

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: First of all before getting into the rest of our agenda, I'd just like to welcome our new Trustee, Larry Law, who is taking the position of Connie Murray who resigned as of September 1st. At our last meeting Connie said that she was going to write a letter of resignation and I said I would read it at our next meeting. So I'd take a little time right now to read it. (Mayor Kuzon read the letter, a copy of which is attached to these minutes.)

Next would be approval of minutes.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the minutes of the regular meeting held August 22, 1983 were approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Saia, the minutes of the public hearing held August 22, 1983 regarding an exceptional development permit for the St. Francis Home were approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the public hearing held August 22, 1983 regarding an exceptional development permit for the Whitehead property were approved.

Unanimously carried.

Mayor Kuzon: Next this evening is a proposed local law, or a hearing on a proposed local law regarding Fire Limits.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the public hearing was opened at 7:39 PM. (The hearing was closed at 7:55 PM.)

Unanimously carried.

Mayor Kuzon: Next is my report and resolutions. First of all I'd like to report that our part-time Fire Inspector in the Village is Evor Williams, who is a former Chief of our Fire Department and I believe he's President of the Department right now. Evor has recently completed a forty hour course in Code Enforcement and has been

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awarded a certificate by the Department of State, Office of Fire Prevention and Control, their division of Code Enforcement Training, and Evor has received this certificate as Rick informed me earlier, for forty hours of course work as well as passing a very tough exam. And he had been awarded this certificate for Code Enforcement, Practices and Standardized Code Enforcement Training Program and we'd like to congratulate Evor and as I said to Rick, I'll be more than happy to present this to Evor at the inspection on Saturday. That was another item that I'd like to report this evening, that the Board of Trustees also acting as Fire Commissioners will be inspecting our Fire Department at their annual inspection this Saturday. The inspection's at 6:00 PM and I would hope that all the Trustees can make it.

The last thing I'd like to report is that our senior citizens program Evergreen is getting underway again this fall. They have these yellow flyers printed up and not to read everything to you, but that the activities underway this fall include French class, conversational French, crafts with a particular emphasis on Christmas type crafts, the swim program, an exercise program at the Fire Hall and a bridge refresher class. These are available in our office and I would encourage you if you know any senior citizen to pick one up and share it with them or ask them to call the office for further information.

For my resolutions this evening I have two. The first one is for vouchers. These vouchers cover the period from our last meeting of August 22nd until this evening, the 12th of September.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the amount of \$130,581.73 were approved as follows:

Payroll Fund	W/E 8/26/83	\$ 8,517.23
	W/E 9/2/83	5,356.48
	W/E 9/9/83	<u>4,708.82</u>
Total Payroll Fund		\$ 18,582.53
General Fund	Abstract #544	56,276.07
Sewer & Water Fund	Abstract #125	48,150.58
Trust & Agency Fund	Abstract #164	6,087.24
Glen Park Jt Activities Fund	Abstract #64	1,337.37
SSES Rehab...	Abstract #24	<u>147.94</u>
Total Vouchers		\$130,581.73

The larger expenditures, or larger vouchers are to Erie County Water Authority, Rapid Disposal and Britting-Gelia.

Trustee Kibby: I have a question. This second large voucher here to Rapid Disposal comes with your approval?

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Mayor Kuzon: Not total approval, but with some approval.

Trustee Kibby: It didn't just get there without your noticing it?

Mayor Kuzon: No.

Trustee Kibby: Okay.

Mayor Kuzon: I think the point is that over the summer we were less than
satisfied with our garbage collection and at one point I made a public comment
that if we weren't satisfied they weren't going to be paid.

Trustee Kibby: The point is were you satisfied enough to pay them. I just wanted
to make sure you knew that was there.

Mayor Kuzon: Yes.

Trustee Brenton: I would comment that we've gone that route before and I don't
think fared too well and I have suggested that that's not really the business-
like way to go. You can delay payment in order to make a point but I don't think
that what we're trying to say here is that we're not going to pay somebody because
we understand that contractually we are required to pay them and we have
grievance procedures in order to follow through and that essentially makes us
responsible for paying the bill. So the point is that we could delay payment.
And I can also inject a question regarding these large vouchers because in our
budgetary preparations of last year, by that I mean fiscal 1982-83, we set
aside \$2,500 as the Village share for restructuring or shoring up the wall of the
creek bed on the southeast abutment of the bridge over Glen Avenue and the
projection at that time was, as I said, \$2,500, which was budgeted and I was
aghast to see that this had been increased, which I had also noticed from the
minutes of the meeting which I was on vacation, by another \$4,000. I should
point out that the original \$2,500 was the Village share, \$2,500 was also contributed
by the Town of Amherst for this project with the County of Erie picking up the
\$5,000, or 50% of the then projected cost. Now these costs have escalated
terrifically for a procedure that we know is going to be done and had I
been here at that particular Board meeting I would really have questioned it.
I understand that the project can come in cheaper once the bids are let, but I
still feel, and felt originally, that this is a county situation, it's a county
owned bridge, Glen Avenue bridge, both of them are county owned, and I am really
disturbed that the cost has escalated with little or apparently no dissension.
Unfortunately as I said I was on vacation so that I couldn't be here to dissent.
That's all I have.

Mayor Kuzon: Okay.

Trustee Saia: On the garbage, Mayor, I also have questioned the garbage. Arend,
Belmont and I think it was part of Evans St. was not picked up for one week. Well,
you know, I don't mind the guys, the truck breaking down or something, he says
look I can't pick up. But he didn't. He just completely ignored it until we
started getting phone calls down there and people started approaching me because
I live on Belmont. But I don't see why we have to pay them. Somehow there's got

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to be something there. That guy did not pick up that garbage.

Mayor Kuzon: Did he come back later that day?

Trustee Saia: Not until Friday. Friday morning he picked it up, but I don't know if this has happened before in the Village, but I know if somebody did some work for me at home and that happened he wouldn't get paid and getting back to Larry Brenton's about this wall, I've got something to do about that because I happen to be the one that contacted Mr. Frandina from the County so we could be filled in for the meeting. He wasn't in. It seems like the Town has approved the project and the Mayor approved the project before anything got notified what the price was for the project. Now we were not notified of the price of the project until a meeting after the letter was sent from the Mayor and Herky Moses so I felt that it was already approved. In fact, it's already on the drawing board now. I guess they're going to go with it and I question where the money is coming from also. I know the Town put that in their...

