

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, October 24, 1983 at 7:35 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 October 24, 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 70.312 of the Zoning Code by adding a new Subsection "C" as follows: "C" In R-3 districts - 50 feet per dwelling unit. Present subsection "C" to be redesignated as "D". Present subsection "D" to be redesignated as "E".

PUBLIC HEARING

AMEND SECTION

70.312 of

Zoning

Code

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:35 PM.

Unanimously carried.

50 ft lots in

R-3

district

Mayor Kuzon: Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. What we're doing is amending Section 70.312 which is the minimum lot width for dwellings and buildings of mixed occupancy. As it stands right now section A says in R-1 districts - 75' per dwelling unit is required; in section B is the R-2 district - 60' per dwelling unit; and then it goes to R-3M and it is our opinion that the R-3 district was inadvertently left out when the codes were changed, either 11 years ago or 9 years ago, it slips my mind at the moment. What this code would do is to insert back into our code a Section C which simply says that R-3 districts you must have a minimum of 50' per dwelling to be placed on that property. If there are any questions, comments, criticism the floor is open. Trustees? Seeing none...

ON MOTION by Trustee Kibby, seconded by Trustee Saia, it was moved to close the public hearing at 7:37 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer

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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 October 24, 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 of the Village of Williamsville by adding a new Section "J" as follows:

PUBLIC  
HEARING

AMEND SECTION  
70.270 of Zoning  
Code re:

"J" Air Structures.

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.

Air  
Structures

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:37 PM.

Unanimously carried.

Mayor Kuzon: Trustee Kibby.

Trustee Kibby: Thank you again, Mr. Mayor. Section 70.270 is entitled M-1 Light Manufacturing District Permitted Principal Uses or Structures. To put it in non-legalese what we are doing is limiting the placement of bubbles to these types of areas. I believe there's one on Aero Drive and, of course, there is one on S. Long, South Long to California, that area in there. The code of the State will not allow us to abolish or eliminate the construction or erection of any bubbles in the Village as a whole. It has to be limited but it cannot be abolished. Anyone care to comment on this? Any Trustee?

Trustee Saia: Mike, I support the idea. I'm sorry that it's just a little bit too late. We still have one in the vicinity of the residences on Mill St. but I wholeheartedly support this. I realize that the law, I'm told that the law does restrict us from entirely abolishing them from the Village. So, I am going to cast my vote for the passage of this law because at least we did something that we should have done probably a long time ago.

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Mayor Kuzon: Mr. Schueckler, did you want to say something?

Mr. Donald Schueckler, 124 S. Union Road: You lost me.

Trustee Kibby: What the state code says is, the state's regulations would not allow us to prohibit bubbles in the Village at all. We cannot simply say no bubbles in the Village. We are able under state regulations to restrict them to certain districts or areas and that is the step we are taking, to restrict these to light manufacturing districts, or to M-Districts.

Mr. Schueckler: Only manufacturing?

Trustee Kibby: Yes, and I believe there are just two.

Mr. Schueckler: This could have stopped the bubble that we have now?

Trustee Kibby: If this had been in effect several years ago, unless for some reason or another they had gone to the Board of Appeals.

Mr. Schueckler: But they can still go in an M District?

Trustee Kibby: Yes, sir, but we cannot prohibit them entirely.

Mr. Schueckler: They could come back where we are and could build one?

Trustee Kibby: Yes.

Mr. Schueckler: I guess you'll move everything back there.

Trustee Kibby: Any other comments?

ON MOTION by Trustee Kibby, seconded by Trustee Saia, it was moved to close the public hearing at 7:41 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, October 24, 1983 at 7:33 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

Mayor Kuzon called the meeting to order at 7:33 PM.

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

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the regular meeting held September 26, 1983 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, the minutes of the public hearing held September 26, 1983 regarding amending the Traffic Code Section 60.32(21)(C) were approved.

Unanimously carried.

Mayor Kuzon: Next this evening we have two public hearings scheduled and both of them will be conducted by Trustee Kibby.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:35 PM regarding amending Section 70.312 of the Zoning Code. (The hearing was closed at 7:37 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:37 PM regarding amending Section 70.270 of the Zoning Code. (The hearing was closed at 7:41 PM.)

Unanimously carried.

Mayor Kuzon: That concludes our public hearings this evening. Next would be my report and resolutions. This evening I only have two and both are for vouchers. The first one is for vouchers for the period from the 27th of September until the 10th of October.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$75,246.55 were approved as follows:

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Payroll Fund	W/E 9/30/83	\$ 8,159.64
	W/E 10/7/83	<u>4,721.62</u>
Total Payroll Fund		\$12,881.26
General Fund	Abstract #546	27,351.91
Sewer & Water Fund	Abstract #127	27,875.36
Trust & Agency Fund	Abstract #166	5,976.04
Glen Park Jt. Activities Fund	Abstract #66	583.20
Federal Revenue Sharing Fund	Abstract #146	535.70
SSES Rehab	Abstract #25	<u>43.08</u>
Total Vouchers		\$75,246.55

The larger vouchers go to Niagara Mohawk, Rapid Disposal and Erie County Water.

Unanimously carried.

Mayor Kuzon: The second resolution also approves vouchers that would be from the 11th of October until today, the 24th of October.

ON MOTION by Mayor Kuzon, seconded by Trustee Law, vouchers in the sum of \$26,754.96 were approved as follows:

Payroll Fund	W/E 10/14/83	\$ 4,506.93
	W/E 10/21/83	<u>4,646.42</u>
Total Payroll Fund		\$ 9,153.35
General Fund	Abstract #547	11,445.04
Sewer & Water Fund	Abstract #128	352.73
Trust & Agency Fund	Abstract #167	1,142.84
Glen Park Jt. Activities Fund	Abstract #67	166.00
Community Development Fund	Abstract #76	2,160.00
Capital Fund	Abstract #129	<u>2,335.00</u>
Total Vouchers		\$26,754.96

The larger vouchers this time go to Tallamy, VanKuren, which is an engineering firm doing work on a proposed water line, and to Lancaster Stone Co.

Unanimously carried.

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That concludes my portion of the agenda. Next is Trustee Saia.

Trustee Saia: Thank you. I'll move right into my resolutions. Resolution No. 1:

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

RESOLVED that the Village of Williamsville hereby authorizes a \$50.00 reward be paid "for information leading to the Detection, arrest and conviction of person or persons guilty of stealing or intentionally damaging or destroying Village property" and

AUTHORIZE  
REWARD FOR  
INFORMATION  
LEADING  
TO ARREST  
OF ANYONE  
DAMAGING  
VILLAGE  
PROPERTY

FURTHER RESOLVED that the signs with the above wording be placed on all Village of Williamsville buildings and property.

Trustee Brenton: On the question, regarding the placing of signs on the Village, on Village property, it did kind of slip by me I guess, I did intend to comment in our work session, and I have commented on this before. Any signs that are placed on Village property in an area where it's easily vandalized will be vandalized so that I would assume that when these signs are placed, for instance on a building, that they would be placed in such a way, installed in such a way by the Superintendent that they would almost be impossible to be removed, otherwise it would be vandalized. The signs cost us \$75.00 a piece. That's all I have.

Unanimously carried.

Trustee Saia: Resolution No. 2:

ON MOTION by Trustee Saia, seconded by Trustee Law, the following resolution was presented:

RESOLVED that the \$135.00 donated from area businessmen for the 1982 Winterfest, which was deposited into the Glen Park account, be hereby appropriated for the 1983 Winterfest and the funds transferred to the General Fund for the Youth Board who are in charge of the 1983 Winterfest.

TRANSFER  
\$135.00 from  
Glen Park to  
Youth for  
Winterfest 1984

Trustee Saia: I must say it just didn't dawn on me, but it probably should be the '84 Winterfest instead of '83. That's my fault. It's really held in January so it would be '84.

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

RESOLVED that the \$135.00 donated from area businessmen for the 1982 Winterfest, which was

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deposited into the Glen Park account, be hereby appropriated for the 1984 Winterfest and the funds transferred to the General Fund for the Youth Board who are in charge of the 1984 Winterfest.

Unanimously carried.

Number 3:

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

RESOLVED that Monday, October 31, 1983 is hereby designated "Trick-Or-Treat" night in the Village of Williamsville.

HALLOWEEN

Trick or Treat  
Night

Designated

Unanimously carried.

This is No. 4:

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

RESOLVED that the \$3,500.00 contribution received from the Jolly Boys in June, 1983 for Youth be appropriated for the Williamsville Youth Program into General Fund Account 1.7310.417 Youth and Recreation.

APPROPRIATE

\$3,500  
Jolly Boys  
contribution  
to Youth and  
Recreation

Unanimously carried.

Trustee Saia: And for my report, Mr. Mayor, the Village of Williamsville Youth has sent a representative to the first meeting of "The Chemical People" and I would like to read a small statement. "On November 2 and 9, 1983 a special program "The Chemical People" will be broadcast on Channel 17. The Williamsville P.T.A. Council and the Williamsville School District graciously offered to coordinate and sponsor the town meetings that are scheduled to be part of this nationwide program. The meeting will be held at Casey Education Center, Casey Road in Williamsville. Television screens will show the program as it is aired and a panel of local interested and knowledgeable people will be available during the discussion of the national perspective for our own local perspective. The Williamsville Youth Board endorses and supports the effort to bring attention to the substance abuse problem in our community. We encourage you to attend the programs on November 2nd and the 9th and become involved in this national effort to address the problem of substance abuse in a planned manner." I hope we have some Village residents that can make the meetings. If you can't make them it is on Channel 17 and if you look at, or watch your paper you can watch it at home, but I think at Casey School you'll have some expertise that can answer some questions if you have any. Thank you.

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Williamsville Water Mills has now been designated as a - I'll read the letter. "Dear Mrs. Murphy: Subject Williamsville Water Mills, 50 and 60 Spring St., Williamsville, Erie County - We are pleased to inform you of the listing of subject property on the place in National Register of Historic Places."

On the Halloween parade which will take place October 21st at the old police station, which is the court building a couple of doors down, will start at 6:15 PM. Parade Marshall Saia (oh, that's me) will escort the monsters and the goblins across the street to the Vets Post at Spring and Rock Street. Because of the size of the building, we are limiting this Halloween party to Village residents. The Hutchinson Hose Fire Co. and the Amherst Police will help herd the kids into the Post and the festivities will include cider, doughnuts, movies, a clown, a magician Dingaling - that's his name - and we're going to have candy grab bags and rest assured that they will be packed by our own people so that the kids aren't going to get a razor blade, or knife, or something. Don't forget, it's 6:15 PM, Monday, October 31st. Bring your grandchildren, children, whatever you have. That's the end of my report.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: Thank you, Mr. Mayor. For my report tonight I would report on the recent negotiations which I have held with the Real Estate Department of the Consolidated Rail Corp. in Syracuse. These negotiations occurred on October 15th and culminated the series of letter writing, telephone conversations between the Village, myself that is, and the rail corporation to obtain for the Village the abandoned former Lehigh Valley right-of-way in the Village and also that portion that lies contiguous to the Village line and also east of the Village line generally from midway between Long St. and Cayuga. The negotiations were very fruitful, I felt, in that the Consolidated Rail Corp. reduced their asking price to \$93,000 and that was, I think, from \$139,000 per our most recent negotiations and that compares to the initial asking price of \$290,000. As far as the actual conditions that will be imposed, etc. we have not had an opportunity to discuss it as a Village Board. We will be discussing it tonight. This letter was just received from the Consolidated Rail Corp. today and we do have until November 18th to reply to this, I feel, last offer on the part of the Consolidated Rail Corp. and subject to not reaching agreement, or to no response from the Village the Consolidated Rail Corp. informs us that they will ask the New York State Department of Transportation for release from negotiation with the Village and, therefore, be allowed to sell the property to whomever they please. So we will be discussing that. Hopefully we will have a consensus of opinion by, I believe, our November 14th meeting, November 13th meeting, which will be our next meeting.

Mayor Kuzon: Mr. Schueckler.

CONRAIL  
DISCUSSION

Mr. Donald Schueckler, 124 S. Union Rd.: I have a question. Will we know before the Board says yes or no what these conditions are that you said you got a letter today, other than the money, as taxpayers?

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Trustee Brenton: Well I can tell you right now as far as it's concerned the corporation insists that they be totally absolved of any responsibility for providing the normal deeds, etc. in a, through a property transaction. This is their standard procedure with anyone that wants to purchase property from them. You have to go out and hire your, have your own survey done, etc. So that basically they don't want, they will not have anything to do with that type of activity which is normally associated with property transactions. That's the extent of the conditions that I referred to.

CONRAIL  
DISCUSSION

Mr. Schueckler: Is it the feeling of their letter that they would negotiate, or not go any lower? (Con't

Trustee Brenton: This wasn't the feeling in the letter. This was the feeling of an in-person appointment that I made with them and it was held in Syracuse, New York and it involved I would say a considerable length of time, close to two hours, some of which was normal prattle, but a good portion of which was very, I would say, hard bargaining as far as the way I felt that I represented the Village. And it did not go immediately from \$139,000 to \$93,000. There were steps and reductions. It was an in-person meeting and I feel certain, although I will recommend to the Board that there might be a little room for lowering the price, I do feel certain that I think they're at the bottom now. It will be up to the Board as we discuss it tonight to come up with a consensus as to whether or not they want to try to go another \$5,000 lower. Frankly, I'm not sure the corporation would take it. I think probably they're at their lowest point right now. There are arguments that have been presented to me by representatives of the Real Estate Department that do tend to support the \$93,000 figure that I was unaware of previously and those arguments are the fact that they do receive rental income from three portions of that particular property and therefore, they cannot justify sale at \$7,000 per acre, which they are selling to Niagara Frontier Transportation Authority similar property. They cannot justify that cost, price to the Village because there is approximately one acre that they do derive income from and, therefore, they have to treat it as income property. They would sell us the other eight acres at \$7,000 an acre and around \$30,000 for, approximately for the acreage in question that they get income from and that's essentially it. I didn't intend to report to that extent to the public tonight but that's almost what I'll report to the Board.

Mr. Schueckler: You've done a good job. We should purchase it.

Trustee Saia: Did you say between Long and Cayuga? Did you mean Cayuga and Union?

Trustee Brenton: I meant the area that's not in the Village of Williamsville which runs halfway between Long and Cayuga. Once you get almost halfway there is a section of the property that's not even in the Village but I meant it's in the Town of Amherst.

Trustee Saia: You said Long to Cayuga...

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Trustee Kibby: We're buying from Union to Cayuga but the part that's in the Town of Amherst and not in the Village is between Cayuga and a spot between Cayuga and Long.

Trustee Saia: We're negotiating for the property between Union and Cayuga.

Trustee Kibby: That's correct.

Mayor Kuzon: Yes, Mr. Hill.

Mr. Richard Hill, 18 Brookside Drive: Is there going to be any attempt to get public input in there whether they want the property bought or not before you make a decision.

Trustee Brenton: Well I would assume that permissive referendum, which is mandatory under the law is we go to bonding, and we certainly have to go to bonding, that would provide an opportunity for public input I would think. Other than that, and I'm only speaking for myself, I'm not sure that we would have grounds if we as an elected Board determined that probably it's in the best interests to go ahead and purchase to request public input into our action to purchase. So what I'm saying is I would think that if the Board agreed that they want to buy the property that once they said yes we're going to buy the property, we're going to bond it, then we invoke the procedures of a permissive referendum at which time the public could come up and express their opinion.

Mr. Hill: What if you say no?

Trustee Brenton: Well, if we say no to it, I frankly think then that the public would be served whether or not in their best interest I don't know and stand to be advised, or corrected if I'm wrong here or if I show need for correction but I think that the public would be best served then by in the eyes of the Board by their action not to purchase the property. However, I would say I find that very unlikely.

Mr. Hill: I would say that the Executive Board of the Village Party would like to have a chance because this is a big one. The Executive Board is in favor of buying the property and would like to have an opportunity before the decision, particularly if it is a no decision, to go to the people and say the Board is going to say no do you want it or not. This way it's up to five people in the Village.

Trustee Brenton: Well I think probably, it's my understanding of democracy that that's the way it should be, that the five people should make the decision and if for some reason they make a decision or if they're involved in activities that are not harmonious and honest or to the liking of the populace - there's three conditions there - then they should be thrown out of office at the next election.

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Mr. Hill: That's legal and right to do that. What I said was we'd like to have a chance for input.

Trustee Brenton: Well you know anytime the Village Party is welcome to these meetings. I will say that I've noticed you and Mr. Kuzon here almost invariably. However, I would also say that I do not see many other members of the Village Party here and I will extend my welcome to them at the next official meeting of the Village Party - I believe it's at your house. I'd like to see them come here and talk about it.

Mr. Hill: There hasn't been any publicity about the meeting tonight.

Trustee Brenton: Then I guess they're not reading the papers.

Mr. Schueckler: Larry, I have one question. Say that the Board agrees to purchase the land and goes to bonding. That's next March and elections and probably the first you'd know would be the first of April. Will they hold it that long?

Trustee Brenton: Well they'll hold it even longer than this 18th I feel in my knowledge of the situation, but no they're going to have to have a commitment from us.

Mr. Schueckler: How can we commit if you don't know - say you go to the bond issue and you don't know which way it's going to go, the referendum. You don't really know. So you go to Conrail and say we've got it down to \$93,000 and you've got to wait until April. Any good business, I mean, unless you would have to put a deposit or something to hold it.

Trustee Brenton: There is a requirement in here for 10% earnest money.

Mr. Troy: The answer, Don, to your question is that any contract that would be drawn with Conrail would include a contingency that the entire contract, or the entire terms, would be subject to a permissive referendum on the part of the Village and if the referendum turned out to be negative then the Village would be freed from its obligation to pursue that.

Mr. Schueckler: Do you think that Conrail would do that?

Mr. Troy: They don't have any choice because they would be subject to it in any event. We would not enter into a contract, properly we shouldn't and couldn't enter into a contract if they would not accept those terms because we are bound by such a legal requirement that there is a permissive referendum. So if Conrail said no I think the terms would be unacceptable to the Village.

Trustee Brenton: The rail corporation does deal with other municipalities, to wit they've gone through this same procedure, and I have brought this up as a) I am only a representative of the Village Board, and b) the Village Board is bound by the requirements of a permissive referendum, to the Conrail people that I've talked to. So they're totally aware of it and I've got to say this. This is a municipal portion of property...

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Mr. Schueckler: I'll be honest with you. I'm chomping at the bit because I think we should acquire it. Now I'll do anything and every thing in my power. I'll go out and go house-to-house, door-to-door to see that it goes through. I would like to see the Board pass it very much and the reason is I'm affected by it. The Mayor's father and all of us back on Union Rd. and Garden Parkway we are going to be affected and we would like to see it go that way. I'm really hoping in earnest that we purchase it.

Mayor Kuzon: I would add one thing. I don't know if this point was made entirely clear. This permissive referendum on the bond issue and as such that means that the residents have 45 days from the time the bond issue is approved by the Board to petition for a referendum and after that the vote will be held at the end of the 45 days. In other words, it wouldn't go until the next election, or the next scheduled election. There would be a special referendum held within a certain time period.

Mr. Troy: So there's no misunderstanding on Larry's position on this thing, in the event that the Trustees should decide they do not wish to pursue this contract that's it. There is no way that the citizens of the Village can compel the Trustees to purchase that property. The Trustees are the sole judge of that. If they decide negative that's it. If they decide positive then you still have a permissive referendum. If you have a negative vote from this Board that's it. The end of it. Just so there's no misunderstanding about that. No way can you compel these people. You might vote them out of office and elect a new Board that would be more amenable to your wishes.

Mr. Schueckler: We just want to get the property.

Trustee Law: I'd like to add that I think that the Board is amenable to input one way or the other and there's opportunity to speak at meetings like this and particularly, individually. So I can't see that one does not have some input into this sort of decision.

Trustee Brenton: Okay. Anybody else? Then the other thing I have to report on is the continuing and much, of much longer duration situation in that the Village wishes to acquire the courthouse on Main St. and build fire department truck bays adjacent to the courthouse. This is progressing along normally. However, we have found a problem as to the actual location of the courthouse on the lot and I've been unable through use of the Assistant Town Clerk and the Deputy Town Clerk and Mr. Nesper's office to actually arrive at a survey indicating how the courthouse sits on the lot. But as I explained to the Village Board tonight that it will be necessary for us to spend around \$1,500 over there to have a complete survey of the building down there as it sits on that property over there so that we can be assured that we have sufficient room to put truck bays in there if and when we acquire that property. So it is an expenditure of \$1,500 which has not been budgeted, discussed, or

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anything else. However, we do have a letter from our consulting engineer for that project and he deems it a necessity so that we will be spending this money. That concludes my report and I'll move to my resolutions.

My first resolution deals with our lengthy contract negotiations between the union, the American Federation of State, County and Municipal Employees AFL-CIO State Council 66 and their local in the Village, and our negotiator, and we have finally concluded these negotiations and I really believe that the contract as presently offered is a very good contract on the part of the personnel in the Department of Public Works and I also think it's fair and equitable to the people of the Village. So that through its length both parties are served and I certainly hope that it works out well. It's of three years duration and I would read the resolution.

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

RESOLVED that the Village of Williamsville hereby accepts the collective bargaining agreement as negotiated between the American Federation of State, County and Municipal Employees AFL-CIO, New York, State Council #66, and its affiliate, Local #1783C and the Village for three years beginning June 1, 1983 and ending May 31, 1986, and

LABOR

Union Contract  
Adopted

FURTHER that the Mayor is hereby authorized, on behalf of the Board of Trustees, to enter into such agreement, which agreement is hereby interpreted to include all employees of the D.P.W. during the life of said agreement.

Trustee Brenton: I would also say as an aside that this is with the exception of the Superintendent of Public Works whose salary and those of the office personnel and other employees of the Village we will as a Board be discussing I hope tonight.

Mayor Kuzon: I would echo Trustee Brenton's comments. I think this is a very fine contract, one which I'm sure they can be happy with and can live with and as Larry also said, we feel the contract is a fair one for the residents of the Village too.

Unanimously carried.

Trustee Brenton: Resolution No. 2 deals with the benefits that were arrived at through this contract negotiation and in order to include our other employees in the Village, those in the office, those of the part-time prosecutor, attorney, etc. why it's necessary for us to continue these other employees who now have the present coverages through, along with the new coverage that the DPW employees

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have obtained through their contract, which I believe is a dental plan, and of course, continuance of their Blue Cross-Blue Shield plan which expires with the expiration of the contract.

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

RESOLVED that the benefits extended to the Union members through the above contract are hereby extended to the Non-Union employees and officers.

LABOR

Extend union benefits to non-union employees

Unanimously carried.

Resolution No. 3 deals with the advertising for bids, as does Resoltuion No. 4, No. 3 dealing with Reist, Spring and Grove Streets and No. 4 dealing with Howard Avenue, and the Clerk will through these resolutions advertise for bids for these two projects and the bids will be opened on November 9th at 10:00 AM and 10:30 AM respectively. For No. 3, I would read No. 3 and without further ado read No. 4.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for the replacement of the water mains on Reist Street, Spring Street, and Grove Street in the Village of Williamsville. Bids to be opened November 9, 1983 at 10:00 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradein allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR BIDS

REIST ST., WATER LINE

Unanimously carried.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for the replacement of water mains on Howard Avenue, in the Village of Williamsville, bids to be opened November 9, 1983 at 10:30 AM in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall

ADVERTISE FOR BIDS

Howard Ave Waterline

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advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradein allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

Unanimously carried.

That's all I have, Mr. Mayor. Thank you.

Mayor Kuzon: Thank you. Next is Trustee Kibby.

Trustee Kibby: I have no report this evening.

Mayor Kuzon: Thank you. Next is Trustee Law.

Trustee Law: I have no report this evening.

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

Mr. Boudreau: Under the heading of Streets - The following listed streets were finish paved during this past month - Lakeledge Terrace and the circle; Academy Street (Eagle St. to Main St.). This now completes our paving program for Village streets for this year. Our pothole repair and patching program will continue into late Fall, weather permitting.

Storm Sewers - During the past few weeks, a series of heavy rain storms have occurred locally. The D.P.W. has been at work cleaning out drainage receivers and storm sewers. The maintenance work will continue.

Refuse Collection - Leaf collection season is upon us. The D.P.W., effective October 24, 1983, will begin the leaf collection program on Village streets. Residents must deposit leaf piles on the green area between edge of highway pavement and the sidewalk. The leaf piles must be free of branches, twigs or other solid debris or trash, for our leaf vacuums to collect the leaves. Residents are reminded that when cars are parked in front of leaf piles, we are unable to remove the piles. The regular garbage collection is now occurring on the winter schedule, once-a week on Mondays. The heavy solid waste pickup program will continue through October, weather permitting. This pickup occurs on the second and fourth Mondays of the month.

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Winter Snow Ordinance - Effective November 1, 1983 the "NO PARKING" snow ordinance goes into effect on all Village streets. This means that during the evening hours of each day, NO PARKING is allowed on Village streets. This will permit our street plows to clear the snow.

And under the heading of Water Main Construction, Trustee Brenton just reported on this. New water main construction will occur this year on the following streets: Howard Avenue, Grove St., Spring St., Reist St. All homes will be kept in service, but may experience a short shutdown with prior notification. That's the end of the report.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: Anyone in the audience have anything they'd like to talk about this evening? Mr. Schueckler.

Mr. Schueckler: I'm very sorry I missed the point on this abandoned automobile ordinance that was just passed and anyways doesn't pertain I understand to commercial property, business property. It's just for houses. A year and a half ago I complained that International Chimney has sitting on Village property a car. The building inspector couldn't find it. So they moved it over to the railroad station. It's been there a year. It's been abandoned. They put stuff around it so you don't see it half the time. But my question is now do we ask to have the ordinance changed to business and commercial and manufacturing?

Mayor Kuzon: We can do that but first I'd like to check for my own information to make sure it doesn't include it already. I know we just adopted it in the last probably three or four months but I can't remember right off-hand.

Mr. Schueckler: Well I got a copy today from Terry and it says private property.

Mayor Kuzon: Okay. Well private property could include property in any zone. You know that property could be zoned business or manufacturing. The intent as we said at the time was to take care of people who leave their abandoned vehicles which become a nuisance to the neighborhood so we could get them out of there.

Mr. Schueckler: It's been there a year, over a year.

Mayor Kuzon: Well I know the car that you're talking about. Tom?

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Mr. Troy: Let me check it out for the Board and I'll give Don an opinion if he gives me a call.

Mr. Schueckler: If there isn't I'd like to see the Board pass something to get it off of there because I think it's an eyesore and it's been there long enough. It seems that back there we don't get any, I mean the Village gets no cooperation from International Chimney any more. We went over there the other night again, they had the road blocked solid for 45 minutes. The police came. They said they can get by the ball diamond. It's getting worse and worse back there instead of better nights. Now it's getting darker nights. The kids are walking. It's hard seeing back there. Gordie knows, he runs through there. And they're out loading in the middle of the road with no lights on. They just don't care for people. They don't care for people at all. Now Jim Saia, a Trustee, goes back across their lot. He'll verify it too. We've asked them to move the car very nicely and they flatly refused. They said it's on business property. It's Conrail property. If you want it to go get a letter from Conrail to have us move it. Well you go to Conrail who's moved what do you do. We'd appreciate it.

Mayor Kuzon: We'll check and see if the ordinance covers it. If it says private property it would be my opinion that private property doesn't matter...

Mr. Troy: Well you have to be careful you see. You have - if you interpret it too broadly you're going to run into a situation where a used car dealer, or any of these people who have unlicensed vehicles on their lot can be brought under it too and it could create all kinds of complications. My suspicion - and I'm not passing judgement without reading it more carefully at this point - is that it relates only to residential premises.

Mayor Kuzon: Well we'll check and if it needs to be changed we will look into that.

Mr. Schueckler: Well what can we do in the meantime to get rid of this thing?

Mr. Troy: Are you speaking to me, Don?

Mr. Schueckler: Anybody. Like you say, if we change the ordinance. Well we can't change the ordinance by rights because they'll say it's business and they'll say it's used car lot. It's been a sore eye. It's been there over a year and as I say, I'd like to see it removed. If it were any other property, private property in the Village if you'd had the problem a year I think the Village would have taken steps to have it towed away. But it seems that back there no one really seems to care if it's there or not.

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Mayor Kuzon: That's part of the reason for the ordinance.

Mr. Schueckler: Well that's what I thought it was. Then we have to see how it came about. We went to there and their company attorney said hey that's not private property, it's business property, it's commercial, it's manufacturing. He give us three categories. I said well sir, remove the car. We're not interested in all this. He said you can't. Take us to court. Hell I'm not going to take them to court.

Mayor Kuzon: Okay, Don, if you'll see us after the meeting we'll get the code book out and determine this evening whether it is or not and we'll decide what to do.

Mr. Schueckler: Okay.

Mayor Kuzon: Anyone else? Carolyn.

Mrs. Carolyn Schlifke, 192 Evans Street: I have a question about this \$3,500 of the Jolly Boys money. Back in May or June of this past year before the Old Home Days there was an article that appeared in the Amherst Bee stating that the Jolly Boys would reimburse the Village 100% for all expenditures incurred in connection with the Old Home Days and I'm just wondering whether they have, whether they are going to and not that this \$3,500 which is designated for Youth is their payment to us.

Mayor Kuzon: Right. First of all this \$3,500 is from, not the 1983 Old Home Days, but the 1982 Old Home Days and to answer your other question to the best of my knowledge - Terry? - No they have not reimbursed us.

Clerk: No they haven't yet, Carolyn, because I was waiting for all the total bills to come in and I have them now so I will be billing them. It's about \$750.00 that they owe us for this year.

Mrs. Schlifke: Whatever it was it was in the paper and I just wanted to find out whether they were going to carry through. Another thing, about two weeks ago I received a copy of a change to the ordinances of the Village regarding sidewalk construction, or repair work whereas the Village would pay for part of sidewalk construction or repair on a corner property. In other words, if both sides, front and side lots, had to have new sidewalk or repairs to sidewalk the first 100' I believe it was, would be paid for by the resident and the rest would be paid for by the Village. I have no problem with that. My question is has the Village made any other commitments to expenditures of money in any way for sidewalk work in the Village. I know that the Village is being surveyed and repairs will be requested of some people. But have you set aside any other funds from the general fund for sidewalk work?

Trustee Brenton: To answer your question, we have in the last two

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years set aside monies for the express purpose of sidewalk repair. Those monies allocated on a line item - sidewalk repair - they are not general fund money. The intent was originally that the Village would pay for one-third of the repair of any and all sidewalks that needed to be repaired. This did not meet with the entire favor of the Village Board so that eventually we got to the position whereby only those areas affected by tree roots or exceptional situations where we had one. Mr. Borsuck, right here, where we wanted a thicker sidewalk due to school buses going over the sidewalk as they do and hopefully won't any more, but at any rate we wanted a thicker sidewalk rather than the 4" that our code calls for. We agreed to pay for 2" in order to make the sidewalk 6" deep at that location and hopefully the sidewalk will last forever. That's on Academy at the corner of Eagle. That's basically to my recollection, the only areas. Now as we get into the - as the Superintendent gets into his work in quadrants determining what sidewalk is good and what sidewalk is bad and I would hope that he would start in that general area of Academy, of Farber and move to Reinwalt, then we might come into situations where there's gray areas where we have an intersection of a street and the sidewalk exists to go beyond the normal corner, i.e., like that into the street the Village would pick up the cost of that I would assume. I don't know. And there might be other areas that just are not perceived here at this particular time. Individual cases. That's all. There has been no other input of Village funds to construction of sidewalks.

Mrs. Schlifke: Well I have no problem with any of those items that you mentioned, expending Village money for those people. That's probably about it. I just was wondering and I know there was a lot of discussion a few months back about the expenditure of money for sidewalks and I had never heard anything further on it. Those funds that you have set aside are those federal or state funds? They weren't? They were actually out of taxes?

Trustee Brenton: General fund money.

Mayor Kuzon: Mr. Borsuck.

Mr. Michael Borsuck, 165 Eagle Street: For your information, Larry, that new sidewalk has not stopped the buses from going over it and has not stopped people from parking on it. I don't know. Maybe I should contact the school and tell them they could pay for the next sidewalk. The way the buses are going over it right now it won't be too long before we need to put a new sidewalk in there again. And believe it or not I have all kinds of pictures of people right up on my sidewalk again.

Trustee Brenton: Well if you have someone up on the sidewalk may I respectfully suggest you, or your wife, I'm sure it would be her because you're not home, just call the Amherst Police and then if they don't respond the Village wants to know about it.

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Mr. Borsuck: Well they respond but unfortunately I don't think at 3:00 PM in the afternoon right around shift change people parking on the sidewalk is a priority item and by the time the people pick up their children, you know, they're gone. I put a lot of work into that sidewalk. There is a small curb there. But anyway what I'm here for tonight is did any of the Board work or discuss any of the situations on possibly changing the fence code in the Village.

Mayor Kuzon: Well to answer the question we all received your most recent letter. In fact, I have it on our working agenda for this evening. We did cancel our meeting on the 2nd Monday of this month because of the holiday and this is the first time we've all been together since the last meeting in September and we really haven't had any work sessions between September 27th and this evening.

Trustee Kibby: There is another aspect of this, Mr. Mayor. I talked with this gentleman this evening. Your letter to the Board and to Fred Wood, the Chairman of the Board of Appeals, was discussed by Mr. Wood and Attorney Troy. Attorney Troy is in the process of drafting a letter to you that will go back to Mr. Wood first and then to you. The essence of what would be in the letter is that should you present to Mr. Wood a reasonable argument as to why your case should be reconsidered Mr. Wood would reconvene the Board of Appeals and it would be reconsidered. You probably should receive it by the end of this week or the middle of next week.

Mr. Troy: May I just modify that so there's no misunderstanding. In the context of the letter the procedure to be given to the Board, a rehearing can be had upon the presentation by you of the statement that you have new evidence - new and other and different evidence than what previously was submitted. Based upon that statement by you and the statement of the character of the evidence you wish to present the Board will then go into an executive session to determine if in their judgment the type of evidence is of a quality which they will wish to offer a new hearing on. If they say yes you will then have a new hearing and a new opportunity. You will be getting my letter in the next few days.

Mr. Borsuck: I understand that but see my contention is I believe I was right and had enough evidence the first time going in. Okay. That I should have been granted.

Mr. Troy: The Board disagreed with you.

Mr. Borsuck: But as you stated at the last meeting that even, that the Board cannot grant the appeal. So you suggested to me to come to this Board to try to get the laws changed. Okay. So I'm kind of working on both ends. I'm going to try to go through the channels. That's all I've been trying to do. And I would also like the Board to consider changes in the current law and I want the

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Board to realize that the Town of Amherst on February 9, 1976 according to the Town of Amherst Building Department, repealed their fence laws, which were almost exactly the same as the Village laws are right now regarding fences for the real only reason they did it was because it was very unfair and discriminated against people on corner lots within the Town of Amherst. If I lived in the Town of Amherst, which is 468' north of my property right now that fence would be completely legal. So this is one of the things I'd like to mention to the Board so maybe they could take consideration into changing the law. Okay. I'm trying to get it done that way. In the meantime I will try to go through it with the Board of Appeals again. Okay. But anyway I would like the Village to consider this, Town of Amherst is legal and did change it in 1976 just for the reason that it was unfair to property owners. Okay? Thank you.

Mayor Kuzon: Mr. Hill.

Mr. Richard Hill: I'd like to ask a question of Attorney Troy. Has there been a ruling that we do have to have an election this March or not?

Mr. Troy: I'm sorry, Dick. I didn't hear what you said.

Mr. Hill: Has there been a ruling made on whether we have to have an election this March?

Mayor Kuzon: Dick's asking if there will be an election this March for Trustees to fill out the rest of the term that was vacated by Connie Murray. Will there be an election?

Mr. Troy: I think I gave you a ruling on that. There will be an election, yes.

Mr. Hill: Have you checked the law? Because we understand from Mrs. Kendall from the Board of Elections that it's at the next regular election and since we don't have a regular election for another year we don't have to have an election this year.

Mayor Kuzon: That's the way it does read but as we read it further it does state - and I can't remember the exact terminology - but in our opinion it does state that, you know, that if the next regular election is not in the next year then you have to have a special election. In fact again if you come in to the office after the meeting we'll get the law book out and show it to you and clear it up this evening.

Mr. Hill: Mrs. Kendall from the Board of Elections told us we did not have to have an election this year if the next regular election is a year from now.

Mayor Kuzon: I don't mean to contradict what Mrs. Kendall has told you but the County Board of Elections doesn't deal with Village elections. Okay. We do our own elections. In other words, the

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County deals with the Town, the State, the County and Federal elections, where the Village, we have a separate Village Law which gives us the requirements for our elections.

Mr. Hill: But she wasn't talking about County elections. She was talking about State law.

Mayor Kuzon: Okay. Again there are different state laws for different municipalities. But once again, if you'll come back in the office after the meeting and we'll get that portion of the Village Law out and we can clear this up this evening. Mr. Borsuck.

Mr. Borsuck: I forgot. I would like to know why I have not received a copy of the Village memorandum on my decision from the Board of Appeals. Is there any reason why I can't get this?

Mr. Troy: No. In fact I instructed them to do that some time back.

Mr. Borsuck: Well I talked to Mrs. Kresse approximately, I'd say, two weeks ago.

Mr. Troy: I know. She called me that same day.

Mr. Borsuck: And she told me that you had personally instructed her not to give me it.

Mr. Troy: Yes, but I told her immediately thereafter to release it. She called me and I advised her that you should have a copy.

Mr. Borsuck: Okay.

Mayor Kuzon: Larry.

Trustee Brenton: Yes. Just on the question of elections. There does seem to be enough flexibility in the way the law is written that I'm wondering whether or not we shouldn't inquire of the Conference of Mayors, the Legal Department of the Conference of Mayors giving them our situation here and then finding out from there what their opinion is, whether we have to have an election.

Mr. Troy: It's been so long ago I'd have to look at the - I've written an opinion on this I think. But we can do that if you want. I'll see what we have on it.

Trustee Brenton: Quite frankly an election is a very expensive procedure and to have one, you know, office open and conduct an election in which 300 people are going to vote does seem to be a considerable expense of time and funds if it's not required.

Mayor Kuzon: Mr. Hill.

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Mr. Hill: You could get a ruling from the Attorney General.

Mayor Kuzon: No, you wouldn't get it from the Attorney General. You'd get it from the State Comptroller. But it's the same idea you suggested.

Mr. Hill: I'd like to see something done in that respect too.

Mayor Kuzon: Well let's check it out in the law book and if we have a concern in our own minds as to whether it's needed or not then we can go further.

Trustee Saia: Mr. Mayor I think if there's any questions at all we ought to look into it legally because I think I read in the paper that we're going to have one and I figured someone had checked into the legal aspects.

Mayor Kuzon: Well at that time I did and I know Terry, as the Clerk we read it and the way we read it...

Trustee Saia: It seems like there's some doubt.

Mayor Kuzon: Some doubt or confusion. Any other business this evening?

Trustee Law: I've got a question here on the report of the Department of Public Works. He said about winter snow ordinance. Does this mean that during the evening hours there is no parking at all on Village streets? Now what hours are those? Is that like 7:00 PM or 8:00 PM in the evening?

Mr. Boudreau: I believe it's from 12:00 AM to 6:00 AM.

Trustee Brenton: It's 1:00 AM to 6:00 AM.

Mr. Boudreau: I stand corrected.

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

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

Unanimously carried.

Mayor Kuzon: Before adjourning this evening I think it's entirely appropriate that we adjourn with a moment of silence in memory of those Americans who passed away in Lebanon this past weekend.

ON MOTION by Trustee Law, seconded by Trustee Brenton, the meeting was adjourned at 8:34 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer