

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 26, 1983 at 7:38 PM

Roll Call

Present:

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby

Trustees

Lawrence Law

V. James Saia

Mary Harrigan, Deputy Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Absent

Theresa L. Cummins, Village Clerk

Deputy Village Clerk: PLEASE TAKE NOTICE that a public hearing will be held  
by the **Board** of Trustees of the Village of Williamsville on September 26, 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 amend Section 60.32(21)(C) of the Traffic Code  
by prohibiting parking on the south side of Main Street between a point  
96 feet west of the Ellicott Creek Bridge and a point 198 feet east of the  
Ellicott Creek Bridge.

PUBLIC  
HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved to open  
the public hearing at 7:38 PM.

AMEND

Section 60.32(21)

Unanimously carried.

(C)

of Traffic Code

Mayor Kuzon: This public hearing will be conducted by Trustee Law.

Trustee Law: Currently there is a bus stop at the - in front of Ed Youngs  
Hardware here and the purpose of this is to remove parking where the bus can get  
off the street there. Is there anybody who'd like to speak on it?

Richard Hill, 18 Brookside Drive: Buses block off the entrance to Ed Youngs  
and Mill Street coming across, so we asked the bus company, the Village, to  
move it down and we made a survey and noticed a parking sign there. The bus  
company has requested that we take the parking sign out of there and make  
it like all other bus stops.

Trustee Law: Anyone else? Any of the Trustees?

Mayor Kuzon: Where did you say the sign was before it was moved to the present  
location?

Mr. Hill: The bus stop was located in front of, and blocked off Ed Youngs  
driveway and Mill Street, the cross traffic there. So Traffic and Safety  
suggested that the Village ask the bus company to move it and they did, but  
when I looked at it I did notice the parking sign and now we want to take it  
off. There shouldn't be parking in a bus stop area.

Trustee Saia: How many car spaces exactly will be removed? Just the one?

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Mr. Hill: Yes.

Trustee Saia: Is that the one between the two driveways?

Mr. Hill: Yes, between the two driveways. There's only room for one car there  
anyway.

PUBLIC  
HEARING (Con't)

Trustee Saia: But you're taking one car off the street.

Trustee Law: Anyone else?

Amend Section  
60.32(21)(C)  
of Traffic Code

Trustee Brenton: Yes, I'd - I would question as we discussed in our pre-Board  
work session and I would ask Chairman Hill of the Traffic and Safety Committee  
whether there had been any consideration to moving the bus stop sign west of  
the traffic light for Mill and Main, thus not being required to remove any  
Main St. parking. In other words, would it be possible to move the bus stop sign  
right at the in effect the intersection of Mill, Ed Youngs parking lot, Main  
and occasionally the bus would be stopped there for a red light anyway. There  
almost would appear to be enough room for the bus to get in there and  
not block traffic totally and has that been considered by the Traffic and  
Safety Committee?

Mr. Hill: Yes, and if you measure it out there the bus would be on an angle  
picking up - there's not room of the width of the road for a bus to sit in  
there and we looked at that and suggested moving it down the other way.

Trustee Brenton: In the event that this request was followed through wouldn't  
that indicate that wherever there is a bus stop sign that parking should be  
removed on Main St.? In other words, would we be setting some type of  
precedent here, you know, by removing parking from Main St. and then at  
a later date find a request to remove parking at let's say Main and Cayuga  
because there's a bus stop sign there and the people load onto the bus or  
egress the bus while the bus remains many times in the traffic lane.

Mr. Hill: There shouldn't be any parking there because there's a no parking  
here to corner sign right there to give them room to pull in.

Trustee Brenton: In other words...

Mr. Hill: If there's parking there...

Trustee Saia: It's striped right to the corner, 10' from the corner.

Mr. Hill: The State just ran a stripe down all the way through past...

Trustee Saia: But there's no no parking sign. There's a bus stop sign.

Mr. Hill: We better check that.

Trustee Saia: But there's no problem. I happen to frequent that corner and  
the bus stops there and there's no problem. There's not cars parked there all  
the time except during the daytime when it's busy.

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PUBLIC HEARING  
(Con't)

Mr. Hill: And there's no no parking sign?

Trustee Saia: There is no no parking sign there.

Amend Section  
60.32(21)(C)  
of Traffic  
Code

Mr. Hill: Maybe we ought to look into that.

Trustee Brenton: We - what we're afraid of as a Board, I think, at least I speak for myself, from the feeling that I got that we're very reluctant to remove parking from Main St. because we have such limited parking within the Village. There's not enough parking now and our master plan indicates that. Probably we're going to be acting on our master plan and try to create more parking. However, I think rather than just have this request, which I believe emanates from the Niagara Frontier Transit Authority, Niagara Frontier Transit Metro System, rather than having it fall by the wayside and no action taken, I'm wondering whether there is some type of compromise that we can come up with so that we don't have to eliminate any parking. That's why I asked whether the Traffic and Safety Committee had considered that.

Mr. Hill: Well I would imagine that if you want to compromise something just say no parking between 7:00 AM and 7:00 PM because after that I don't think there's bus traffic on that road, is there? I'm not too sure how buses run but I understand they don't run after a certain time. Is that right?

Trustee Brenton: Yes, after a certain time, but certainly not too much demand probably after even 6:00 PM or 6:30 PM at night.

Mr. Hill: So if you want to make it no parking from 7:00 AM to 7:00 PM or something like that that would probably do. But I would not think if you put a - should allow parking at any bus stop because people getting off the buses and the cars' there and then you walk around the cars to get to the curb. I think it's a dangerous situation, so I would advocate no parking any place there's a bus stop.

Trustee Saia: Well, Dick, listen. There's only, I think, seven buses that come through this Village going to Eastern Hills Mall. I'm just - it might be eight or nine, but there's not too many that go from Buffalo to Eastern Hills Mall. Now that bus, for us to take and lose any of our car spaces for having seven to ten buses come down the street because they're going to load and unload passengers I think it's kind of ridiculous and I am not going to vote on anything that takes car spaces away from Main St. Now looking at your Traffic and Safety meeting, I notice you also want to take two away from Reist St. Now somebody wants to take five away from the front of this Town Hall. And, you know, there's got to be a stop someplace. Otherwise, you might as well take parking right off of Main St. They're taking them from us. If you can come up with alternate parking, if you're going to take one car space and make one car space someplace I'll buy it, but I'm not going to buy this deal of losing car spaces and not replacing them. We don't have enough as it is.

Mr. Hill: Jim, the request to remove the traffic places on Reist St. came from the Police Department, not really from us, and we weren't completely - we've been talking about it for the last four to five months and so we finally, when Mr. Copy moved

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in there we figured by the time he gets his driveway in there you're only going  
to lose one car anyway and he won't need a parking place because he has plenty  
back in his parking lot.

Trustee Saia: What about other businessmen on that street, Dick?

Mr. Hill: Whether you take them off or not, Jim, is your problem. Not ours.  
We make a recommendation. We stamp our recommendation and that's all. The  
rest is up to you. I have more concerns about parking near bus stops than I  
have about the parking down there because I think it's a dangerous situation  
there for people to find their way around a parked car to get to the curb  
and I don't know how many buses, you said, Eastern Hills. I know there's  
a couple of buses that go up Garrison and park up at Garrison and Wehrle  
and take up passengers and go on down towards, I guess they go around the bend  
and I don't know where they go, out to Transit. They go back in and I live  
up there so I can see the buses two or three times a day. So I don't know  
if that's beyond what goes to Eastern Hills, but I know that three times a  
day, at least three times a day that I know of, and I imagine there's some  
morning bus goes up Garrison so I don't know the number of buses but I don't  
think there should be parking in a bus stop.

Trustee Law: Would anyone else like to address this? I guess not.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the hearing was  
closed at 7:48 PM.

Unanimously carried.

Mary Harrigan,  
Deputy Village Clerk

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Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby

Trustees

Lawrence Eaw

V. James Saia

Mary Harrigan, Deputy Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Absent

Theresa L. Cummins, Village Clerk

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

Mayor Kuzon: Next on our agenda this evening are the approval of the minutes.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the regular meeting held September 12, 1983 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the public hearing held September 12, 1983 regarding a proposed local law regarding Fire Limits were approved.

Unanimously carried.

Mayor Kuzon: The next order of business this evening on the agenda is a public hearing regarding a proposed local law which would amend a section of the Traffic Code.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved at 7:38 PM to open the public hearing regarding amending Section 60.32(21)(C) of the Traffic Code. (The hearing was closed at 7:48 PM.)

Unanimously carried.

Mayor Kuzon: Next on our agenda is my report and resolutions. I have three resolutions this evening. The first is vouchers. These vouchers cover the period from September 13th, the day after our last meeting, until this evening.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$34,090.05 were approved as follows:

|                    |             |                 |
|--------------------|-------------|-----------------|
| Payroll Fund       | W/E 9/16/83 | \$ 4,943.55     |
|                    | W/E 9/23/83 | <u>5,068.59</u> |
| Total Payroll Fund |             | \$10,012.14     |

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|                                    |               |               |
|------------------------------------|---------------|---------------|
| Payroll Fund (from preceding page) |               | \$10,012.14   |
| General Fund                       | Abstract #545 | 21,644.44     |
| Sewer & Water Fund                 | Abstract #126 | 776.22        |
| Trust & Agency Fund                | Abstract #165 | 120.00        |
| Glen Park Jt Activities Fund       | Abstract #65  | 661.89        |
| Federal Revenue Sharing Fund       | Abstract #145 | <u>875.36</u> |
| Total Vouchers                     |               | \$34,090.05   |

Unanimously carried.

My second resolution, I should offer just a little bit of background. At our last budget preparation we discussed the consolidation of the positions of our Highway Superintendent and Building Inspector into one position and this evening's resolution culminates what was started. This resolution culminates the planning that was started during our budget process and Mr. Boudreau, who was appointed our Superintendent of Public Works sometime ago will now assume responsibilities of our Building Inspector, which is a part-time position. Our present Building Inspector will end his employment with the Village at the end of the month and at that time Mr. Boudreau will pick up those responsibilities. Phil has been in the Building Department over the last several weeks making the transition, and this was done by the Village Board as a way to, as I said, consolidate the positions, but also a way to be cost effective and save some money in the long run and the resolution reads:

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

RESOLVED that effective October 1, 1983,  
Philip J. Boudreau is appointed Building  
Inspector in the Village of Williamsville  
Building Department, in addition to being  
Superintendent of Public Works at an increase  
in salary of \$5,000 per year.

APPOINTMENT - Building  
Inspector  
P. Boudreau

Mayor Kuzon: And I would add that there are two points that need to be brought out at this time. First of all Mr. Boudreau previously has served as our part-time Building Inspector so, therefore, we are confident that he has the qualities and the competence to do the job, as well as the experience from his previous employment and also that we felt that in assuming the additional responsibility he should be compensated for it and that's why his salary will be increased by \$5,000. Along with that though, the amount is, I think it's safe to say, much less than what we are presently paying our part-time inspector. We feel confident that we have someone that's qualified to do the job, but at the same time we are saving some dollars for the Village.

Trustee Saia: On the question, Mayor Kuzon, I read this before and I'm just

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reading this again. It says, "in addition to being Superintendent of  
Public Works at an increase in salary of \$5,000". Should that be at an  
additional? Am I right?

Mayor Kuzon: Additional. You're right.. It's not an increase in Superintendent  
of Public Works pay.. It's compensation for Building Inspector.

Trustee Saia: Tom, am I correct in assuming that maybe there is an error there?

Mr. Troy: I'm not sure I see what you're driving at, Jim.

Mayor Kuzon: Jimmy's saying instead of saying increase in salary it should  
say at an additional salary of.

Mr. Troy: If you want the change. I think it's perfectly all right, but if  
you want to make it at an additional salary that's okay.

Mayor Kuzon: Okay. I think it makes the point that the \$5,000 for the  
Building Inspector responsibilities and not for Superintendent of Public  
Works. So then we're changing it now to say additional salary of \$5,000.  
Okay?

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

RESOLVED that effective October 1, 1983,  
Philip J. Boudreau is appointed Building  
Inspector in the Village of Williamsville  
Building Department, in addition to being  
Superintendent of Public Works at an additional  
salary of \$5,000 per year.

Unanimously carried.

Mayor Kuzon: My third resolution this evening comes about as a suggestion from  
our Fire Chief who made it during the public hearing on Fire Limits at our last  
Board meeting. At that time we held a public hearing on the topic of Fire  
Limits. There was some debate on the topic. The Fire Chief, Rick Andrews,  
made a suggestion that perhaps it was an important enough topic that before  
the Village Board acted on it or debated any further that we have a committee  
with some expertise and some qualified representatives to further investigate  
it and make a recommendation back to the Board. So picking up on Rick's  
suggestion this resolution will appoint a committee whose purpose will be to  
investigate and recommend to the Village Board the feasibility of Fire Limits  
for the Village and it identifies the members of the Committee as the Fire  
Inspector, the Building Inspector, the Fire Chief, a representative from the  
Zoning Board - most likely the Chairman - and a representative from the Planning  
Board, and also a representative from the Traffic and Safety Committee. I would  
indicate that these people were singled out as the most likely candidates  
for this group since they would be the people who would be responsible for  
the implementation and the enforcement of the Fire Limits if the Village is  
to enact this local law, or this code. I would also add at this time that a

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suggestion that I have made to the Board, but which does not appear as part of this resolution this evening, is that I would like to see a member of the business community on this committee also, since it would be the business community that would be affected by the adoption of Fire Limits if we're to do that and it would be very important for the business community to have some input into the formulation of this local law if it's going to be recommended. Also, it's left open-ended. We have not put a date by which the committee has to report back to the Board, although at our work session this evening we did discuss that, and for purposes of some time, time frame, I'm going to say this evening that I would like the group to report back to the Board by the end of the year, by December 31st. Now that report can include the fact that the committee needs more time to study this, or it can include their recommendations and possible local law if they see fit by the 31st, but in other words, by the 31st we would like some type of progress report or final report from the group and I would read the resolution.

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

RESOLVED that a committee is hereby established to investigate the feasibility of establishing fire limits for the Village of Williamsville, and

FIRE LIMITS  
COMMITTEE  
ESTABLISHED AND  
Members Appointed

FURTHER RESOLVED that the committee be comprised of six members as follows:

|  |  |
|--|--|
| Fire Inspector                                 | (who is Evor Williams)   |
| Building Inspector                             | (who is Phil Boudreau)   |
| Fire Chief                                     | (who is Rick Andrews)  |
| Zoning Board Representative                    | (who I hope would be the Chairman and that's<br>Fred Wood)   |
| Planning Board Representative                  | (perhaps Dick Delo, who is also the Chairman)  |
| Traffic and Safety Committee<br>Representative | (at this point Larry's going to check with<br>the committee at their next meeting<br>for a representative from them) |

Mayor Kuzon: And as I stated, you are requested to report to us by the 31st and this report can include the fact that they may need more time to investigate it. Yes, sir?

Man in the audience: Yes, on the question, could you define what you mean by fire limits?

Mayor Kuzon: Okay. I would first of all have to state that one of the reasons that I support the creation of the committee is that we can find out more about fire limits. I know a little bit about them but I'm not fully knowledgeable on the topic. So one of the reasons I'm supporting this resolution is for a committee that can explain to us, explain to me a little bit further what fire limits are. But to answer your question, I would refer you to our Fire Chief, Rick Andrews, or perhaps Trustee Saia, who proposed the public hearing at our last meeting.

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Trustee Saia: I'm going to direct your question to our Chief, our Fire Chief, Rick Andrews. I think he can answer that.

Fire Chief Rick Andrews: I'll just give you the basics, basically what it is, because as the Mayor stated it can be complicated and there are some pretty difficult problems that we might have to work out, but basically what it is it was set up many years ago in the 1800's to prevent conflagrations, which are large fires that are out of control and how it happens is by limiting the construction or limiting the space, the area where a building is put so there is adequate exposure and basically that's all it is, to prevent conflagrations and what we're looking for as a Fire Department and as Trustee Saia has proposed the law is to limit wood frame construction in the Village of Williamsville, but not completely rule it out.

Trustee Kibby: In the commerical districts.

Chief Andrews: Yes, in the commerical districts.

Mayor Kuzon: Okay.

Unanimously carried.

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

Trustee Law: Just a few remarks. I would like to thank the Mayor on appointing me a Trustee and I've lived in the Village for 25 years and enjoyed the benefits and I hope I can be a positive influence on this Board. Thank you.

Mayor Kuzon: Thank you. Next is Trustee Saia.

Trustee Saia: Okay. For my report I'm happy to report that all the planters on Main St. are now sleeping until next spring and I hope they have a peaceful sleep because they're in the pavilion and we have the pavilion as secured as we humanly and possibly could get. I just hope they remain in good condition until next spring and I'm sure that Phil has done a good job in securing this building. I like it. It looks good. But you've got safe crackers that get through 3" of steel and we don't know what's going to happen. I am going to ask the Amherst Police to do a little more checking back there and if there's any hanky-panky going on back there where there's any noticeable sign of entry I'm going to install fire and burglar alarms and I'm not going to be easy on anybody caught in that building.

My other report is - I'm going to go right to my resolutions. We've hired a part-time laborer for Glen Park, the Joint Glen Park Board, and he'll be working Saturday and Sunday, weather permitting, under the direction of Phil Boudreau and he's going to keep that grass and stuff neat around the roadway and there'll be some activity down there and he'll keep the building in nice shape and hopefully kind of police the area because we do have some litter bugs around the area. He will be working all winter long until next spring. For my resolution:

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

APPOINTMENT

RESOLVED that Michael A. Pantoni, 149 California Drive,  
is hereby appointed Seasonal Laborer in the Department  
of Public Works assigned to Glen Park effective  
September 15, 1983 at the rate of \$3.45 per hour. His  
salary to be paid from the Glen Park Joint Activities  
Fund.

Part/time  
laborer in  
Glen Park

Trustee Brenton: Just on the question, I didn't bring this up during our work  
session, but I assume that these are leftover monies that we didn't expend during  
the summer work process down there. So these monies are budgeted through the  
remainder of the fiscal year.

Trustee Saia: Yes, they are in the budget. We put it in the budget last  
year anticipating. By the way we did have one last year, but he wasn't  
through the whole term. But this year he's full term.

Unanimously carried.

Trustee Saia: For my second resolution - correction, I would like to delete that  
second resolution until I get some more information on it, Mayor.

Mayor Kuzon: Fine, no problem.

Trustee Saia: I'll bring it back up next time.

Trustee Kibby: It should be made clear, Mr. Saia. Do you want to explain why?  
I mean the only reason we're not acting on this tonight is that we want to make  
sure that we are totally aware of what the money is being donated to the Village  
for so that there is no conflict with the Jolly Boys as to our using the money  
in a way they didn't want to contribute it. So that's all. There's no problem  
with it.

Trustee Saia: Thank you.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: Thank you, Mr. Mayor. I have no report tonight. I'll go  
immediately to my resolutions. Resolution No. 1 involves the Bond Resolution,  
which is I believe attached and this is for a reconstruction of a water line  
on Howard Avenue which the Board I believe sanctions. There is a definite need  
for it. It has been explained to the Board and I will explain to the public.  
This is one of the older lines. It's only 4" in diameter. It is tuberculated  
which means that the interior of the line has a build-up of many years of  
barnacles, so Superintendent Boudreau and I estimate that perhaps the line is  
only 2", 2½" in effect its diameter. The street is in need of repaving and we  
feel that it's prudent and cost effective and the proper way to go to replace  
this line on this short dead-end street and perhaps, or probably next year repave  
the street after the ground settles from the line replacement so that the resolution  
reads as follows:

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

BOND RESOLUTION ADOPTED

RESOLVED that a Bond Resolution in the amount of \$40,000 for Reconstruction of Howard Avenue Water Line is hereby adopted.

Howard Avenue Water Line

Unanimously carried.

Resolution No. 2 deals with the publishing of the water line. We did discuss it in our work session and essentially I'll move it as it appears in the agenda. There's certainly no reason for me to read it. It involves the publishing of this previously mentioned resolution within our official publication which is the Amherst Bee. So I'll move Resolution No. 2 as it appears in the agenda.

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

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

PUBLISH NOTICE OF ADOPTION OF ABOVE BOND RESOLUTION FOR

Section 1. The Village Clerk of the Village of Williamsville, in the County of Erie, New York, shall, within ten (10) days after the adoption of the bond resolution referred to in the form of Notice hereinafter set forth in Section 3 hereof, cause to be published at least once in the "AMHERST BEE", a newspaper having a general circulation within the Village and hereby designated as the official newspaper for such publication, and to be posted in at least six (6) of the most public places in the Village, a Notice which shall set forth the date of adoption of said bond resolution and contain an abstract thereof concisely stating its purpose and effect.

Howard Avenue

Section 2. After said bond resolution shall have taken effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated as the official newspaper for such publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law of the State of New York.

Section 3. Said Notice shall be in substantially the following form:

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on September 26, 1983, the Board of Trustees of the Village of Williamsville,



BOND RESOLUTION OF THE VILLAGE OF  
WILLIAMSVILLE, NEW YORK, ADOPTED  
SEPTEMBER 26, 1983, AUTHORIZING THE  
RECONSTRUCTION OF A WATER LINE ON HOWARD  
AVENUE, WITHIN SAID VILLAGE, STATING THE  
ESTIMATED MAXIMUM COST IS \$40,000,  
APPROPRIATING SAID AMOUNT THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF \$40,000  
SERIAL BONDS OF SAID VILLAGE TO FINANCE  
SAID APPROPRIATION.

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK (by the favorable  
vote of not less than two-thirds of all the members of said  
Board), AS FOLLOWS:

Section 1. The Village of Williamsville in the  
County of Erie, New York (the "Village"), is hereby authorized to  
reconstruct a water line on Howard Avenue from Glen Avenue north  
to the end of Howard Avenue, within said Village, with  
approximately 750 lineal feet of 8" ductal iron water line pipe.  
The estimated maximum cost of said specific object or purpose,  
including preliminary costs and costs incidental thereto and the  
financing thereof, is \$40,000 and the said amount is hereby  
appropriated therefor. The plan of financing includes the  
issuance of \$40,000 serial bonds to finance said appropriation  
and the levy and collection of a tax upon all the taxable real  
property in the Village to pay the principal of said bonds and  
the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the  
principal amount of \$40,000 are hereby authorized to be issued  
pursuant to the provisions of the Local Finance Law, constituting  
Chapter 33-a of the Consolidated Laws of the State of New York  
(the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which the serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a.1. of the Law, is forty (40) years.

(b) Current funds are not required to be provided as a down payment prior to the issuance of the serial bonds herein authorized, or of any bond anticipation notes issued in anticipation of the sale of said bonds.

(c) The proposed maturity of the serial bonds authorized pursuant to this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized pursuant to this resolution, and each bond anticipation note issued in anticipation of the sale of such bonds, shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of the sale of said bonds, shall be general obligations of the Village payable as to both principal and interest by a general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds to mature in

such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60 of the Law, the powers and duties of the Board of Trustees relative to authorizing the issuance of bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the serial bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale thereof, or the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized pursuant to this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution is subject to permissive referendum.

\*

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\*

The adoption of the foregoing resolution was seconded by Trustee           Kibby           and duly put to a vote on roll call, which resulted as follows:

AYES:     Trustee Brenton  
          Trustee Saia  
          Trustee Law                     Mayor Kuzon             Ayes: 5  
          Trustee Kibby

NOES:     None

The resolution was declared adopted.

\*                                     \*                                     \*

Trustee           Brenton           offered the following resolution and moved its adoption:

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1.       The Village Clerk of the Village of Williamsville, in the County of Erie, New York, shall, within ten (10) days after the adoption of the bond resolution referred to in the form of Notice hereinafter set forth in Section 3 hereof, cause to be published at least once in the "AMHERST BEE", a newspaper having a general circulation within the Village and hereby designated as the official newspaper for such publication, and to be posted in at least six (6) of the most public places in the Village, a Notice which shall set forth the date of adoption of said bond resolution and contain an abstract thereof concisely stating its purpose and effect.

Section 2. After said bond resolution shall have taken effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated as the official newspaper for such publication, togetherwith a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law of the State of New York.

Section 3. Said Notice shall be in substantially the following form:

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on September 26, 1983, the Board of Trustees of the Village of Williamsville, New York, adopted a resolution entitled:

"Bond Resolution of the Village of Williamsville, New York, adopted September 26, 1983, authorizing the reconstruction of a water line on Howard Avenue, within said Village, stating the estimated maximum cost is \$40,000, appropriating said amount therefor, and authorizing the issuance of \$40,000 serial bonds of the Village to finance said appropriation",

an abstract of which resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Village of Williamsville (called "Village"), in the County of Erie, New York, to reconstruct a water line on Howard Avenue from Glen Avenue north to the end of Howard Avenue, within said Village, with approximately 750 lineal feet of 8" ductal iron water line pipe; STATING the estimated maximum cost, including preliminary costs and costs incidental thereto and the financing thereof, is \$40,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$40,000 serial bonds of the Village to finance said appropriation, and the levy and collection of a tax upon all taxable real property in the Village to pay the principal of said bonds and interest thereon as same becomes due and payable;

SECOND: AUTHORIZING the issuance of \$40,000 serial bonds of the Village pursuant to provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law");

THIRD: DETERMINING and STATING the period of probable usefulness is forty (40) years; the proposed maturity of the bonds authorized will exceed five (5) years; and current funds are not required to be provided prior to the issuance of the bonds or any notes in anticipation thereof;

FOURTH: DETERMINING that said bonds and any notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village, and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Clerk the powers and duties as to the issuance of said bonds and any notes or the renewals of said notes; and

SIXTH: DETERMING that the resolution is subject to a permissive referendum.

THERESA L. CUMMINS  
Village Clerk

Section 4. This resolution shall take effect immediately.

\* \* \*

The adoption of the foregoing resolution was seconded by  
Trustee Saia and duly put to a vote on roll call, which  
resulted as follows:

AYES: Trustee Law  
Trustee Brenton  
Trustee Kibby  
Trustee Saia                      Mayor Kuzon                      Ayes: 5

NOES:                      None

The resolution was declared adopted.

\* \* \*

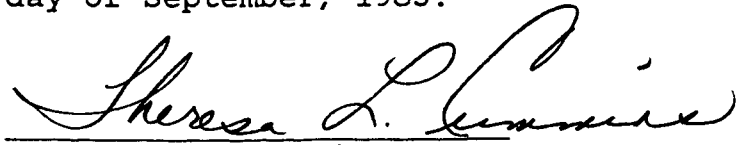
General - No Veto

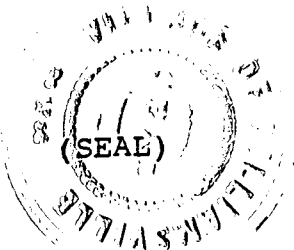
12/1/69 (3M)

CERTIFICATE

I, THERESA L. CUMMINS, Village Clerk of the Village of  
Williamsville, in the County of Erie, State of New York, HEREBY  
CERTIFY that the foregoing annexed extract from the minutes of a  
meeting of the Board of Trustees of said Village of Williamsville  
duly called and held on September 26, 1983, has been compared by  
me with the original minutes as officially recorded in my office  
in the Minute Book of said Board of Trustees and is a true,  
complete and correct copy thereof and of the whole of said  
original minutes so far as the same relate to the subject matters  
referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the corporate seal of said  
Village of Williamsville this 30<sup>th</sup>  
day of September, 1983.

  
Village Clerk



New York, adopted a resolution entitled:

"Bond Resolution of the Village of Williamsville, New York, adopted September 26, 1983, authorizing the reconstruction of a water line on Howard Avenue, within said Village, stating the estimated maximum cost is \$40,000, appropriating said amount therefor, and authorizing the issuance of \$40,000 serial bonds of the Village to finance said appropriation",

an abstract of which resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING the Village of Williamsville (called "Village"), in the County of Erie, New York, to reconstruct a water line on Howard Avenue from Glen Avenue north to the end of Howard Avenue, within said Village, with approximately 750 lineal feet of 8" ductal iron water line pipe, STATING the estimated maximum cost, including preliminary costs and costs incidental thereto and the financing thereof, is \$40,000 and APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$40,000 serial bonds of the Village to finance said appropriation, and the levy and collection of a tax upon all taxable real property in the Village to pay the principal of said bonds and interest thereon as same becomes due and payable;

PUBLISH  
BOND  
RESOLUTION  
FOR HOWARD  
AVENUE  
WATER LINE

SECOND: AUTHORIZING the issuance of \$40,000 serial bonds of the Village pursuant to provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law");

THIRD: DETERMINING and STATING the period of probable usefulness is forty (40) years; the proposed maturity of the bonds authorized will exceed five (5) years; and current funds are not required to be provided prior to the issuance of the bonds or any notes in anticipation thereof;

FOURTH: DETERMINING that said bonds and any notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village, and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Clerk the powers and duties as to the issuance of said bonds and any notes or the renewals of said notes; and

SIXTH: DETERMINING that the resolution is subject to a permissive referendum.

THERESA L. CUMMINS  
Village Clerk

SECTION 4: This resolution shall take effect immediately.

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Trustee Saia: On the question, Mayor. We discussed this in the back room, we were discussing about this particular \$40,000 being put on water, but I'm just noticing here it says "levy and collection of tax upon all taxable real property in the Village to pay the principal of said bonds". Is there an error in that, Tom, in the first paragraph the "FIRST: AUTHORIZING the Village of Williamsville (called "Village",)"? Is that correct, Tom?

Trustee Brenton: We're not on that right now, actually. What you're referring to is resolution No. 1. Why don't we finish resolution No. 2 and if there's a question regarding resolution number 1 I think it would be appropriate to discuss it after this.

Unanimously carried.

Mayor Kuzon: Now Jimmy's question about the first resolution which was the basic issuance of the bond.

Trustee Saia: Yeah, we had discussed it and I just happened to notice it and I want to know if that's an error or if that's correct.

Mr. Troy: Your concern, Jim, is rather than taxing the users as we discussed earlier, your concern is that this is a levy against the total tax paying community rather than against the water consuming community.

Trustee Saia: No. In fact we were discussing about a fiscal impact and we stated, or you, or somebody stated that if it's on the water it's a separate fund.

Mr. Troy: It's a separate fund and it's assessed only to the users of the water. Your question is whether or not this wording raises a question as to whether it isn't a burden upon all the taxable realty located within the Village independent of the users. All right. Larry's chomping at the bit to say something.

Trustee Brenton: Basically the Village is responsible for anything that it does and so the nomenclature that is used here has to be used because you can't just throw a bond issue up in the air and say in the event the entity fails somebody will pay for it, we don't care who. So the bottom line here is if this Bond is not paid for then, of course, the Village of Williamsville is responsible.

Mr. Troy: The taxing authority of the Village becomes the guarantor in this case, although it may not come from that fund, but it will in fact come from the water fund, which is a separate fund, but to guarantee it, to make it a bondable issue you have to back it up with the taxable authority of the Village.

Trustee Saia: Okay. I just happened to notice it and, as long as you're happy with it.

Trustee Brenton: You've got to have it. There's no way to take a bond without any final line of payment in the event of fault on the part of the water department.

Mr. Troy: The water fund has no power to raise taxes so it has to be backed up by some taxable power which is the Village in this case, even though the charges will not come from the real property tax, but from the people who use the system.

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Trustee Brenton: Resolution No. 3 deals with the hiring of an engineering firm to provide us with necessary engineering input regarding the previously discussed Howard Avenue water line. I might add and I didn't, the entire cost of the water line including engineering should be in the neighborhood of \$40,000 plus or minus not much. So this resolution No. 3 deals with the hiring of the firm of Tallamy, VanKuren, Gertis for their professional expertise regarding this water line and it reads as follows:

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

RESOLVED that Tallamy, VanKuren, Gertis and Associates of Orchard Park, New York are hereby appointed to provide the Village of Williamsville with field survey, engineering design, including plans and bid specifications, consultation, inspection (when requested) and as built drawings for a new eight inch (8") water line on Howard Avenue at a cost not to exceed \$6,000 per their proposal of July 1, 1983.

APPOINTMENT  
Engineers  
for Howard  
Avenue Water  
Line

Unanimously carried.

That's all I have, Mr. Mayor.

Mayor Kuzon: Thank you. Next is Trustee Kibby.

Trustee Kibby: Thank you. For my report this evening I'd just like to indicate that the tentative agenda for the Planning Board meeting October 3rd is:  
1. seven or eight sign permits - Sterling Glass, CVS Pharmacy, Realty World, Frank's Restaurant (again), Record Exchange, Business Computer Software, and Dansco. There are also some house plans for 32 and 33 N. Long St. and two parking lots - one for Encore Fashions and one for the Tennis Center at 162 Mill.

For my resolutions I have one. Gentlemen, I just consulted my calendar on the way out here and there's about a 98% possibility I'll be out of town in that week - no I won't. That's October. Wrong one. So we'll leave it right there. The resolution calls for a public hearing for November 14th for all those who wish to discuss the proposed comprehensive master plan, comprehensive plan, for the Village of Williamsville.

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 of the Village of Williamsville on November 14, 1983 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the proposed Comprehensive Master Plan for the Village of Williamsville.

PUBLISH NOTICE  
OF PUBLIC HEARING  
Comprehensive  
Master Plan

Trustee Brenton: On the question, Mayor, I cannot emphasize enough, the

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importance of any public input, particularly from the business community regarding this. I'm sure that Trustee Kibby would pick this up. However, this is something that's been going on for many years to the extent that I participated in it when I was on the Planning Board and there are some significant and I think important changes that will probably take place here and I would hope that the news media would pick it up and that's all I have to say.

Trustee Kibby: It should be an interesting evening.

Mayor Kuzon: Anyone else?

Unanimously carried.

Trustee Kibby: I have no other resolutions.

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

Mr. Boudreau: For my report - In anticipation of the coming winter season, four street plows and wings have been reconditioned this week. Sandblasting, welding and repainting are now being finished. Pothole patching and pavement repair continues on Village Streets, weather permitting. The repaving of Academy Street continues with binder to be installed this week. Next week, weather permitting, the final wearing surface will be installed. The final repaving of Lake Ledge Terrace will also be accomplished if time remains to the end of asphalt season.

Refuse Collection - The Department of Public Works will operate the heavy refuse pick-up program through the month of September on the 2nd and fourth Mondays of the month. Village residents are reminded that bundled brush will be picked up on the regular garbage pick-up twice a week. The brush bundles must be cut to 4' lengths and bundled or packed into a container. No loose or piled debris will be picked up. All trash must be bundled, packaged or containerized.

Under the heading of Parks - The Village parks are officially closed for the season effective September 26, 1983. All park and street furniture have been removed and stored in Island Park pavilion. Glen Park - The reinforcement of the Glen Avenue retaining wall is now in progress.

Water - Our municipal water system continues to show constant effective performance due to the efforts of our water department. A leak detection program is on-going and is a vital part of the operation. That's the end of my report.

Mayor Kuzon: Thank you.

ON MOTION by Mayor Kuzon, seconded by Trustee Law, 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 that you state your name and address for the record, please. Mr. Fisher.

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Mr. Edgar Fisher, 5403 Main Street: I thought we were making pretty good progress there for awhile after I had set through two of your meetings to try and get some safety - get rid of that hazardous corner there that exists and you wrote me a letter and I contacted your office about five times to make an appointment to sit down and talk to you but for some reason or other you didn't arrive, or you had just left. Now I don't know whether you're avoiding me or what but I'd like to get this straightened out.

Mayor Kuzon: First of all I said that if you wanted to sit down and talk about it call and I'd be happy to set up a time and do it and I never talked to you to do that. So if you were coming in under the assumption that I was here that was not right. In the letter I said if you wanted to come in and talk to me give me a call, I'll make sure I'll be here and we can talk about it.

Mr. Fisher: Truthfully something has to be done there. There was another incident just four days ago up at that particular point, and it involved a kid on a motorcycle that - it wasn't a motorcycle, it was a little motorbike of some type - and he come speeding down there with the front end of it up in the air and one of our cars was coming out of the driveway there. Someone is really going to get hurt on that corner and we have to do something. So can I make an appointment with you for say Wednesday at 4:30 PM and let me sit down and speak to you about it?

Mayor Kuzon: Wednesday would be the 28th, 4:30 PM. How about 4:00 PM. Good.

Mr. Fisher: Okay. I'll see you at 4:00 PM. Thank you.

Mayor Kuzon: Anyone else? Mr. Hill.

Richard Hill, 18 Brookside Drive: I'd like to direct this question to the D.P.W. Did I understand that you're still working on repairing streets?

Mr. Boudreau: Yes, we are.

Mr. Hill: Then we still have hope of getting that line installed on Brookside that's sinking down.

Mr. Boudreau: It's on the list.

Mr. Hill: Good.. Pray for good weather.

Mayor Kuzon: Anyone else? Yes, sir.

Mr. Michael Borsuck, 165 Eagle Street: I'm sure all you gentlemen are aware of why I'm here. I recently telephoned each one of you personally and I have written and corresponded concerning my fence on Eagle Street. As you know, I've been turned down by the variance board. I think most of you have probably read the minutes of the meeting and personally I cannot see where...  
DISCUSSION

Mr. Troy: Can I just interrupt you. Have you received - I received no notice on that at all yet.

165 Eagle St.  
Fence

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Mr. Borsuck: No, sir, I haven't.

Mr. Troy: What's the basis of your saying that - because I haven't received  
anything. I don't know whether they arrived at a formal decision on that or  
not.

DISCUSSION  
165 Eagle St.

Mr. Borsuck: Per the minutes of the meeting, sir, which were sent to me. Okay.  
The bottom paragraph - "NOW, THEREFORE, BE IT RESOLVED, that said application Fence  
for variance is hereby denied because the petitioner did not satisfy the criteria  
established by Section 70.102 B, D and E which are necessary for the granting  
of a variance."

Mr. Troy: When did you receive that?

Trustee Kibby: What's the vote though?

Mr. Borsuck: The vote was all against me. Unanimous.

Trustee Kibby: Unanimous yes, or unanimous no?

Mr. Borsuck: Unanimous no against me.

Trustee Saia: They turned it down. I read it.

Mr. Borsuck: I received this about like two days after the hearing, about  
September 14th.

Mayor Kuzon: You didn't receive that, Tom?

Mr. Troy: No. No official decision. Nothing becomes final until the Village  
Clerk receives the copy. Now I don't believe she has received anything on  
this at all yet.

Mr. Borsuck: I believe I have a letter from the Village Clerk stating that my  
variance had been denied and that...

Trustee Kibby: What's the date of the letter?

Mr. Borsuck: September 16th.

Trustee Brenton: I would just comment that that is standard procedure for the  
Village office, I believe, because I was informed also when my variance was  
denied immediately thereafter in writing even though I knew the results of the  
particular variance request on the evening of the denial and I was notified  
almost immediately thereafter that my request for a variance had been denied  
by the Zoning Board of Appeals.

Mr. Troy: One learns all the time. It was my impression that such a notice  
would not be sent out until the Board had submitted its written decision and opinion  
to the Village Clerk. In fact, the time to appeal doesn't even begin with  
this letter as far as I know. It has not yet been submitted. They may have  
another procedure which I'm not familiar with. I'm just very much surprised.

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Mayor Kuzon: Is the letter from the Clerk or the Building Department  
Administrator?

DISCUSSION  
165 Eagle St.  
Fence

Mr. Troy: Julie Kresse signed that.

Mr. Borsuck: She said that the thirty days to take on further action  
starts from the day that the letter was written notifying me of my denial.

Mr. Troy: But if the Clerk hasn't received a copy - I'll speak to Mrs. Kresse  
about it. It's procedural.

Mr. Borsuck: According to all the information I have here it's flatly a denial.  
Okay? Now I would like - there's quite a few areas that I definitely do not  
agree with. I think I made my case very strong. I think I have a good basis,  
a damn good reason to put a fence up. I've gone to a lot of work getting the  
fence in and I get told no. Prior to the hearing when all this came about,  
my wife was told by an unnamed Trustee that there'd be no problem getting a  
fence. It was just part of the thing. I was told by another Trustee, unnamed,  
that chances are very good that if I would just put the fence up and wasn't doing  
so much work out front I would probably have no problem because no one would  
notice it. Now I've gone by the rules. I've played exactly with the city, or  
the village excuse me. I've tried to do everything to the best of my knowledge.  
Okay. I tried working with everybody. I think that I've met - I had no idea  
of what the proposals were for variance prior to going to the meeting. Okay?  
This could be my fault by not receiving them, or whatever. I had no idea  
of the criteria that was accepted for a variance. I feel that I have met  
every piece of criteria there is for a variance. Personally I feel this way.  
A lot of my neighbors feel this way. We were all very shocked that we were  
denied the variance. Now unfortunately I didn't prepare myself well enough  
because to be very honest with you I thought I was just going through the motions.  
Okay? I didn't think there'd be any problem. I really didn't. Okay. I did not  
prepare myself. This is why I'd like another hearing. I would like some  
things from the Village. I would like the Village to get hold of the Department  
of Transportation and have them record how many vehicles are going around  
my property daily. This includes buses and trucks and cars of all makes and  
sizes and when that office building clears out the whole shot. It's going to  
help me prepare my case because I have a small son. I have to have a fenced in  
yard. Okay?

Also I would like to know what requirements I did not meet by the variance and  
what is their identification mean of the variance requirements. I would like  
to also know why if it is such a hard thing to get a variance why do you  
have Boards? Why do you have Boards for variances when I was told that no  
one ever gets a fence variance? Now this is ridiculous. My next action is  
New York State Supreme Court. We've got enough problems and all I'm going to  
do is go to Supreme Court over a fence? This is not - this is just unbelievable.  
Okay? Another thing is that in the report which all of you people I believe have  
read - am I correct in assuming that? The Building Inspector has noted that  
there was a variance, same type of variance, made two years ago on Garrison Rd.  
at Oakgrove. I am asking for a 3' high picket fence. The variance at Oakgrove  
and Garrison is a 6' high stockade fence with absolutely nothing in between it.

But this thing is 6'. It extends exactly the same way mine does and then also there is another like a, it's like a wooden fence very similar to my picket fence without the pickets that's on his side yard and their neighbor across Cadman has the same thing. Okay? Everybody's an exterior side yard. Now I have no qualms with the peoples' fences. I think they're great. I have no qualms with mine. I told the Board that if you can tell me of one safety hazard that this fence is put to anybody I will tear the fence out with no qualms. I don't want to see anybody get hurt. I'm just asking for a fence to protect my child. I've got buses running down there. I've got idiots on mopeds going in back of the school there. They chased an elderly lady about three weeks ago, three kids on a moped chased an older lady down the street and almost tried to run her over. Okay? I'm telling you that school creates a lot of problems and a lot of trouble. I see nothing wrong with this fence here. Nothing at all. And I go through all this, pay the \$35.00 for something I think is totally ridiculous. I'm asking for a fence. I'm not asking to put up an office building in residential property. I would like to know why someone on the other side of the street, on the other side of Main - I happen to live on the south (sic) side of Main, got a variance two years ago that is a hell of a lot more dangerous than where mine is. I would like to know this. I would like to have a lot of questions answered. I think it's totally ridiculous. I'd like to know if anybody there with children, living where I live, would want to have their backyard without a fence. The Village tells me I can run a fence from my backyard to my garage. It literally cuts my yard in half. I don't think I'm asking too much. 165 Eagle St. Fence

Mayor Kuzon: The first thing to be answered, Tom, would be the step after the appeal.

Mr. Troy: Let me say first, and that's something that's internal procedure, that's no problem. In defense of the Board let me say this. First I don't think the Board needs a defense. It's composed of some of our ablest citizens. If a Trustee tells you what the Board is going to do, if he makes a prediction what the Board will or will not do, it's much like a congressman telling you what the Supreme Court is going to do. You just don't have any right to rely on that sort of thing. It might have been a casual off-handed remark based upon an unclear understanding on the part of the Trustee of what the Board of Appeals does and how it functions. The Board of Appeals, the limits of its powers are clearly defined not by our local law but by the laws of the State of New York and Village Law and they have to live by that code. They may very well wish to grant you the kind of permission that you sought but they don't have the power to do so and if a Trustee tells you they do he's simply mistaken and you are also mistaken for relying upon it.

Secondly, the Board did not deny you the right to put up a fence. They simply said you could not put that fence where you wanted to put it, which was practically up against the sidewalk as I understand it. And it came into conflict. It may very well have partially divided your yard, this fence, but this is unfortunate because our laws don't permit a fence any closer than that particular permission which they were going to give you. It would have abutted your house and a 3' fence it's a matter of aesthetics and taste, I'm not going to argue that. But they didn't deny you a fence.

Now beyond that, the Garrison Road situation to which you allude was an entirely different situation. There the homeowner was caught between two laws,

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one law which required that a fence be put up and then it may not be any closer to the edge of the swimming pool than so many feet - the number of feet escapes me right now. The other law which said that a fence cannot be any closer to a public highway than so many feet. He was caught. He had by law to put up a fence but he had no discretion to maneuver and the Board, therefore, had to relieve the situation. That does not qualify as a similar situation to yours and I'm not criticizing you. The Board, by the way, was very sympathetic to your position but simply didn't feel it had the power to function in that area and I believe their decision was correct.

DISCUSSION

Mr. Borsuck: Okay. I understand what you're talking about. In regards to the Trustee that made the statement I think all that Trustee was doing was using common sense because I don't know of anyone that said anything wrong about this fence. I mean I talked to my neighbors. Okay? And they cannot believe that there is such a law. I can understand the Traffic Law. It says within 15' of a roadway. Now this is a Department of Transportation law. I understand that completely. Now according to the Village law right here it says that they have a right to do this. Okay? But what I'm questioning, sir, is the right for a property owner that lives on an exterior side yard not to have a fence. Now the only reasonable explanation I have - I said why if you live on a corner yard why can you not have an exterior side yard fence. The only explanation, sir, is snow plowing. Now my neighbor, Mr. Kiely, has lived there for 24 years. Due to the unusual circumstances of my property that sidewalk has not been plowed by the Village in 24 years. In fact, even if it had been plowed it only snows in Buffalo three months a year so does that mean the rest of the months I cannot enjoy my backyard. Okay. It is also stated in here that we have plans for a small addition and we have already got a swimming pool we want to put up. Okay. It's right in here. It's right in the minutes. Okay. I can understand all this. I've got an unusual situation. Now I just wish that they would give me another chance. I would prepare my case a hell of a lot better. I'll tell you that right now.

165 Eagle St.

Mr. Troy: You're asking me to justify the wisdom of some of our laws. I wouldn't pretend to do so. I have great reservations but they exist and they're laws and we have to deal with them. We are a government of laws and not of men. Now whether or not I like the law I have to deal with it and the Board has to deal with it as they find it. What you are suggesting I suspect is that the law should be changed. That's something which you certainly have a right as do other citizens have a right to address the Board and suggest that. I don't have any objection to it. I don't have any opinion one way or another. If you can convince this Board to change, this Board of Trustees to change the existing law more power to you. I don't think anybody would fault you for that. That's your right as a citizen.

Mr. Borsuck: Okay. Anybody on the Board or whatever can give me a better reason why there are no side exterior fences other than snow plowing, can give me a better reason when they do not go out into traffic, do not block intersections, they run around the side of your house which in my opinion is my backyard. I live on Eagle St. I'm on a corner. To me it was my backyard. Unfortunately I did not consider it an exterior side yard. Okay? I'm not up on the legal terminology or anything else. To me this is my backyard. All I want to do

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is protect my small child, to give him a yard to play in. That's all I'm asking to do. I'm 18" from the sidewalk. I put a new sidewalk in. I've had no curb. Buses were running over the curb, over the sidewalk. The sidewalk was a complete disaster. I worked my tail off with Phil, worked his tail off. The Village put money into it. We've got one hell of a sidewalk here that's going to last for many a year and it's got a curb on it. So at least maybe some of these people and the buses will not be taking down my lamppost and everything else. I've got pictures of buses and cars coming within 4" of my lamppost. Now I mean I'm in a very unusual circumstance. I wish someone would just say something. They gave me no alternatives. They gave me nothing. They didn't say anything at all. They just said no, you can't have a fence. If you want a fence you've got to run it right down the center of your backyard and there goes my property.

DISCUSSION  
(Con't)

Mr. Troy: That Board had no authority to do anything but what they did. They regret, and let me assure you you made a very eloquent presentation. The Board had no authority. Your resolution, the resolution to your problem it seems to me is to convince this Board to change the law, not to assault the Board of Appeals.

Mr. Borsuck: I'm not assaulting the Board of Appeals. I don't agree with them. I don't agree with their findings. No, sir. It's my understanding, and I'm no lawyer...

165 Eagle St.  
Fence

Mr. Troy: I would suggest though that your remedy lies with convincing this Board to change the law, not to do anything else.

Mr. Borsuck: Okay. Right here from the Village Law - may I read it?  
"Where there are practical difficulties or unnecessary hardships in the way of carrying out the local ordinance the Board of Appeals shall have the power in passing upon appeals to vary and modify the application of use of provisions of such local law of the ordinance relating to use, construction, alteration of building constructed and use of land the spirit of the local law shall be observed and public safety, welfare to secure substantial justice." Now in my opinion that gives them the right. Now I could be wrong.

Mr. Troy: You are.

Mr. Borsuck: All right. The way it reads to me is if there is a problem under unusual circumstances and there are hardships which I find I think I meet all those criteria. It's my opinion the Board of Appeals can grant permission and if that's not true how can they grant permission for a fence on Garrison Road even though they're...

Mr. Troy: To answer you again, they had no choice. Those people were compelled to put up a fence on Garrison Rd. You are not.

Mr. Borsuck: Okay. If I put my pool in my backyard tomorrow, sir, it's in the garage now, I will be compelled to put a fence up.

Mr. Troy: What kind of a pool do you have?

Mr. Borsuck: Above-ground, 4'.

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Mr. Troy: It's not an in-ground pool.

DISCUSSION  
(Con't)

Trustee Kibby: I don't think a fence is required for that.

Mr. Borsuck: Okay. Still it's a stupid law. It's really a dumb law as far as I can see. Now there are a lot of dumb laws. Someone told me just a few years ago the Village struck out a law that required every homeowner to have a horse hitch in front of his house. Now that's just great. It might have been great back in 1820. Now I've got a problem here. I want to put a fence up to protect my family. I'm relying on the Board to give me a hand here.

Trustee Kibby: Okay. It seems to me that what needs to be done here is, I don't think there's any chance of going, or any necessity of going back to the Board of Appeals. This has happened with the Board of Appeals a number of times where they say we'd really like for this guy to have his fence but we do have this set of codes by which we must live and we have a set of criteria 1, 2, 3, 4, 5 and the answers to all those questions must be essentially no, or yes, depending on how you word the question. Not one, not four, but all five as you are profoundly aware at the moment I'm sure and without that there is, without them getting that single set of answers you have a problem. And as a matter of fact, they've run into problems when they've gone with what they like. So I see the solution here, and I'm not sure there is one, is to follow up on Mr. Troy's suggestion that this Board of Trustees look at this particular law and look at its justification, think about its justification and give some thought to whether they need to maintain this law. It doesn't bother me to look at the laws again. I was the Trustee who probably ran across your wife at a 165 Eagle St. garage sale. I think it was probably me and I thought that that was a Fence commercial district, she was talking about because I thought you were the next house up and I think I'm the one that said well it's commercial and you've got a residence in a commercial, there's a problem but not too much difficulty. So I think the thing for us to do is to examine that particular code again and give some thought to whether or not this seems to be a reasonable code.

Mr. Borsuck: Okay. But then see I will still be stuck with being within 15' of a roadway. Unfortunately as it's explained in here, okay, see my problem lies, is I have two codes. I have one that says that there absolutely will not be any exterior side yard fences. Okay, that's it. Period. My other problem lies with I'd be within 15' of a roadway. Well there's no way I can be within 15' of a roadway there because I have no green area. Unusual circumstances. Okay? See if anybody of the Board member can come out, or anybody in the public can come out and tell me where that fence will be a hazard to the public with a reasonable explanation, I said that 15 times at the meeting I said I will take a chain saw and I will tear that thing down tomorrow. I don't want to see anybody get hurt. If you can tell me something I'm not seeing I'll take the thing down. But, gee, all I'm asking is let me protect my son, to give him a backyard to play in, and I don't have to worry about buses running over him and let me fix my property up a little bit. That's all I'm asking you people to do.

Trustee Kibby: Let me say we'll look at this again because you do have these unusual circumstances and if you look at the opposite corner from you - Main where the lingerie shop and the psychologist and the rest are you'll note that

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their side yard is fenced and it's exactly the opposite of yours. It would be the same sort of thing. What you're saying makes sense. It makes sense to me.

Mr. Borsuck: Right down the street they'll allow 8' hedges but yet they won't go out and let me ...

Trustee Kibby: When I read the minutes I thought maybe this guy will build a hedge. That's the best I can offer you though that I can think of at the moment.

Mr. Borsuck: Okay. Well I would really appreciate number 1 going to the Board of Appeals. I wasn't even given, or I did not receive, or I misplaced, or whatever the five criteria. Now if I would have known that I'd have this much a problem I would have prepared a hell of a lot better than I did here. I will prepare better. Because I had no idea what these criteria were. It's kind of like, you know, going out to California without a road map. I mean hey I'm going west. I'm following the sun. That's all I know. Okay. It's not a very good way to get somewhere. Okay. I had no idea what I was getting into. If I would have known, in fact I even asked on the record I said will you tell me these five criteria, which they are explained but on the minutes of the meeting they were not stated that I did not know them prior to walking into the thing. Now I don't know whose mistake it was. It could very well be mine, or whatever. Okay. I don't want to put the blame on something if, as silly as that, but I think if I had had the five criteria to go in with I think I could have got it. I think I've got it now.

DISCUSSION  
(Con't)

Trustee Kibby: I think you'd have a great deal of difficulty with the first question. One of the first questions is is this self-imposed. Is it something that you are doing of your own volition. For example the fence at Garrison and Oakgrove to which you've alluded a couple of times that situation was caused because there were two laws in conflict and it wasn't the homeowner who created the real problem. He put in the swimming pool. He had a right to do that, okay? But by created - it creates a problem between two separate laws and it takes a Board of Appeals to set that aside, to look at that. Yours, you don't have that kind of a problem so right off the bat one of them you're going to fail. Now that doesn't mean, however, that your situation lacks common sense.

165 Eagle St.

Mr. Borsuck: Please don't tell me I can put in a \$7,000 inground swimming pool  
to get my fence up. Okay. Basically that's what you're telling me. Fence

Trustee Kibby: No, I'm not telling you that at all. You brought up Oakgrove and Garrison several times.

Mr. Borsuck: That's really kind of - all I want to do is protect my son. I want to give him a backyard.

Trustee Kibby: Sir, you have a sympathetic ear here but you may not get far. There are at least two Trustees on this Board who have dealt with the Board of Appeals and have lost battles with them, myself being one of them over a fence. Okay?

Trustee Saia: Who's the other one, Mike?

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Trustee Kibby: Larry.

Trustee Saia: That's three then.

Trustee Kibby: So three out of five, and I don't know about the new one.

Mr. Borsuck: To deny a property owner a yard for his son...

Trustee Kibby: But, sir, I'm telling you I think if you're talking about the Board of Appeals you're barking up the wrong tree. I think the appropriate tree is, as our attorney has pointed out, is the five gentlemen sitting here.

DISCUSSION  
(Con't)

Mr. Borsuck: Okay then, what would I do for the other law here? Okay, fine, say we get this resolved. There's no problem on that. They'll allow me to put a fence up. Now what am I going to do for the 15' because I've got trees. I can't go back any further. I'll be in the middle of my backyard. Fences generally run along property lines. You don't see too many fences that do not run parallel with the property line, within close proximity. I'm 18" from my sidewalk. Okay. Further on I have great big trees. I surely don't want to cut down the trees to put a fence up.

165 Eagle St.

Fence

Trustee Kibby: I can't answer that question right now and I'm going to have a difficult time answering that and staying on balance when I look at the next yard from you, not the yard next to you but the next yard from you has a fairly ugly chain link fence of about 60' in length probably. I think it's chain link.

Mr. Borsuck: That's commercial property. So I just happen to be two doors down where I live and I can't get a nice little fence up. Thank you.

Trustee Saia: Mike, I happened to talk to Mike after this happened. Mike happened to call me. I don't know if he called the rest of you fellows. I'm very sympathetic to Mike. I went down there and I, we didn't discuss too much because I wanted to see what the minutes of the Zoning Board were and I got them and I've got to say you hate to change a law, you really hate to change a law because what's good for Mike might not be good for another corner, but, but I kind of was under the impression that that's what we have a variance board for. All he really wanted was one extra foot on his fence. The law says he can have a two foot fence. And really the guy was really looking for another foot on his fence and when he explained to me this problem I got to be very sympathetic with Mike I think. You know, I don't know what can be done. We want to do it legally but I'm for whatever this Board decides.

Trustee Kibby: I don't think, well I'm not going to put words in the mouths of the other Trustees.

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Mayor Kuzon: Okay. Anyone else?

DISCUSSION  
(Con't)

Trustee Law: I'd like to know how high your swimming pool is.

Mr. Borsuck: Four feet.

165 Eagle St.  
Fence

Mayor Kuzon: Okay. Anyone else from the audience? Or the Board?

Trustee Brenton: I would simply say that in the original discussion by Mr. Borsuck of the possibility of installing a fence that I did instruct him to contact the Building Department. I don't think he brought it up but he has since alluded to me that he was told by someone in the Building Department that there was no necessity of a fence permit and I believe that was by a phone call conversation and if I'm incorrect in this I would hope that Mr. Borsuck would...

Mr. Borsuck: Let me clarify this. That's exactly right, but let me clarify for the Board what happened. Okay? I talked to Mr. Brenton last April. There was street work done and putting new sidewalks in and I told Larry, I said Larry I'm going to put a fence here. He said you better check for permits. I've never heard of a fence permit in my whole life but that's okay, fine. I just moved in a year ago. I called the Village up. I called them on the phone, the Building Department. I don't know the lady I talked to. I said I'm going to build a fence in my backyard which I consider my backyard. I do not consider it an exterior side yard. It's my backyard. Okay. She said is it over 6' high and I said no, it's going to be 3'. Then you don't need a permit. So I put it in. I put all the posts in and unfortunately, when I build something I build it to last. If I had to take those things out it'd take me a hell of a lot longer to take them out than it did to put them in. Okay? I put all my posts up. I got \$600 worth of lumber in my basement. Okay? Then all of a sudden the Building Inspector the next day says take the fence down. Why? You cannot have a fence on a side exterior lot. That's my backyard. He said no, it's a side exterior lot. So there's how it went. I said I tried to do everything legally. I honestly gave a good thought at everything. I didn't just haphazardly throw this thing in. I checked with everything and unfortunately I didn't think to tell the lady that I lived on a corner lot. It just didn't occur to me that there'd be any problem. I mean it's my backyard. I didn't think there'd be any law for a corner lot that compared to a lot in the middle of the block. I just had no idea. If I had known that believe me I would have said something long ago before I spent all this money, time and aggravation over this.

Mayor Kuzon: Okay. Anyone else?

Trustee Brenton: Can I just say one more thing, that Mr. Borsuck had discussed in effect what would appear to be a curb at this location and he has referred to it as a curb and just to set the record straight

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so it is in the minutes it is not a curb but it is an elevated sidewalk because we've had a lot of problems with curbs in the past and I don't want anybody to think that we're now in the process of installing curbs. You've got an elevated sidewalk there that will act as a curb.

Mayor Kuzon: Okay.

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

Unanimously carried.

Mayor Kuzon: And if there is no further business...

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the meeting was adjourned at 8:47 PM.

Unanimously carried.

Mary Harrigan,  
Deputy Village Clerk