Mayor Kuzon: Right. Well as I explained to you before this to the best of my knowledge this project was initiated by Trustee Murray when she was liaison to the Glen Park Committee and that is the point where the ball started rolling on the...

Trustee Saia: The meeting between Frandina, Herky Moses and myself and we had a meeting and the price was supposed to come back to us with the specs and the plans and I never even did see those. I don't have them.

Mayor Kuzon: Well then we should go back and ask for specs and plans. We do have a second.

Unanimously carried.

Mayor Kuzon: My second resolution this evening appoints the at-large member to our Historic Preservation Committee. At our last meeting in August we appointed the majority of the committee. The local law that creates the committee as well as the idea of an Historic Preservation Code permits that one of the members may be at-large and not a Village member. In the time between our last meeting and this evening I received a letter from Chris Maraschiello, who is an active member of our Historical Society. He has an avid interest in the historic preservation within the Village although he's not a Village resident. I might also add that he is a senior in high school and he has expressed an interest and as I stated at our last meeting I would be open to receiving additional names. He is the only one who has responded. At this time we're going to appoint him as the at-large member until the end of the 1983-1984 official Village year and the second resolution reads:

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

RESOLVED that Chris Maraschiello, 65 Cranburne Lane,
be appointed to the Historic Preservation Commission
as the member-at-large until the end of the 1983-1984
official Village year.

APPOINTMENT

Historic
Preservation
Commission

Unanimously carried.

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Mayor Kuzon: That's all I have. Next is Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. I have no report tonight. I do have
three resolutions. The first is the result - the resolution is the result
of a number of meetings and a public hearing at our last Board meeting and
I would move that the following resolution be adopted.

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

RESOLVED that the application of St. Francis
Home, 147 Reist Street, for an exceptional
development is hereby approved.

EXCEPTIONAL
DEVELOPMENT PERMIT

APPROVED

Mayor Kuzon: I would ask for a roll call please.

St. Francis Home

Trustee Kibby: This committee, excuse me, this request for exceptional
development is required because of the number of square feet of an enlargement,
approximately 18,000 sq. ft. enlargement. It has - this request has been
before the Planning Board and before the Traffic & Safety Committee, both
of whom have advised the Board of Trustees that they find no particular fault
with this particular permit, and recommend it. We had a public hearing on
this particular permit application at our last meeting. There was no comment
from the audience or from the Board of Trustees. Anything else anyone wants
to say?

Mayor Kuzon: No. I just want a roll call. It's an issue of enough importance
that we ought to go on record with our vote.

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

Ayes - 5; Noes - 0.

Unanimously carried.

Trustee Kibby: My second resolution, my two resolutions following, both of
them are calling for public hearings. One is to amend the Zoning Code
Section 70.312 and it reads and I move:

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

RESOLVED that the Village Clerk publish notice
of public hearing to be held by the Board of
Trustees on October 11, 1983 at 7:35 PM in the
Municipal Building, 5583 Main Street, Williams-
ville, New York for the purpose of hearing all
persons interested in discussing a proposed
local law which would amend Section 70.312 of
the Zoning Code.

PUBLISH NOTICE
OF PUBLIC HEARING

AMEND SECTION
70.312 of
Zoning Code

Minimum lot size in
R-3 districts

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Trustee Kibby: What this means, what this code is proposing, Section 70.312 essentially has four parts - A, B, C and D - and what these four parts do is regulate the minimum lot width for R-1, R-2, R-3M and R-4 districts and somehow or another it does not restrict the minimum lot width for R-3 districts and all we are doing is adding a new section C and it will read as follows:

"In R-3 districts - 50 feet per dwelling unit".

What this means is the minimum lot width for a R-3 district building must be 50'. The proposed code also recommends that we, or requires that we redesignate C as D and D as E since we are adding a section. And this is for a public hearing at our next meeting.

Unanimously carried.

My third resolution tonight reads:

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees on October 11, 1983 at 7:40 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 70.270 of the Zoning Code.

PUBLISH NOTICE OF
PUBLIC HEARING

AMEND SECTION
70.270 of Zoning
Code

"Air Supported
Structures"

This call for a public hearing is to have a public hearing on a question of air structures. Let me read the code as it is to be discussed at the public hearing.

"An air supported structure of plastic or other material of rigid or non-rigid construction, whether or not the same be permanently affixed or anchored to the ground or some other permanent base."

What this means is that these structures are limited to M districts.

Unanimously carried.

Thank you. I believe that takes care of my resolutions. Thank you.

Mayor Kuzon: Thank you. Next is Trustee Law.

Trustee Law: No report.

Mayor Kuzon: Thank you. Next is Trustee Saia.

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Trustee Saia: For my report this coming week the planters will be taken in on
Main Street. We will keep some out that are still blooming, but they're just
about at the end of their rope and we're going to pull most of them in. They
will be stored in the pavilion until next year. I believe the pavilion is now
fully enclosed. Phil?

Mr. Boudreau: With the exception of the top hatches.

Trustee Saia: Okay. We're ready to enclose the whole pavilion so it can't
be broken into and we will store the boxes in the pavilion.

For my other reports, I have, I would like Trustee Brenton to give a report on
the railroad this evening, whatever he has up till now and I must say in talking
to some of the people, because I happened to be in the neighborhood quite a bit
lately, that's Garden Parkway, that there is an apprehension about maybe
we're going to let this thing slip through our fingers. The people I talked to
want the Village to at least get that railroad station, which is a historical
heritage of this Village. That area should remain in the Village definitely
from what I have seen, the residents in that area. Also there is talk about
that is a manufacturing area, that there is a possibility if the Village
bought it that we could rezone it to commercial or other zoning. But irregardless
I would like a report tonight so that I can go back and tell people and they'll
know what's happening to this railroad and I hope that we don't lose it.

Trustee Kibby: I'm of the opinion, Mr. Mayor, that if Mr. Brenton wishes to
report on that in the time he's on the agenda that he can report on it.

Trustee Saia: I thought we only had 15 days after the last - I thought we had
15 days to respond after the last meeting. That's what I was under the impression.
Did we get a letter stating that he wanted our answer in a certain amount of
time?

Mayor Kuzon: 15 days does stick out in my mind.

Trustee Brenton: 15 working days. However...

Trustee Saia: I would like a report. That's all I'm asking for.

Trustee Brenton: Well the thing is that I think you have been copied from day
one on this subject and the only thing I can tell you is you should have
received a copy of my correspondence dated August 17th.

Trustee Saia: I did.

Trustee Brenton: Okay. And that basically - Well I'll read it.

Trustee Saia: Can you read it under your report? I'd just like a report.
I don't think I'm asking for too much am I?

Now the other thing I have is I sent a letter to Mr. Downing. I think at the
last meeting all the Board members got a copy of it and so did the attorney and
I think John Sheffer got a copy of it and I have no received an answer as of

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today in the mail of anything happening in this fuel farm at the airport. I think John Sheffer and Mary Lou Rath got their's kind of late because I don't think our girl mailed them until late but I'm just finding that out. But I did write the letter August 23rd so I would like some of the people in here that are interested in it to know that I'm working on it and until I get an answer there's nothing I can do.

Now my other report is that we're going to have another project that's going to be done at the Island. The Board is not aware of it yet. They will get a report but it's not going to be a big job, but there's things happening on our Island. We are going to make some modifications after I submit it to the Board. It probably won't be until the next budget when we get them done but there's going to be something happening there and that's about the end of my report.

Mayor Kuzon: Okay. Thank you. Next is Trustee Brenton.

Trustee Brenton: Well for my report tonight which is apparently going to be added to, to begin with I would report that I have sent a letter to Tallamy, Van Kuren, Gertis and Associates of Orchard Park to increase the water line project that was intended to go from Glen Ave. to W. Spring St. and end thereabouts. The Board has previously allocated an additional \$10,000 plus or minus of funds, of CDE funds, which will be utilized in conjunction with CD funds presently designated for this Grove-W. Spring St. water line. So that now the water line will run from Main and Reist down to W. Spring where we have a present 6" line. We will not change that 6" line on W. Spring but we will increase our capacity from Main Street north to W. Spring to 6" or 8", whatever that firm determines. I'm sure it will be 8" and in that way loop the entire project. This will provide us with significantly improved fire flow in what I think is a very critical area of the community. That is in particular the backside of the commercial property on Main Street between Reist and Grove and also the Catholic Church, the school, in that general area. We should have resultant from this project extremely good fire flows in that area and I think that's the way to go and so that Tallamy, Van Kuren, Gertis is enlarging in scope the previous water line project designated for Grove to W. Spring.

We are also contemplating and the Clerk is developing the necessary bond funding input to install a new 8" water line on Howard Ave. Howard Ave. has the 4" water line presently. I have memoed the Board of Trustees regarding that situation. The street is in need of repaving. A 4" water line is marginal at best for any purposes. It's probably tuberculated or coated on the inside so that it's probably in effect only a 2" water line and I think it's in the best interest of the community to act on that water line today and then put down a street surface that will last probably for 15 years or maybe longer years rather than put the street surface down next year and two years from now find out that we have to replace the water line. So at any rate Howard will be coming up I think if the Board approves it once we get the necessary total indicated cost and that's what we're doing on water.

Mr. Boudreau I'm sure has a report on the other aspects of my responsibilities, paving, etc. and I will let him report on that.

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Now to the situation of the Conrail property. As you all know we are negotiating at arm's length with Conrail. We've never had face to face negotiations and as Trustee Saia indicated we did receive a letter from the Consolidated Rail Corporation in answer to my last correspondence which was a considerable length of time back, April 28th to be exact. We have not heard from them and I was not anxious to appear to be anxious so that finally on August 10th I received a letter addressed to myself indicating that the value placed on the property by the appraisal firm Pomeroy Appraisal Associates, which is Conrail's appraiser, has now been lowered to \$139,500. This is still far in excess of the appraisal that we received and so that the concluding paragraph of the letter from Mr. Maslona in Conrail indicates this and in that letter Mr. Maslona states "If the Village desires to pursue this matter please advise within 15 working days. Otherwise we will request a rescission of the assignment and release from New York State Department of Transportation of the preferential rights so we can proceed to market the property to other interests." Now anyone that has a familiarity with the English language can readily see that all we had to do was respond to the corporation within 15 working days and I did so on the 17th of August, 1983. I sent the following letter, it's brief so that I can read it for the public record and so that everyone in the community knows exactly what's transpiring here. "Dear Sir: I am in receipt of your August 10th letter and I must agree with your conclusion regarding the disparity between our respective professional opinions to the value of this property. While I have not had an opportunity to discuss the content of your letter with the Village Board I am certain they would desire further negotiations regarding that subject property. Therefore, I will be in contact with your office to schedule a meeting and attempt to arrive at a solution to the problem in the very near future. Thank you for your consideration."

REPORT
ON CONRAIL

NEGOTIATIONS

So that we are covered under the 15 day rule. However, just because Conrail threatens to demand release doesn't mean that they achieve release by their threat. I would say that having a professional appraisal of the property done on our behalf and Conrail's indication that their appraiser still feels the value, even though lower by \$30,000, is a considerable difference from what our appraiser indicated why we do have a great deal of negotiating to do. I have no fear that if it is the intent of this Board to purchase this property that it will slip through our fingers. I have tried to protect our interests and now that this is made a matter of public record why I would prefer any interested Trustee to inform me immediately if they for some reason feel that they have not received information regarding the subject because I do copy all correspondence regarding this subject to the Board of Trustees and to the Village Attorney. So that is the status of the Conrail property.

In regard to the depot I would again say that there is, it's my opinion that that the depot is owned by the brick firm down there, whatever it is, International Chimney and so that whatever would take place regarding the depot I'm sure that they, if we acquired the property they would have a right to move it. I understand they do not own the property. However, they do own the depot. So there's nothing I think we can do other than negotiate with those people if, in fact, we acquire the property to retain the depot and we'll just have to look at

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that when we come to the final bridge of what this Board is willing to pay for that property. I would like to say myself that I can't envision that property being worth \$139,000 and it's not reflected by the resale of the property on either side of it and that concludes my report.

Mayor Kuzon: Thank you. Next is Superintendent of Public Works, Mr. Boudreau.

Mr. Boudreau: For my report under the heading of Streets: Academy St. (Eagle Street south 250') - Due to drainage problems, this section of street is currently under reconstruction. The stone base section is now complete, ready for binder. This will complete our paving program for this year. The hot patch crew continues to patch potholes and raise low manhole covers on Village streets.

Under the heading of Sewers: Two storm receivers were rebuilt and 200 lineal foot of storm sewer heavy cleaned. Two lengths of sanitary sewer were heavy cleaned.

Under the heading of Parks: The Village park wading pools were closed on September 5th. An inventory of repairs and renovations required for next year is currently being prepared.

Under the heading of Water Department: Williamsville Towers, Main Street - Recently a full scale mutual aid drill was held at this high rise with a number of Fire Department pumpers involved. Our water mains and pumping station performed per standards. That ends my report.

Mayor Kuzon: Thank you. Before going to suspension of rules for public participation, we'll jump back. We overlooked a resolution that Larry has. Larry if you want to tell us about it and read it.

Trustee Brenton: Well it's a result of the - I would also state that this resolution was given to me. Normally it would fall under the responsibility of Trustee Law but since he is new on the Board so I guess it was felt that since I previously have been on the Traffic & Safety Committee as liaison that I could handle it and rightly so. Previously the bus stop location had been moved to east on Main St. in the general area of the south side of Main across from Mill St. and presently found that this was causing a problem regarding, the parking in that area was causing a problem regarding people being able to alight from the bus safely. In other words, cars parked there and the bus can't get into the bus stop. So the Traffic & Safety Committee has informed the Village Board of their feelings on this subject and they think that the removal of two parking spaces and so that we will be investigating this further I think, before we do have, actually hold a public hearing, because I'm quite frankly not too impressed with the subject myself. So I'll just read the resolution that calls for a public hearing.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of

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PUBLISH NOTICE
OF PUBLIC HEARING

Trustees on September 26, 1983 at 7:35 PM in the
Municipal Building, 5583 Main Street, Williams-
ville, New York for the purpose of hearing all
persons interested in discussing a proposed local
law which would amend Section 60.32(21)(C) of the
Traffic Code.

Amend Section
60.32(21) (c) of
Traffic Code re:
parking on south
side of Main St. between
Young's driveways

Unanimously carried.

Mayor Kuzon: Coming back to our agenda and the order that we were going
in.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may address the Board.
We ask for purposes of our minutes that you state your name and address before
speaking. Mr. Schueckler.

Donald Schueckler, 124 S. Union Road: Larry Brenton, railroad. I understand -
I may be all wet, but I understand that the railroad is owned by Conrail,
taken over by bankruptcy court by the State of New York D.O.T. Is that
correct?

CONRAIL
DISCUSSION
(Con't)

Trustee Brenton: No. The railroad is owned by Conrail and being a part of
the estate of the bankrupt Lehigh Valley Railroad which was, which is in effect
a component of Consolidated Rail Corp. and so that the property is actually
owned by the Consolidated Rail Corp. They did not allow that particular portion
of the Lehigh Valley Railroad to be abandoned when Conrail was formed in
1976 and so that they still have ownership. But as we all know, or at least I
assume you know, they no longer perform any service on that track and, therefore,
they are in the process of selling off all of the remaining track from
Main St. south and I have spoken to many of the intended purchasers, N.F.T.A.
and so that essentially is it. It is Conrail property. It is not the New
York State Department of Transportation's. A peculiarity is that the New York
State Department of Transportation has the controlling interest at this
particular point of time as to allowing an interested municipality to
negotiate a sale price, which means the interested municipality could purchase
the property and in that regard the Village of Williamsville did indicate
to the New York State Department of Transportation a desire to purchase the
property and the New York State Department of Transportation determined us,
the Village of Williamsville, to be the municipality allowed to negotiate
the purchase of that property.

Mr. Schueckler: In other words, why couldn't you go to the State of New
York and ask D.O.T. to help us purchase it. I mean under like condemnation.
We've got, there are a lot of other steps to go into other than what Conrail
wants.

Trustee Brenton: We have condemnation. That, that frankly would be something
that I would discuss in a face to face meeting when we get to that level, but

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the - I don't like to use it - but the implicit threat of condemnation.
However, to answer your question the State of New York Department of
Transportation has no interest in it and they by State law I believe, would
have no right to participate in negotiations. The negotiations are between
the two interested parties and then the right to purchase being assigned by New
York State Department of Transportation to the Village of Williamsville. In
the instance where the Village of Williamsville and the Consolidated Rail
Corp. cannot come to successful negotiation Consolidated Rail Corp. has the
right to request of D.O.T. to be relieved of that necessity of negotiating
with us. In other words, they say to New York State D.O.T. look we can't come
to a deal with the Village of Williamsville and therefore, we feel that we should
no longer be obligated to negotiate with them. But right now we're the only
ones that they can negotiate with.

CONRAIL
DISCUSSION

Mr. Schueckler: But the State has told them we're the only ones. In other words
they know the 15 days which you've replied Conrail can't come to an
individual and sell it at the present time. (Con't)

Trustee Brenton: No, unless they could say that they didn't receive a copy
of the letter. I have to admit it wasn't sent return receipt requested but
I don't see the necessity for it and I should say also that in the event they
approach Conrail, the individual with the New York State Department of
Transportation and I have conversed at great length. We have set up early
warning devices so that they can't even circumvent us that way. We're
adequately covered. The only thing we had to do in 15 days was reply. In
15 days we had to reply to indicate a continued interest, which I did do.

Mr. Schueckler: Okay. Now that's fine as far as that. Now on the railroad
property itself, why won't the Village set up a meeting with Conrail, say
we want a meeting X number of times to start negotiating on the property.

Trustee Brenton: Well as I said, I didn't want to appear too anxious. So
that my last correspondence was in April. I think I indicated what the
date was. I forget now but I believe it was April, somewhere around that,
and with our, the Board's offering price, which I think was \$60,000,
\$65,000. That's what we offered them. And we based that on - we had
offered much lower earlier. But we based that, that was the amount that was
provided to us that that property was worth by I think it was Hansen Appraisal
Associates, which was a firm that was recommended to me by the Assistant
Town Attorney. And they put a top value of \$65,000 or \$69,000 for the
property and that was, I believe, that was our last offer to Conrail and
then we heard no more from them. So all of a sudden in August we got a
letter from them saying we had 15 days to indicate our continuing interest.
Well it's peculiar that for three or four months there was no interest
on their part in answering our letter and then all of a sudden in August
we got a letter from them saying that we had 15 working days, but that's kind
of the way railroads work. Maybe that's why I was chosen to be the negotiator.

Mr. Schueckler: The only thing I can't understand, why don't we start negotiations
with them now. We're down to \$65,000, they're up to \$135,000. We start
negotiations with them now and then we know where we stand. Because as a
resident back there I think that we'd like to purchase it as a Village and then

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sit down with the Village and say what we're going to do with it. Not let it
go to somebody else, some outsider and then say well now we've lost the rail-
road. As far as the building is concerned I'd have thought the building went
with it. I understood it was sold but nobody'll ever give me the answer.
Nobody has yet to show me in black and white where International Chimney
bought the building. Some say it's leased. You talk to other parties
they say they bought it. Some say it's leased. So we really don't know.
So anyway when you're negotiating for this \$139,000 or whatever the property
is what are we going to get with it. We going to get the switch? I mean
the yard where they used to use the switch. Are we going to get the live
part that goes back to International Chimney up where they started the switch
right up to Union Rd.? How far Union Rd. do we go? To the Bridge? See
this is where we don't understand. I can't understand what's going on.

CONRAIL
DISCUSSION
(Con't)

Trustee Brenton: Well you asked three questions in succession. I think if
you give me a chance I'll answer all three of them. How far would we
go? We would go approximately 30' or 25' east of Union Road, that's where
we would start. Then we would go all the way through continuously to
Cayuga Rd. That would comprise 9, approximately 4 acres, I think it is,
plus or minus. So approximately 9 acres and we would acquire all the property.
All the property. We do not acquire any of the track that is there and I assume
none of the ties. They have definitely precluded the steel rails and I would
assume that they would also take the ties too. But that is exactly what we'd
acquire. So the entire former width of the railroad running from a point
approximately 25' east of Union Rd. through to Cayuga Rd. The latter half
of that lineal footage - 1,500', so about 750' is not within the Village of
Williamsville. However I did so indicate on my original map to the New York
State Department of Transportation and verbally that we would like to be
considered to be the municipality deserving of negotiation for that
property. Now that is the portion from approximately halfway between Union
and Cayuga east through to Cayuga. That is not within the Village limits
and New York State D.O.T. has determined that yes, we could be the agency,
the municipality allowed to acquire that property primarily because the
Town of Amherst didn't show an interest in it and so that we would enhance our
border slightly by taking this property if in fact we got it. There is also
a thought in my mind that, and I have indicated in correspondence to Conrail,
that that property would have no value at all to anyone as far as I can see,
that portion from midway east to Cayuga and therefore, I thought that
we were being very generous in even negotiating to acquire that because it
will only be of use to the Village of Williamsville and not to any developer
or anyone else and that I thought they should factor that into their
total equation as to the amount we were willing to pay. However, apparently
that did not sway them and we we are at the level that we're at right now
and I think that we're going in the right direction. I don't think we should
beat their doors down. As I indicated in my last correspondence I'll be
setting up a meeting. We'll have to meet face to face. Then we'll have
to play in effect the cards of possible condemnation or release from that
latter easterly half as I indicated or what - but that's something that
now will take place in the form possibly of a face to face negotiation at
which time I will come back and inform the Board and the public.

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Mr. Schueckler: When they stated to you about leasing it, or selling it, they never stated anything in their deed or any of their correspondence about the buildings on it, other than the railroad station. What about the sheds? I mean usually when you negotiate for a piece of property normally you go down and look at it and they say you negotiate for that piece of property you've got a shanty in the back or you've got a well in the side. It's usually stated in there that this is what's part of the property, but evidently we have nothing other than the width and the acreage. We don't really know what we're getting. Right?

CONRAIL
DISCUSSION

Trustee Brenton: Well I would assume that everything that's on that property (Con't) is ours. Now if some other corporation or what have you in the case of the depot would come up and say look here we have proof here that that building does not go with the property and then they would I assume legally be entitled to remove that building at such time as when we either took possession or prior to us taking possession although I really don't know. I'd have to defer to the attorney on that.

Mr. Schueckler: Here's the thing. If you would sit there and negotiate you're figuring that you're going to get the buildings.

Trustee Brenton: No I'm not.

Mr. Schueckler: Well they must have told us that somewhere along the line somebody told us we're not going to get the buildings, if you're not going to go up there and negotiate for the buildings.

Trustee Brenton: But the sheds that you're referring to I really can't see any value to. The depot as far as I'm concerned, I'm relying on what has been told to me verbally and if the depot was included so be it and if the depot was not included so be it also. Our primary interest is, would be in acquiring the property itself.

Mr. Schueckler: It would be in the price. I mean you've bare land now. All of a sudden you're figuring, you're talking, you're sitting there, you're figuring well \$138,000 now we're going to get the depot, which is a historical building to the Village which it is. I think it's the oldest thing we've got in the Village other than the Mill.

Trustee Brenton: Oh, no. It's not old at all. The railroad itself was only built in 1892.

Mr. Schueckler: When something's 80 years old it's not young any more, Larry. But at any rate you don't know if we're going to get the buildings. They never mentioned anything at all.

Trustee Brenton: No. As I say I've never talked to them personally.

Mr. Schueckler: Just in the letters.

Trustee Brenton: Yes and the primary thing is there's great disparity between what they felt it was worth which has been brought down from close

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to \$300,000. I think to the present \$139,000, \$280,000 or something like that
and just really through the exchange of the correspondence so that now I think
we're to the point where, you know, I certainly wasn't going to chase them for
a reply to a letter that I sent in April and it's continuously on my mind. All
on-going situations remain in my file. I have to look at them every day in
order to find my new correspondence for any other areas of the Village so that
I am constantly reminded of my obligations and my duties and I feel that we're
at the face to face level right now and from there that's where we'll proceed.

Mr. Schueckler: Well I would like to go on record right now saying I'd like
to see the Village, unless the price goes out of this world, I'd like to see
the Village purchase that property all that acreage, including buildings.
If we don't get the buildings so we don't get the buildings but it should
be known to us that we're not going to get the buildings so then you can set
a fair price on just the land compared with what you would think you were
going to get the buildings with it.

CONRAIL
DISCUSSION
(Con't)

Trustee Brenton: Well my primary consideration is the land. I mean if
the buildings come so they come. But I think mainly for, you know, our
purposes the land is the most important thing. However, we will determine
that once we really get face to face. The primary thing again was to
whittle the price down. I think in these types of negotiations to take our
sweet time and that's money of their's that's in effect sitting there
and property that they're paying a limited amount of taxes on but losing 10%
roughly in interest on and that's money that if in fact we do buy it that we're
sitting here and not paying 10% on it. So I think we're headed in the right
direction.

Mr. Schueckler: As long as somebody doesn't buy it from underneath us.

Trustee Brenton: Well nobody can. I can assure you of that.

Mr. Schueckler: Okay. No. 2 is Wehrle Drive. A year ago Gordie said they
spent \$500 in the budget to put up a new sign to redo the Welcome to
Williamsville section. Well they didn't have enough money. Last year they
came up and they said they put it in the budget for '83. There's still
nothing been done and the people back there are still wondering if you're
going to do anything. I don't know what Trustee, probably you, Larry.
The Welcome to Williamsville sign was supposed to be at the Thruway. The
people came here and they asked. Well now they're asking again because they
were told in '82 that they only had \$500 and they had spent the money. So
this year they were told that you've got another \$500 in the budget. So now '83
is almost gone as far as the planning.

Trustee Brenton: Well it's fiscal '83 money anyway. Superintendent Boudreau
has, we have allocated approximately \$3,000 for Wehrle and Aero and the sign is
made and has been made for quite a while, Welcome to Williamsville. We have
four of them in fact, one in place and Superintendent Boudreau has developed
a plan for that particular piece of property and I assume when he has the
time to start to implement it that he will, but in general the plan calls

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for raising the level with a type of soil structure that will promote the
growth of pine trees and in the meantime we are dumping fill and other people
have dumped fill in that location in order to build the level up and to cut
down on the expense of this more select type of soil material that we will
use for pine trees and we have received permission from the county to encroach
slightly on their right-of-way. We have laid a considerable length of metal
culvert to drain the Thruway property adjacent to there. We're moving on
it and I assume that when we finally get around to the point of having sufficient
manpower we'll go in there and finish it up.

Mr. Schueckler: Could you tell us when approximately so we can go back and tell
them?

CONRAIL
DISCUSSION
(Con't)

Trustee Brenton: Well I would hope that...

Mr. Schueckler: We were told this spring as soon as the budget goes in effect
that they had the extra money. It's been pushed around for a couple of years
and the people up in that section have raised some interest about it again
and I know that they complained about the speed sign and it was up.

Trustee Brenton: Yes, it was up.

Mr. Schueckler: In Cheektowaga, but it was up. Actually they would like
to know now, not sometime, but some time frame. In other words, you say we're
not going to do it until next April or May, fine. Then we go back and tell
them don't look for anything until April or May. I would like to have some
kind of report to give them.

Trustee Brenton: I would let Mr. Boudreau answer that because I am not the
Superintendent of Public Works. He is and he knows how he can schedule his
manpower. His projects that he has are his projects. I monitor them. The
Village Board monitors them. And so I defer to Phil on the answer to that,
a time frame.

Mr. Boudreau: It's a matter of manpower, Don, and the weather.

Mr. Schueckler: I understand. We're all fighting weather, we're fighting
manpower, leaf season is coming.

Mr. Boudreau: Right. Now I have a paving problem and we're trying to solve it.

Mr. Schueckler: Do you think I'd be going out on a fence by saying let's
wait until next April or May, 1984 and we could really, you know, seriously
tell them that and then we will set goals for that.

Mr. Boudreau: Yes.

Mr. Schueckler: Okay. Thank you.

Mayor Kuzon: Anyone else?

Trustee Saia: Yes, I've got something. Larry's speaking about a letter that

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I should have had. While he was reading his off by the way, I also read mine and I'm very much aware of it. But I wanted something on the record and I thank you. I think you covered it very well, and it's on the record now. And getting to Donny. - Donny, you think that's just your feeling or have you approached some of these people as I have in that area, Garden Parkway, even going into the Town.

Mr. Schueckler: Well let me explain. God love her, she's gone, but Connie campaigned that section very heavily last election. She talked to most of the people and everybody that talked to Connie wanted to - they asked if the Village was going to buy and say they were going to sell some to this gentleman and that gentleman and people along there expressed very much interest in buying their backs right up, you know, to the end of the right-of-way and we never heard any more and as I said, I would like to see it. The people over there would like to see it acquired and keep it in the Village hands. Because it's a walking path. You've got an entrance, a lot better entrance to the back woods which you could put nature trails or do what you want with back there, you have a nice woods in there. And they do come off, you do have the square on Garden Parkway but half the people can't find it, you know, the little square, the triangle lot that goes in between Konowalski's and the other house. So, yes, I think most of the people. And I'm willing to walk the streets to get it if we have to put it on a bond resolution or we have to put it on a referendum next election. I would like to see it acquired and then go from there. If we can't afford it, then we sit down and say hey we can't afford it. Then we got to start looking to sell pieces off maybe to afford what we can afford.

CONRAIL
DISCUSSION
(Con't)

Trustee Saia: Anybody else that has anything to say on this particular...

Mayor Kuzon: Rich.

Richard Sweeney, 325 Mill Street: I think most of the Board members recognize me as present Chairman of the Village Party, which is a political organization and we like to think at the same time represent a large number of the homeowners. At the Village Party executive meeting in August we did vote to encourage the Village Board to proceed with negotiations, formal negotiations for the outright purchase of all that Conrail property and I sit here and hear it discussed and I realize it is a major political decision for this community and I would like to see formal negotiations proceed on some definite schedule rather than have - you may want to call it a businessman's approach, let's dicker and stall and not overshadow our, tip our hand. I think that is just going to make a political football or pose problems in residents' minds that there's some corruption, some pay off, some underhanded dealings. I think basically the Village Party and the residents that it represents have gone on the record years past in a very similar situation and encouraged and worked for the acquisition of environmental amenities for this community and I think we should proceed in a more, very formal manner to see this through the second time rather than have it become a political issue that threatens to overwhelm the future elections of this Village.

Mayor Kuzon: I just want to say one thing before everybody else responds. Thus far we have proceeded into this in what I believe is a very formalized manner.

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Everything we've done, as Larry stated earlier, has been copied to the Board. It's been copied to the Attorney. It's been well documented. We've left you might say a paper trail on this whole issue. All the figures right from Conrail's initial response, to our reports, to our own appraisal figures are well documented. So I think that in my own mind that would erase any potential for corruption or whatever else might be involved. So I guess my response is that I feel confident in the way we are conducting these negotiations. I think we are going in a professional way, one that has been documented to the Board, to the Attorney, to the Clerk. We all received copies of the correspondence. We all have been involved in discussions on what we think our response should be to Conrail's offers, as we have gone back and forth and I think Larry has, you know, conducted himself very well on our behalf in negotiations with Conrail and I would say there is no basis for any corruption because it's well documented. I know Mike had something and I'm sure Larry will have something.

CONRAIL
DISCUSSION
(Con't)

Trustee Kibby: When I see straw men I wonder where they're being, who's building them and there's a straw man floating around here. There's no issue here. We've been dealing with this at meetings - we may miss a meeting or two where we don't deal with it - but we've been dealing with this for several months. We have discussed this at least an hour and a half of time over a period of 5, 6, 7, 8 meetings. There's just a wealth of letters exchanged and I know if we bought this property for \$340,000, \$320,000 that we were first offered, there'd be a hue and cry about the Village just going out willy-nilly spending the taxpayers money to buy this piece of land, half of which nobody wants in the first place. I don't see where this straw man's coming from and I'm slightly irked by seeing it. I think Larry's been working very hard on this and very diligently on this and we've gotten more paper on this than Carter has liver pills. I don't understand where this is coming from.

Mr. Sweeney: I don't mean to - definitely I don't mean to accuse anybody at the present time of underhanded negotiations, improprieties, anything. I am simply trying to express very vigorously the longer it's drawn out, whether you consider that good business practice to draw it, I'm not sure. I'm simply saying from a resident's point of view I think we've been this route before. We've expressed our opinion politically through polls. I don't see that there is that much difference that we should not proceed on a definite schedule to come to a decision and all I'm trying to say is the longer it's drawn out I think the more, the occasion would arise that someone would feel that there is something underhanded. The fact that there is a clear paper trail and every Board member has a clear conscience about the process is not going to turn aside straw men or accusations because it happened last time and - in your own negotiations there are insults between Trustees, or perhaps not insults, but comments made that are taken as insults and pretty soon we have, you know, an argument, where none was originally intended.

Trustee Kibby: That may be true, Rich...

Mr. Sweeney: I'm not trying to lay the seeds of mistrust, but I simply am expressing my own opinion and that of the Village Board that this is a - Village Board, the Executive Board of the Village Party that this is a very

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important political decision for the Village that is very important environmentally. It has very important environmental consequences and we'd like to see formal negotiations proceed on a definite schedule.

Trustee Kibby: Formal negotiations, apparently for you Rich means you have to sit down face to face. I think the savings of somewhere between \$100,000 and \$200,000 whether they are formal, or informal are pretty nifty negotiations and we have - not we, I don't take any credit for that at all; I'll give all that credit to Larry. That price has come down substantially, not to a point yet where we are sure we want to go out and buy at that price, but we are talking about a lot less money right now. It sounds - I don't care whether you call it formal, informal or off the wall. The negotiations I like.

CONRAIL
DISCUSSION
(Con't)

Mr. Sweeney: I've tried to make my point that - and that is simply I think we should be moving toward a definite end, a decision date. Thank you.

Mayor Kuzon: I think Larry has something.

Trustee Brenton: Yes, I most certainly would. I would first like to thank Mr. Sweeney for his input, in particular his input regarding the Village Party's desires pertaining to this particular property and I would certainly include that input into my thinking. However, that input quite obviously and apparently as has been brought out many, many times in the past is what essentially we are doing. I am sorry that Mr. Sweeney does not feel that I have done this in a professional manner. However, there will be an election, I believe, next March and perhaps Mr. Sweeney would like to run for the position of Trustee, which Mr. Law is also running for, and I'm sure some other people will too, and then he can work up here in a professional manner whatever he deems to be professional, and I do feel that I have been professional. I have worked hard on this. I do work hard in my occupation and in my other secondary occupation and frankly resent any inflection. Why even discuss corruption. Why does it have to be a point. Mr. Gallagher brought up the situation as being a conflict of interest, which was 100% appropriate even though it was during the elections. That was when it was brought to Mr. Gallagher's attention and in his eyes it was a legitimate conflict of interest that I an employee of Conrail could be negotiating as the representative of the Village Board. However, I do many things. I do many things besides the Trustee, or besides a locomotive engineer for Conrail, and they are all with integrity. So I hope that that comment regarding the possibility of corruption or whatever it is will kindly never be brought up before this Board again because it's irritating to me and to satisfy anyone in this community I will personally take a lie detector test to authenticate that I have not collaborated with anyone on any situation that I have been responsible for as a Trustee in the Village of Williamsville and I will take this test at any time any citizen requests it of me so that my integrity will be secure and upheld. All right? And now since the Village Party has shown an interest in why these negotiations are taking so long, a situation I think is less than a year old, I would hope they would show an interest in why we haven't negotiated with businesslike acumen with the Town regarding our fire hall, which is some 2½ years old, but we are doing what we can possibly do as Trustees and these things take negotiations. They do not happen by a snap of the fingers.

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We have spent hours and hours and hours, I, myself, in particular on the
Town equity-fire hall situation and it is not resolved yet. Even today
I met with Mr. Nesper. Even today I spent about an hour on that particular
subject and it won't be resolved. In fact there might be something
entirely different coming. But these things take time and I think that we
just do things in a businesslike way and in particular we do things as a
Board of Trustees and we appreciate the input of any political group. However,
we are not in anyway incumbent to react to that input and I think that concludes
my statement.

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: Okay. Thank you.

Trustee Saia: I think you left me out. I think I've got something to say
about this. First of all I've got to say this. There is no hanky-panky
as far as anything out of the ordinary, somebody has taken something.
That - I don't like - I wouldn't like to find out about it. I wouldn't
like to accuse anybody of it, like I have been accused by a certain Board
member at one time on this Board, and he now knows how it feels when you
get hot when you're sitting on this Board because he got hot now. But to
get back to the railroad, I am going to watch this thing. I said at the
meeting that we've had differences of opinions on how this railroad's going
to be used and I'm saying this. I think the residents of the community should
express their opinion how this railroad should be used. Whether it should be
sold, who it should be sold, who it should be sold, what process should be
used for selling it, what should we use for the Village's use and anything
else that comes up. I think the residents should make that determination.
Now all this Board should do is to purchase this property at the best price
it could buy it for. As far as the use of the property I honestly think
and like I said, in talking to some of those people in the area which I have
occasion lately to be in the area quite a bit, that there is a genuine interest
in the railroad station and in the property not to be consumed into a
junkyard because now going down that street sometimes you can't even go
down that street. The cars are parked across it. The trucks are parked
across it and some of those trucks in the area have no license plates. But
anyway I think the people have something to say about that area and I think
we should listen to them and we should take their recommendations under
consideration and the Village Party does have a big role to play in this.

Mayor Kuzon: Okay. Anyone else? Mr. Schueckler.

Mr. Schueckler: I just asked John Sheffer behind me here if he would help
any and he said in any way he would help you if you needed help to acquire
or do whatever he can with D.O.T. or something. So I just asked John.
He said he would. So if you need him here he is. Thank you.

Mayor Kuzon: Thank you, John. Rich.

Mr. Sweeney: I'm not sure that I'm going to help the situation but I was
simply bringing up a couple of points to possibly forestall their possibility
and I see that they were misconstrued or mistaken. In any case I wish to
clearly indicate to Mr. Brenton please that I am not accusing you of anything.
Moreover I tried to indicate that the way things have been conducted do not

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cause me or cause the people I represent or work with at a group called the Village Party to have any concerns with the way the integrity that you're using, displaying in these negotiations. I'm simply saying I think if we conclude these promptly we'll avoid it from becoming a political football rather than the serious political decision that it is.

CONRAIL
DISCUSSION

Trustee Brenton: I'm not sure that it is a political decision. I meant to take exception to that term. I think basically it's a fiscal and environmental situation that this Board has to make a determination on. Politics didn't come into my mind. I don't know why they should and I'll also say that, which I forgot to say previously, that I'm sure we'll have a public hearing if and when the Village Board decides to purchase this property and at that time I would certainly hope that our intents for use, etc. would be brought out. (Con't)

Mayor Kuzon: Anyone else? Assemblyman Sheffer.

Assemblyman John Sheffer, 80 S. Cayuga: I just wanted to follow up on the matter of Jim's letter to John Downing. On a totally different topic I've got a meeting with them later this week and I'll urge them to get a response out to your letter. If you should hear from them and have any additional points that I ought to make to them then it's Thursday afternoon, maybe you could give me a call before then and I'd be happy to pursue it. Okay?

And while I'm on my feet I've said this before that as both a representative myself of the Village and as a resident I don't get to as many Village meetings as I'd like to. I hope though that as issues such as many of the ones you've discussed tonight come up that have some application to the State, whether it's D.O.T. or N.F.T.A. or D.E.C. or whatever, that you'll contact me. I consider it, and I know Senator Floss does too, a major part of our job to represent the opinions and desires of the Village Board.

And lastly, I'd like to say this. I, from the Village and from church and a lot of places have known Larry Law for a long time and I want to commend the Mayor on what I think is an outstanding choice and congratulate Larry for what I know from experience will be an interesting and rewarding time on the Board.

Mayor Kuzon: Thank you, John. Rick, your hand was up?

Fire Chief Rick Andrews: Yeah, I just had one thing, on block parties, that I'd like our liaison for the Fire Department, Larry, to look into. We - year after year after year evidently somewhere along the way it's getting lost in the paperwork or something, but the Fire Department again Sunday, I mean Saturday, there was a block party on Pasadena and the Fire Department was never notified, the Fire Alarm Office was never notified. Is there some way we could put it in there, maybe a large heading right above the permit or something that these places should be notified? I'd greatly appreciate it because this is about the third or fourth year since I've been Chief that one happens to slip by us and it's vital that we know that Village block parties are going on in that area because we have to act accordingly.

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Trustee Saia: Rick, I'll promise you it will not happen again. I'm going to instruct the Village Clerk now to give me any block parties that happen in the Village and I will take care of it.

Chief Andrews: Now the only thing I saw at this particular one was barricades from the Town. There's a possibility that you didn't even know about it. That's...

Trustee Brenton: May I suggest something, since you did direct the question to me and I believe I am the liaison to the Fire Department, for we do have areas of responsibility here and I would suggest that the Clerk assure that this need to fulfill the request that the Fire Department and Fire Control be notified when a permit is issued for a block party that in some way the clerical staff when issuing the permit then immediately informs these two agencies rather than rely on an individual that may be here this year and then next year...

Clerk: May I say something please. I don't think we issued one this time. I don't remember signing one.

Trustee Brenton: Well Rick indicated that that perhaps there wasn't one but I think that you've indicated also that over a three or so year period that one or two slip by.

Chief Andrews: I don't blame the clerical staff in that respect. What I'm saying is that maybe on the permit, the actual permit for a block party there's the possibility of having right on the bottom a carbon copy sent to Fire Control, Fire Department. Something that will solve the problem.

Trustee Brenton: Do we presently have a procedure for that?

Clerk: Yes.

Trustee Brenton: We do have a procedure for it. Who has the responsibility of notifying them?

Clerk: Elaine.

Trustee Brenton: I have to say we're already taken care of and maybe that one didn't have a, as Terry indicated, we didn't have a permit.

Chief Andrews: Maybe if they didn't have a permit we should check and find out why they didn't have a permit. I'm sure they're not allowed to run one without a permit.

Mayor Kuzon: Basically the way we function on a block party request is that somebody, you know, a neighbor or a group of neighbors provide a letter or call, will fill out an application and we send them a letter stating that the barricades will be dropped off and it's up to them to put them up and take them down and we'll pick them up the following day or after the weekend. It's signed, it's a Mayor's permit. It's signed by me. I sign the letters. I do not remember signing one for that. Moreover the procedure is that the

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Police and Fire Control are copied when we send the letters and the permit
and that's the way it's been for the last. I don't know, you probably brought
this up to our attention the first time. So what I would do is when I
go back and check and see if for some reason Pasadena went through when I
wasn't around.

Chief Andrews: What would be the situation if they didn't notify you and
went ahead and had it? Is there anything?

Mayor Kuzon: Say again, Rick.

Chief Andrews: Say they went ahead and had it without the permission from
the Village. What's the next step there?

Mayor Kuzon: Good question.

Chief Andrews: The only reason I'm asking is because what happens at these
block parties is they get things on the road. Some people go out and get rides
and they actually put them in the middle of the road. They put stands up.
They got parades and there's always children and people running across the
street and it's havoc when we try to get a vehicle down the street.

Mayor Kuzon: The best thing I think we could do is talk to somebody that we
know. I'm sure the Board members, we know someone on Pasadena and that next
year when they do this that they come in and go through the correct procedure.

Chief Andrews: They have in the past. I just wanted to bring it up so it's
taken care of.

Mayor Kuzon: Thank you. If there's no further business...

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

Unanimously carried.

Mayor Kuzon: If there's no further business...

ON MOTION by Trustee Brenton, seconded by Trustee Saia, the meeting was
adjourned at 9:07 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer