

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 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 7:37 PM.

Mayor Kuzon: Next would be a motion to approve the minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Law, the minutes of the regular meeting held November 14, 1983 were approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the public hearing held November 14, 1983 regarding the Comprehensive Planning Study were approved.

Unanimously carried.

Mayor Kuzon: Moving into my report and resolutions, I have three things that I'd like to report. First of all, we recently created an Historic Preservation Committee and that committee has been meeting and has established an agenda for its next two meetings. For the next meeting the committee has identified that it will take a preliminary survey of the Village to identify buildings which might be of historical significance and, therefore, worth preserving. After this survey at the next meeting the committee has planned to meet with representatives from the Village of Orchard Park's Historical Preservation Committee to discuss with them their practice and experience in implementing an Historic Preservation Code and ideas.

Another committee that I'd like to report this evening is the Fire Limits Committee. It held its first meeting this past month. At this meeting additional information was provided by our Fire Chief on the topic of fire limits and it was also determined that we would survey the local municipalities in our area that have fire limits for copies of their local codes, which we've done. The next meeting of the group will be December 14th. Each member will be provided with a copy of the State Building Construction Code as it pertains to fire limits so that we can further discuss the topic at that time.

One last thing to report, that is that the HEAP Outreach schedules have been listed for Amherst and basically what this is is that the

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Erie County Department of Social Services has provided district schedules for the Amherst area. They will be here - HEAP by the way, is a Home Energy Assistance Program and it assists families to meet their heating bills and there are income requirements and family size guidelines but they'll be here on November 30th which is the most recent, or closest date in the future. But more importantly, I have received another notice which says that the elderly may be eligible to receive help with their energy costs, and it says households in Amherst whose heads of the household are 60 and older may be eligible for these benefits, and people who received the benefits last year will receive an application in the mail, but new applicants may phone the Amherst-Clarence-Newstead Cluster Office for an application. So I would say that if you know anyone who is elderly and has problems paying their utility bills for heat that they get in contact with the Amherst-Clarence-Newstead Cluster Office and they'll be given assistance in applying to this program. Just as an idea, the eligibility requirements for seniors will be that if there's one in the household the maximum gross monthly income would be \$677, if there's two the maximum gross monthly income would be \$885. The best thing, as I said, is to call the Amherst-Clarence-Newstead Cluster Office, or the Senior Center on Union Road.

I have three, excuse me, two resolutions. The first one is for vouchers and these vouchers cover the period from November 15th through November 28th.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$417,806.25 were approved as follows:

Payroll Fund	W/E 11/18/83	\$ 6,857.38
	W/E 11/25/83	<u>7,693.04</u>
Total Payroll Fund		\$ 14,550.42
General Fund	Abstract #549	11,312.66
Sewer & Water Fund	Abstract #130	382,184.51
Trust & Agency Fund	Abstract #169	5,539.58
Glen Park Jt Activities	Abstract #69	255.08
Federal Revenue Sharing	Abstract #148	1,534.00
Community Development	Abstract #78	240.00
Capital Fund	Abstract #130	<u>2,190.00</u>
Total Vouchers		\$417,806.25

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

The larger vouchers in the general fund include Lighthart Sales for approximately \$3,000; Tallamy, VanKuren for about \$2,400, Frontier Tree for \$1,200 and William Shoemaker for about \$2,000.

Unanimously carried.

I did have a second resolution but that is going to be sent to Traffic & Safety, or we are going to look at the Traffic & Safety minutes to see if a survey was done. What this is is we have received a request from a resident on Pine Acres Court for street lighting in that neighborhood. On discussion by the Village Board it was determined that, to send this to Traffic & Safety for a survey. However, before the meeting I talked to Carolyn, who is the Secretary of the Traffic & Safety Committee and she has advised me that they've already done a survey. So this, basically we're not going to pass the resolution tonight but we'll check and see the results of the survey to determine if it's one light or two lights which Traffic & Safety recommends. So that is going to be further investigated.

And my other resolution this evening is basically a statement and it says that the Village of Williamsville supports the continued operation at the existing hours of the northtowns suburban Motor Vehicle Bureau by the Erie County Clerk. As many of you have followed in the paper the proposed budget by the County Executive suggests eliminating a number of services throughout the county and one of these services that is proposed to be eliminated is the suburban Motor Vehicle offices and in my own mind probably two of the services that are used by suburbanites in the county are county parks and the suburban Motor Vehicle Bureau and it's important, I think, in my own mind that we go on record letting the county know, the County Executive, the County Clerk and our Legislator that we support the continued operation of this bureau in our area serving the entire northtowns of Erie County and it basically reads:

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

RESOLVED that the Village of Williamsville Board of Trustees supports the continued operation, at existing hours, of the northtowns suburban Motor Vehicles Bureau by the Erie County Clerk, and

COUNTY BUDGET

Maintain present status of Northtowns Motor Vehicle Bureau

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Erie County Executive, Erie County Clerk, 15th District Legislator and Erie County Legislature Chairman.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

That's all I have. I would also add that on that resolution the Town will be passing a similar resolution at their meeting next Monday night. Next is Trustee Law.

Trustee Law: We have had some problems with trees and the committee that, the Beautification Committee in conjunction with the Environmental Committee have been looking over a proposed code on trees so that perhaps we can get a plan so that, a comprehensive plan so that we don't have to do things on a case-by-case basis. That's what I'd like to report.

Mayor Kuzon: Thank you. Next is Trustee Saia.

Trustee Saia: My report this evening, I'd like to report that January 15th is the date designated for the Winterfest in Glen Park by the Williamsville Youth and Recreation Board.

I'm also going to add to Trustee Law's statement. I wonder, Mayor, if we can't get a committee together because I think it's a pretty important law because there's going to be some changes and I know on that sidewalk law that we just passed just recently it does mention something about trees, but there's going to be quite a bit of changes if we get something going on this tree law. So I wonder if maybe we shouldn't have a committee established for these particular changes.

Mayor Kuzon: Sure.

Trustee Saia: As far as trees go, if the audience has got any interest in it I just happened to notice here on tonight's agenda that it costs us about \$800 to take a tree down on one of our streets because of buckling of the sidewalk and there's a little controversy about it because some of us believed that the sidewalk had been removed and the roots taken out and then some of us thought maybe it wouldn't work out. But, see that there isn't really, outside of maybe Phil Boudreau who has a little experience and some of our committee members, one of our committee members, has a little experience in that type of operation which is trees, that we should have something, we should have something to go by in our code so we just don't have anybody coming in and trying to take a tree down in the street, just for firewood or something like that, and chopping it down or taking the wrong tree down or taking a tree that's not dead down, or otherwise damaging some of the older trees in our neighborhoods. So I concur with Larry and I also hope that maybe the Mayor will take into consideration forming a committee and I hope that the Environmental and Beautification Committees who have done the labor so far will be involved in that. Thank you.

Trustee Kibby: Is that a Sunday for the Winterfest?

Trustee Saia: Yes. It's on Sunday.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Kibby: Thank you.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: Thank you. For my report tonight I would, I did intend to mention trees and the cost of trees, that is their removal and, of course, the method of determining whether a tree should be removed, at least since I've come onto this Village Board, has been that I have to make the final determination myself and I let the tree die and then look at it six months later to make sure it's dead so there's no problem there. Unfortunately, we never budget enough money to take down all the trees that have to be taken down so we usually run about a year behind. Maybe this isn't the most efficient way to take down dead trees but they do not become a safety hazard, that's taken into consideration, and we're assured of their being dead. Prior to my assuming the responsibility of the D.P.W. it appears that there were trees taken down that were taken down for the purpose of some individual who probably lived at the residence and wanted the wood for firewood and he didn't want the tree there. So that was the reason we got into that type of thing and we have, as I say, we usually budget in the neighborhood of \$2,000 a year and we have expended, I think, our tree budget now, our tree removal budget so that I have given consideration to and discussed the aspect of the Town of Amherst coming in and removing dead trees for us and this will be explored as a more cost effective way to handle this particular problem in the future assuming that the Board agrees to go in that particular method. It's, I think, probably will be more beneficial to the Village if we can come to some type of agreement with the Town regarding this subject.

Also, the Board will be discussing in our work session later on this evening the Conrail property and the latest correspondence on that and essentially that's my report.

My resolutions, number one moves to allow the Mayor to execute a contract with the Town of Amherst. This is a yearly contract that we enter into with the Town of Amherst to provide fire protection through the Hutchinson Hose Company for the various Town protection districts that are listed and we will receive based on that a percentage of the Fire Department's budget in that these fire protection districts comprise X percentage of the assessed valuation. I think the return here is about 5<sup>3</sup>/<sub>8</sub>% pertaining to these fire protection districts that are outside of the Village. The resolution reads as follows:

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

RESOLVED that the Mayor execute, on behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for

AUTHORIZATION  
Mayor to sign  
contracts for  
fire protection

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

fire protection for 1984 in the following districts:

Autumn Harvest	-	District #1
Lamm Post	-	District #2
Lehn Springs	-	District #3
Mill Street	-	District #4
Park Club Lane	-	District #5
Williamsville	-	District #16

Unanimously carried.

Resolution No. 2 is also an annual situation that we get into and unfortunately we didn't have a chance to discuss it in our work session because we got bogged down with what will be the results or the preliminaries for resolution number 4. So I would question the Clerk at this time before I read the resolution or discuss it further. The resolution indicates that we will be allowed X number of dollars per lane mile and as to be determined by the Erie County Legislature in their annual budget. What if they would reduce it over what they increased it to last year? In other words, last year there was an increase.

Clerk: That's the chance you take. This is a three year contract. This is the first time that this has come up and this is how it's stated in there and that's just the way I wrote it and so that, you know, that question occurred to me at the time too.

Mayor Kuzon: Would they be approving it annually, or are they going to approve a three year rate?

Clerk: There's no rate specified in there at all. It's exactly what they say - as established by the Legislature in their annual budget. So apparently, they're approving the three year contract but they're going to set the rate every year.

Trustee Brenton: And once we approve it?

Clerk: Once we approve this we're stuck for three years.

Trustee Brenton: As I say, we ran out of time in our preliminary work session and didn't get this far.

Clerk: We don't have to approve this one today. We can wait until next time.

Trustee Kibby: Would they plow the roads if it snows next week?

Mayor Kuzon: Sure.

Clerk: This for next year. It would actually be for plowing starting in January.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Kibby: Starting in January. We do have another meeting.

Trustee Brenton: I would, if there's any way to obtain more information on the subject, particularly as to how much they intend to pay us for this. You see what this amounts to is the fact that we plow a county road with our forces and to be very honest, we usually make out, to use that term, but at any rate it's fiscally remunerative to the Village to do it this way. I would be comfortable in assuming that this would probably continue to be to the Village's advantage for the upcoming length of this contract, but I do have a feeling of apprehension about entering into a three year arrangement without any further analysis of it.

Mr. Troy: Isn't there a withdrawal clause in that contract?

Trustee Kibby: Besides that, this only authorizes the Mayor to sign it. It doesn't mean that he has to sign. So if we authorize him to sign and upon discussion at a later time with us he could decide not to sign it.

Trustee Brenton: I think I agree with that.

Mr. Troy: Larry, either party may terminate this agreement upon 30 days written notice to the other party. Solely in the event of price modification the municipality may terminate this agreement upon 20 days written notice to the county.

Trustee Brenton: Price modification?

Mr. Troy: Yeah. That's fine. You get 20 days on price modification, 30 days on any other, if you want to withdraw for any other reason.

Trustee Brenton: Then I don't have any real problem with it. Resolution No. 2 reads as follows:

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

RESOLVED that the Mayor is hereby authorized to sign 1983-1986 Snow Removal Contract with the County of Erie for snow plowing of 3.14 miles of County roads at an annual rate per lane mile as established by the Erie County Legislature in the Annual budget.

AUTHORIZATION  
Mayor to sign  
snow contracts  
with County of  
Erie

Unanimously carried.

Resolution No. 3 deals with the proposal to relocate the Hutchinson Hose Co. facilities adjacent to the courthouse and eventually for the Village to acquire the courthouse, which is another subject, and it has been found necessary to have a

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

complete metes and bounds survey done on that property and the firm of Sargent, Webster, Crenshaw & Folley, who is our engineering consultant firm for that particular project has researched deeds and provided various surveying firms with the requirements necessary for that project and it has been determined by that firm of Sargent, Webster, Crenshaw & Folley that the proposal submitted by Eugene S. Richards is of benefit to the Village. Therefore, resolution number 3 will endeavor to advise the public that we are going to do this, and the Town of Amherst because it is their property, and to set into the record the fact that we are going about this.

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

RESOLVED that Eugene S. Richards and Associates be appointed to prepare a Metes and Bounds Survey of the property at 5565 Main Street at a cost of \$475.00.

APPOINTMENT

Eugene Richards to prepare survey of 5565 Main St.

Trustee Kibby: What's a metes?

Mr. Troy: Metes and bounds is an old, old clause. It's, generally the two are used together to describe the perimeters of any kind of a ...

Trustee Kibby: I understood that. I just wondered what the word metes really meant.

Trustee Brenton: It's standard terminology.

Mr. Troy: Well it probably comes out of they walk along with a line, a chain and metes. It means literally measured out, to mete something out is to measure it out.

Trustee Kibby: Okay. Very good. Thank you.

Unanimously carried.

Trustee Brenton: Resolution No. 4 deals with what took up a great deal of our time in our work session tonight and that's specifications for a new Fire Department pumper and those specifications have been drawn up by the Truck Committee of the Hutchinson Hose Company and the Village Board went over them, myself, and the Attorney, and prior to this we've gone over them and we attempted to revise those specifications slightly in order to make them as competitive as possible and have done so. So that we will be requesting sealed bids for the new 1500 gallon pumper through this resolution which reads as follows:

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

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for one (1) 1500 GPM Triple Combination Class "A" Custom Pumping Engine Complete, for the Hutchinson Hose Fire Department. Bids to be opened December 21st, 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 trade-in 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.

Mayor Kuzon: Can we change Hutchinson Hose Fire Co. to Williamsville Fire Department.

Trustee Brenton: I was going to ad lib on that after the vote and try to insert something into the record as to the fact that we should have Williamsville Fire Department, in particular painted on the vehicle. Now I don't know if it would confuse the issue any by changing Hutchinson Hose in this resolution to Williamsville Fire Department. I would question the attorney whether or not it would.

Mr. Troy: I don't think that - everybody knows. You may want to amend it right now to satisfy yourself. Just simply say for the - it should be...

Trustee Brenton: There's no such thing as the Hutchinson Hose Fire Co.

Mr. Troy: You're right. Then amend it to read Williamsville Fire Department.

Trustee Brenton: We will amend the resolution by deleting Hutchinson Hose Fire Department to the Williamsville Fire Department.

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 one (1) 1500 GPM Triple Combination Class "A" Custom Pumping Engine Complete, for the

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Williamsville Fire Department. Bids to be opened December 21st, 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.

PUBLISH  
BIDS FOR  
Fire Truck

Unanimously carried.

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

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

Trustee Kibby: Thank you, Mr. Mayor. For my report this evening the agenda of the Planning and Architectural Review Board meeting for Monday, December 5th has one item as of now on the agenda and that's to discuss a request by Lucille Corti Candies to replace a sign damaged by the wind.

I have one resolution tonight. This is for the appointments to the Planning and Architectural Review Board and it reads as follows:

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

APPOINTMENTS

RESOLVED that the following appointments are hereby made to the Planning Board, expiration of terms as indicated:

Planning Board

<u>Name</u>	<u>Address</u>	<u>Expiration of Term</u>
(1) Bradley Townsend	71 Monroe	Official Village Year Ended 1986
(2) Patrick J. Finn	26 Pfohl Pl.	Official Village Year Ended 1984

Unanimously carried.

Thank you, Mr. Mayor.

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

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 29, 1983 at 7:37 PM

Mr. Boudreau: Parks - It is anticipated that the flood channel dam gates will be removed in early December. All five spillway gates will be removed and stored. Those gates needing repairs will be taken to the D.P.W. garage this winter and renovated. In Island Park, when time permits all wind damaged branches and trees will be removed.

Under the heading of Streets - Leaf pick-up on Village streets is in full progress, with leaf crews presently working in District 4. During the last four weeks, our leaf pick-up program has been impeded by wet weather and the leaves remaining on the trees late into the fall. The D.P.W. winter plowing and street sanding equipment is now ready for winter service. All plows and wings have been repaired, sand blasted and repainted. A supply of road salt and cinders is on hand and crews are ready.

Water Distribution System - Our water distribution system continues to show cost-effective operation due to the efforts of our water department and an ongoing weekly monitoring program. Recently, hour meters were installed on the pumps at the Rinewalt Street pumping station. This will give us more control of the operation and maintenance of the pumping station. That's the end of my 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? Mr. Gallagher.

Richard Gallagher, 38 Chalmers St.: I don't want to belabor the issue because I know the Board has discussed this in the last couple of meetings but I'd like to ask a few questions regarding the Conrail property. First is that - does the Board have the names of the owners of all the buildings and property on that property including the depot?

Mayor Kuzon: I'll let Larry answer that.

CONRAIL  
DISCUSSION

Trustee Brenton: I want to make sure I've got that question straight. Does the Board have the names of all the owners of all the...

Mr. Gallagher: the buildings including the depot.

Trustee Brenton: Well we have, to the best of my knowledge we have the information that the depot is owned by International Chimney. However, we do not have conclusive proof of that. Any

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

other structures on the property I would have to assume are leased because there are three lease-holders - International Chimney being one, Darling Company being another, and Maryvale Associates or something to that effect being another. So that I don't believe that any of the buildings, really they're more or less sheds, outside of the depot, are owned by any other than the present property owner and that would be Consolidated Rail Corporation.

CONRAIL  
DISCUSSION

Mr. Gallagher: If the Village did make a decision to purchase it I was wondering if that information would become available prior to purchasing the property? (Con't)

Trustee Brenton: Yes, and we have requested, or at least we, I will be discussing this with the Board tonight, that we would want information pertaining to the present lease-holders and the duration of their leases, what their leases consist of, so that, for these three individuals or firms, and we have drafted a letter to that effect and I want to discuss it with the Board before it goes out. The letter will probably go out tomorrow.

Mr. Gallagher: It is my understanding that in 1982 the Village retained the services of Hansen Associates to give you an estimate as far as what the value of that property was and their opinion at that time was that the Village should go no further than \$65,000 or \$69,000, if they were going to put in a bid for the property. It is my understanding, Larry, that the Village has put a bid in for \$83,000 and my question is have you, what is the reason for the increase and the second part of it, have you contacted a representative of Hansen Associates to see if that was a good deal?

Trustee Brenton: Yes, to answer your last question first. I did contact, I believe it was Walter Marcus, but I'm not sure and I'm also not exactly sure what their original appraisal was and the reason that I felt the need to contact this firm is because Consolidated Rail Corporation, to answer your first question, felt that they had to have more than the appraisal due to the fact that they had these leases. The leases then created an income producing situation for the Consolidated Rail Corporation of which Mr. Hansen was unaware of and they felt that for the Board of Directors to be able to accept this that they had to have a greater amount of money. As far as the appraisals are concerned, I have to point out that the original Consolidated Rail Corporation appraisal by their appraiser was in the neighborhood of Two Hundred Some Thousand Dollars, \$290,000, in that general area. So that you have a very large divergence in the services of two professional appraisal firms. I think then that if there is any type of inflection here as to why we went up I would have to justify it by saying we really didn't go up considering the economic value that we were unaware of that this property does have, and the little degree that we did actually go up

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 29, 1983 at 7:37 PM

\$68,000, \$69,000, whatever the original figure was, why it certainly compared to a very minor degree to the considerable amount that Consolidated Rail Corporation lowered their asking price from the original appraised value that their appraiser had.

Mr. Gallagher: Does the Village know how much income is generated from the current property?

CONRAIL  
DISCUSSION

Trustee Brenton: We know through what was related to me verbally. (Con't)

Mr. Gallagher: Is that something that the Village will have to obtain in respect to the additional information to make that decision on whether to go for the whole shot or not?

Trustee Brenton: Well we certainly don't want to be in the rental real estate business I don't think, and I only speak for myself, so that this is one of the reasons we feel that we have to have the leases in order to determine whether we can terminate the leases, or how long a period that they may have to run in the event that we can't, but the feeling is that we by taking possession as a municipality, and I say this as a feeling, will have a right to terminate the leases irregardless. So, but, you know, the question of, Dick I want to make it perfectly clear that we have no intention of purchasing this property and leasing it or renting it, or any private property. But that's my feeling at any rate.

Mr. Gallagher: I understand that the property includes, it's not all in the Village. Some of it's in the Town.

Trustee Brenton: That's correct.

Mr. Gallagher: And that in order for that part of it to become within the Village there will have to be an annexation procedure.

Trustee Brenton: Well we would have to request to annex the property and the Town would have to relinquish, I suppose, their tenancy to it, if you could use that term, but yes...

Mr. Gallagher: The question I have is that then there would be two public hearings, one conducted by the Village and one conducted by the Town to allow that to occur. The question is where is that in respect to the process of the...

Mr. Troy: Can I just interrupt for a second, Mr. Gallagher. We can own property outside the Village without annexing it. The Village has a perfect right to acquire property in the adjoining township without the need for annexing the property if it meets the needs of the Village as defined by the Board.

Trustee Kibby: In fact we do. We do own property outside the Village.

Mr. Troy: Sure we do.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Mr. Gallagher: So that there would not need to be then two public hearings.

CONRAIL  
DISCUSSION  
(Con't)

Mr. Troy: Not necessarily, no.

Trustee Kibby: That doesn't mean we wouldn't.

Trustee Brenton: Well I speak for myself, my mind, if we're going to acquire the property through my original intent and it was that my request to the Department of Transportation that the Village was given first right of refusal - and that's the wrong term, but you understand what that term means, the preferential right - that's the term I want, that is the term that they use, the Village was given preferential right to that property that is not within the Village between Cayuga Road and mid-point between, we'll say, South Long and Cayuga. In other words, the property that you refer to is not in the Village. However, we were given preferential right to the acquisition of that property by New York State Department of Transportation resultant from my request and the way I originated the concept of what I envision and I hope that the Board will support it if we do purchase the property.

Mr. Gallagher: The last question. Can you divulge the contents of your recent correspondence as to what that contained?

Trustee Brenton: Can I divulge it?

Mr. Gallagher: You indicated that it's been received by the Board and that you were going to discuss it at the work session and the question is can you divulge the contents of that now, or...

Trustee Brenton: Well I think it would be inappropriate of me, since you've asked for that information, not to, so essentially I do have the letter here. If you would care to ask me your question again I'll give you whatever pertinent information you want, or would you prefer to have the contents of the whole letter.

Mr. Gallagher: A copy of the letter will be fine. Did they come back with any response to the bid that you submitted? That would be the most important.

Trustee Brenton: They have accepted our bid, the amount that we have offered, but they do require conditions associated with that, i.e., we have to provide the survey, which would be an inexpensive, in my mind, procedure, probably \$2,000. There are other, which isn't a heck of a lot of money, but to me I don't know why we have to do it. That's not the norm, and so I'm uncomfortable. I have discussed that with the attorney and like I say, we have a draft letter in effect, that we will be discussing tonight, that we're trying to question the corporation as to why we have

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

to bear these. They also want us to pay the pro rated share of the taxes on the property and we're, as a municipality, tax deferred. So we have a problem with that.

CONRAIL  
DISCUSSION  
(Con't)

Mr. Gallagher: Are there back taxes on that?

Trustee Brenton: No. They're up to date on their taxes, the corporation's up to date. But when property changes hands why, of course, they pay their school taxes, we'll say, and they want reimbursement. As when you purchase your house you reimburse the seller for that portion of his taxes that he wasn't going to own the property. That's kind of what they're looking for and, you know, it's my feeling that we're a municipality. We don't pay taxes. That's your problem.

Mr. Gallagher: How much taxes do they pay?

Trustee Brenton: I really don't know, but I think the assessed valuation of land and structures, which the rail has been removed now so that, of course, would be, if they did continue to own the property they could ask for a tax deduction due to the fact that the most valuable part of the property was the rail itself, you know, the railroad itself and, but I think that they were assessed at something like \$15,000 if my memory serves me correctly and I think they only pertain to the Village of Williamsville but not the portion within the Town of Amherst. Of course, that portion is more valuable than that portion in the Town of Amherst due to its zoning.

Mr. Gallagher: How legal is the bid that we submitted as far as the \$83,000, of which they said they accepted? Is that binding at all?

Trustee Brenton: Well, no, it's binding to the degree that we would eventually have to have a resolution to that effect and after that resolution I had assumed that we would be required to be exposed to permissive referendum, but I think that the permissive referendum does not become invoked until \$100,000 is met and I'd ask the Clerk for clarification on that if she has it at her fingertips.

Clerk: It depends on the number of years and the amount. I think if it's over 10 years or over \$100,000 or a combination of the two. But we'd have to check into it.

Trustee Brenton: Well we might be exposed to a permissive referendum, I'll put it that way. I don't think we'd have any problem on that.

Mr. Gallagher: You don't think you'd have one?

Trustee Brenton: I don't think we'd have any problem. I think most of the population would support the purchase of the property.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Mr. Gallagher: But is it, is that a legal offer, Tom?

Mr. Troy: I'm not sure I know what you mean by a legal offer. We have made an offer and they have presented us with a document that says these are the conditions upon which we will consider accepting your offer subject always, even though you meet these conditions, to the approval of the Board of our Directors. Well these things become legal only when every condition that either side has put into it have been met. We have now, we are now raising questions to the conditions they have tried to impose on us and this will be negotiated back and forth and it's very possible that nothing may come of it. Is it legal? It's not against the law up to this point. Is it legal? You don't have an agreement yet so there's no real...

Mr. Gallagher: I guess my question is has the Village committed itself to buying it?

CONRAIL  
DISCUSSION  
(Con't)

Mr. Troy: No, not at this point.

Mr. Gallagher: Then the other question is - if we are looking at then the conditions that they raised why would we submit an offer if we did not have the answers to the questions that I raised in the beginning with respect to who owns the property, the amount of income derived, the leases, etc.

Mr. Troy: We know who owns the property, Dick. Conrail.

Mr. Gallagher: All? I mean the buildings on the property.

Mr. Troy: There are no exceptions. There are no indications of any exception in the contract they proposed and if you attempt to sell a piece of land and you don't want - that you own - and you don't want a building to go with it that's on that land you have to specifically except and reserve that building from the contract of sale and there is nothing in this contract that has been presented to us. So I operate on the assumption that Conrail owns all the buildings. There may be leases on them but that's what we're going to try and find out, what those leases are. We won't enter into a contract until we know exactly what those leases state, what kind of obligations they place upon us, and for how long they run, and the whole works.

Mr. Gallagher: Will that information then also be available at a public hearing or sometime?

Mr. Troy: I would hope so. I see no reason why not.

Mr. Gallagher: Or at the next meeting of the Village Board.

Trustee Brenton: Well as Tom pointed out, this is still in a negotiation process but it is really gotten down to the final, the last stages of the process. In other words, we're there and

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

there's a few minor details that have to be worked out which we have a draft letter, as I indicated previously, to determine these minor situations but to be very frank with you and totally honest, you know, I have to feel that this is the way negotiations of this nature are handled. That we were looking at the big picture first and then the minor details eventually work themselves out.

CONRAIL  
DISCUSSION

Mr. Gallagher: Okay. What I'm looking for is in respect to what's transpired in the last year and a half on this issue that you have discussed and the paper has been carrying, the matter of a public hearing on this. For example, all of the correspondence that I've read on this, including the minutes, everything pertained to yes, there would be a permissive referendum, in fact that's the way you have to go and then tonight there's also the fact that there might not be the permissive referendum which to me changes the ballgame.

(Concluded)

Mr. Troy: Dick, maybe you misunderstand the nature of a permissive referendum. It doesn't mean that the Village initiates it. It simply means that any citizen, or the appropriate number of citizens in the Village if they come forward with a petition and say we demand that this be submitted to a referendum then that's when a referendum is initiated. Not at the instance of the Village. Now as Terry has suggested, that we may not meet all of the criteria for a permissive referendum. This may be the type of transaction which might be exempt and we intend to find that out this evening.

Trustee Saia: Dick, any information that you desire and we have, and I'm talking about if we have any information about any letters from Conrail, you have a right to get those letters. If you sit at this meeting, after this meeting go up to the Clerk, you can ask them for something and under that Sunshine Law you know, we have to give it to you. I sat in that audience for a long time and believe me I went in there and got what I wanted. If I knew there was something there I got it.

Mr. Gallagher: Also any correspondence or anything that I requested whether it be Conrail or any issue of the Board, Gordon and the Trustees have always been diligent in seeing that I got a copy of it.

Trustee Kibby: And not being legally bound to do that in the purchase of property.

Mr. Gallagher: Pardon?

Trustee Kibby: And not being legally bound to do that either when the purchase of property is the question. When the purchase of property is the question, that among two other issues can be done strictly in confidence in executive session. But I think this Board has been terribly open about this. You obviously know the last price that was discussed so you've been given whatever you need and I'm glad to see that.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Mr. Gallagher: Well the last price that was quoted was \$83,000. That was from David's paper. Thank you.

Mayor Kuzon: Okay. Anyone else? If not...

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

Unanimously carried.

Mayor Kuzon: Before going any further, one thing that I'd like to add as a report this evening is that I recently received a request for rezoning of 37 N. Union Road. In fact, the Town Board held a hearing on this topic at their last meeting. A portion of the property, approximately one-third, is in the Town and the rear two-thirds is in the Village. That's Mrs. Chimera's property on N. Union and she has requested a rezoning. I bring this up this evening because we are going to refer it to our Planning Board and I know Mike's already read the agenda, but I'll add one more thing to their agenda, and then they can report back to us with their recommendations. So I'll give you that.

Trustee Kibby: Okay.

Mayor Kuzon: If there is no further business this evening, we're going to make a motion to recess as opposed to adjourn. The reason for that is we have one additional item that you could say came in late and we need to discuss it and we may possibly need to pass a resolution regarding that item and, not that we're trying to hide anything the item that I'm talking about is we have received a request from Councilman Kindel of the Town of Amherst regarding the Hopkins-Klein project and a request for fill to be located in the old Town-Village dump. Basically what we're talking about is that Councilman Kindel has a plan under consideration where the Town-Village dump site would receive approximately 60,000 cubic yards of free fill that might become available and he needs our approval to locate this fill on Village property. We talked briefly about this, I believe, as a Board at our last meeting but this evening it's necessary that we make a decision, or not make a decision, regarding this topic and since we didn't have enough time to talk about it at 6:30 PM we're going to talk about it afterwards in recess. If need be, we'll come back. Not necessarily out here but do it in the working conference room and we need to pass a resolution if we support this.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 8:30 PM to recess the meeting to discuss one additional item.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Mayor Kuzon reconvened the meeting at 11:25 PM.

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

WHEREAS the Amherst Town Board has agreed to the placement of 60,000 cubic yards of free fill on the Hopkins Road dump site, and

BAEHRE  
CONSERVATION  
AREA

WHEREAS the Village of Williamsville owns 12 acres that are part of the dump site and continues to use the property as a repository for biodegradable wastes, such as leaves and brush,

(Hopkins Road  
Dump)

Discussion

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees agrees to the selected placement of clean fill on Village property at the Hopkins Road dump in accordance with the following:

- (1) Fill shall come from no other area than the Sewage Treatment Plant Retention Basin without the prior consent of the Village Board.
- (2) The total amount of fill on the Village property shall be limited to the area outlined in red in the westerly most portion on the Baehre Swamp Conservation Area map dated May, 1983 and identified with the notation 72,000 cubic yards.
- (3) The Town of Amherst shall provide in perpetuity and at no cost to the Village an alternate site at the Town of Amherst Highway site for the Village of Williamsville's refuse.
- (4) Any dumping in areas other than those agreed to by the Village shall cause the immediate termination of the rights hereby extended to the Town.
- (5) The Village reserves the right to accept or reject any further activities on this property.

AND FURTHER BE IT RESOLVED that it is the present intention of the Village Board ultimately to convey this property to the Town in return for appropriate consideration.

Trustee Saia: I'd like a voice vote on this.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Law: We can discuss this now. I mean it's all right with the first few provisions that I had outlined and I just feel the whole intent of this thing has been perverted and changed when one says that you're going to ultimately sell. I think that would be proper at another time and so that's why I don't like that. The rest of the reservations, contingencies I don't find objectionable but this one here I just don't feel should be in this motion about disposing of the fill.

Hopkins Road  
Dump

Trustee Kibby: Is that a motion to amend?

Mr. Law: I'm just against it because...

Discussion  
(Continued)

Trustee Brenton: Well you can move to amend it. Maybe we would agree with you.

Trustee Law: Okay. I move that we strike out the last Whereas where it reads the -

Clerk: And further be it resolved?

Trustee Law: Yeah. That would be at the end.

Mayor Kuzon: All right. Is there a second on the question to amend and delete?

Trustee Saia: I'll second it because I disagree with that also.

Mayor Kuzon: Okay. So then on the question to delete that section?

Trustee Brenton: Could I have that section read?

Clerk: "AND FURTHER BE IT RESOLVED that it is the present intention of the Village Board ultimately to convey this property to the Town in return for appropriate consideration."

Trustee Saia: On that statement I honestly, as we have discussed I honestly believe that I'm not being asked with the letter from Mr. Kindel, Councilman, for selling the piece of property and I haven't spoke to my constituents on some of the stuff that really has happened right now about accepting any deal or money, although I approve of everything that was discussed here as far as accepting something in consideration but I feel that in this article, this Whereas, and another article that we might put the nuts and bolts thrown into the works for Mr. Kindel and I would like to see his project pursued in an expedient manner.

Trustee Kibby: All right. Can I debate this with you?

Trustee Saia: Sure.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Kibby: Isn't Trustee Law's motion to amend the article?

Mr. Troy: That's the motion really.

Trustee Saia: And I agree with him.

Trustee Kibby: And I think that I don't understand your opposition to this. I can see opposition to the whole thing except for the last one if you're in agreement with Mr. Kindel's, or Councilman Kindel's intention to have a park there.

Hopkins Road  
Dump

Trustee Saia: Yeah, I am.

Discussion (Con't)

Trustee Kibby: And you've also indicated that you don't like the idea of two people owning that park, that it really should be one person in control of that park.

Trustee Saia: I haven't got into that yet, Mike.

Trustee Kibby: Yeah, but I'm working on the supposition right now today that ultimately he wants to put a park there and if he wants to develop it into a circus well that changes presently. I mean we're not interested in that. It just seems to me that your position would support, not support this amendment because you (1) have always publicly and privately been an outspoken person for more parks in the Town and in the Village. This is what his intention is to have more parks. This is what, and even if you're not for the landfill per se that's where it's headed for with the landfill and so it would seem to me that you'd be very much in favor of this Board at this time considering - that's all it's doing - it's not saying it's going to sell it or give it away, just considering for the purposes of a park deeding this property to the Town. That's what I don't understand.

Trustee Saia: But, Mike, you see you've taken too many variables here. You're making a lot of assumptions about what's going to happen. Maybe - I don't know if they're going to make this into a park. All I know right now is that he wants a place to dump this fill and I know what he's going to do with the place. I've talked to Bill and I agree with him but I also agree with what you said about getting something in return for it. Don't get me wrong. I agree and I also agree with what everybody else says and maybe we should turn this thing over to them. I'm not in disagreement. What I'm in disagreement right now I think by this action that we are going to screw up, pardon me, goof up the November 28th deadline of which I'm not too really familiar with right now. But all I know is I got the letter and I did talk to him and it was imperative that if we didn't act on this and give them the opportunity to dump this fill on our property at this time that he would lose a golden opportunity for what's going to happen in the future. Now, I, as we discussed, I like this idea of conveying this property but I don't think we should tell them about it and I like the sentence but I am against having it in here now, at this time, to present to him tomorrow.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Kibby: Except that he doesn't have to act on it. It doesn't change any of the earlier things. All it...

Trustee Saia: No, it doesn't for Bill.

Hopkins Road  
Dump  
Discussion  
(Con't)

Trustee Kibby: It's for the future.

Trustee Saia: And I think Bill would recognize everything you've got in here but he is not sitting alone, just like we're not sitting alone, and it's gotta come up to a vote and just remember that part. There's going to be a lot of questions asked.

Trustee Kibby: You don't have to accept that.

Trustee Saia: And you know, there are some people on that Board that are anti this project, quite a few of them. So that's the only thing I worry about. But I agree in principle with what we're saying here. I'd have to agree 100%. But not at this time and this form so he can have it tomorrow. So I would be against that also. I second Larry's motion.

ON MOTION by Trustee Law, seconded by Trustee Saia, it was moved to delete the last paragraph of the resolution about the possibility of conveyance.

Mayor Kuzon: So on the question to take that out, I guess we need a roll call on this. A yes is to take out and a no is to leave it alone.

Vote on Roll Call: Trustee Brenton - I vote no to delete based on the fact that I feel for that particular item to be least objectionable to the Town of all the items that we have proposed here. So I would be inconsistent in voting to delete this item and allow the remaining items to continue.

Trustee Kibby - I vote no also. I agree with Larry Brenton and furthermore, it does not affect the, any of the stipulations that we have for their dumping on the property and it only serves - I think it only serves Councilman Kindel's interest in saying that the Village is not going to stalemate this, is not going to stonewall this by saying you don't have any access to the property. All we're saying to you is hey, here are our conditions for dumping and furthermore, if you want to continue to develop in the area of more parks we're willing to talk about maybe having some of our land to develop the park on. I think, and I don't mean to be offensive to my fellow Trustees, I think to vote yes on this is really illogical when you both say you want parks. I think if you want parks that's the thing you should want the most, that particular clause. So my vote's no.

Trustee Saia - On the amendment to delete I think I just said about 20 minutes worth. I vote yes.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Law - Yeah, I plan to vote yes. I made it, and I can't see the inference where if one votes yes on this amendment, one's against parks. That kind of...

Hopkins  
Road  
Dump

Trustee Saia: Well I think he's mentioned, he knows I'm not against it. I think he said - you think that by me voting to delete this that I would be voting - I'm against parks?

Discussion  
(Con't)

Trustee Kibby: I can't reconcile - I know you're not against parks. I can't reconcile how you can put the two together. That's all.

Trustee Saia: That's correct. I see your point, but I only feel that way because I think besides this another article in here, I think that would screw that up, and that's my only...

Trustee Law: I'm not necessarily against selling the piece of property at all. I just don't think it should be in this here. That should be separate.

Mayor Kuzon - I vote no.

Yes - 2; Noes - 3.

Motion to amend fails.

Mayor Kuzon: And on the original question we have a motion and a second to approve it as it was revised and printed on the agenda.

Trustee Saia: Well now I would like to make a motion to amend another article in here that I find personally that might again goof up the deal for Mr. Kindel and I know how we all feel, again I must stress this, I know how we all feel and I agree on what, basically what you're trying to do here. But I also feel that when this thing gets into the Town tomorrow I kind of feel it's going to goof up Mr. Kindel's chances. So I'm going to have to say that I would like to have this change and that is the Town of Amherst provide in perpetuity and at no cost to the Village at the Town of Amherst Highway site an alternate site for the Village of Williamsville refuse. I know what Mr. Sharpe's going to say. He's going to come ranting in here with this letter, go to Kuzon and say over my dead body. Now what do you want, what are you talking about?

Mayor Kuzon: What do I want?

Trustee Saia: So myself, personally, I, you know I liked what else is said in here.

Clerk: You want that part eliminated?

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Saia: And probably I've got to agree that there probably should be something else in here which reads that within 30 or 60 days that a meeting must be held in relation to this piece of property.

Hopkins Road  
Dump  
Discussion  
(Con't)

Mr. Troy: Let's stick to the first one.

Trustee Saia: Okay. I'm sorry.

Trustee Kibby: So you're moving that we strike...

Trustee Saia: I would like to strike that, or reword it some other way, Number 3.

Mayor Kuzon: Three. Okay. Is there a second to take out Number 3?

Trustee Law: Now that's the one, the total amount of fill on the property?

Trustee Kibby: No.

Trustee Saia: No. The Town of Amherst shall provide in perpetuity...

Clerk: "in perpetuity and at no cost to the Village an alternate site at the Town of Amherst Highway site for the Village of Williamsville's refuse."

Mayor Kuzon: Okay. So there's a motion to delete that. Is there a second?

Trustee Law: Yeah, I'll second it.

ON MOTION by Trustee Saia, seconded by Trustee Law, it was moved to delete Number 3 of the resolution.

Mayor Kuzon: Okay. I guess before we offer any amendments we should at least decide whether to take that out. So let's call the question on deleting that.

Trustee Law: Well isn't there - does anybody want to discuss this?

Mayor Kuzon: Yeah, okay.

Trustee Law: Now I was against all these contingencies, one or in the aggregate and I just think it's going to hurt Kindel's changes. You know, you have other people to convince also. That's why I wouldn't vote for it.

Mayor Kuzon: Anybody else on the question? Then let's call the roll.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Vote on Roll Call: Trustee Brenton - no  
Trustee Saia - yes  
Trustee Kibby - no  
Trustee Law - yes  
Mayor Kuzon - no

Hopkins  
Road Dump  
Discussion  
(Con't)

Yes - 2; Noes - 3.

The motion to delete Number 3 is defeated.

Mayor Kuzon: You can still offer an amendment though if you want to add another one to this thing.

Trustee Saia: Okay. But what I would like to do at this time I think is I would like to have the Clerk read the thing in its entirety so I make sure I got mine right.

Clerk: The changes that I got on here?

Trustee Saia: Can you read what you have there. We don't have that on tape do we? Can you read that as you have it? Okay. Thank you.

Clerk: "WHEREAS the Amherst Town Board has agreed to the placement of 60,000 cubic yards of free fill on the Hopkins Road dump site, and

WHEREAS the Village of Williamsville owns 12 acres that are part of the dump site and continues to use the property as a repository for biodegradable wastes, such as leaves and brush,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees agrees to the selected placement of clean fill on Village property at the Hopkins Road dump in accordance with the following:

1. Fill shall come from no other area than the Sewage Treatment Plant Retention Basin without the prior consent of the Village Board.
2. The total amount of fill on the Village property shall be limited to the area outlined in red in the westerly most portion on the Baehre Swamp Conservation Area map dated May, 1983 and identified with the notation of 72,000 cubic yards.
3. The Town of Amherst shall provide in perpetuity and at no cost to the Village an alternate site at the Town of Amherst Highway site for the Village of Williamsville's refuse.
4. Any dumping in areas other than those agreed to by the Village shall cause the immediate termination of the rights hereby extended to the Town.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

5. The Village reserves the right to accept or reject any further activities on this property.

AND FURTHER BE IT RESOLVED that it is the present intention of the Village Board ultimately to convey this property to the Town in return for appropriate consideration."

HOPKINS  
ROAD  
DUMP  
Discussion

Trustee Saia: Now I would like to add in the place of either 3 or the Whereas on the bottom that probably I'm going to word this real quick now but Whereas the Village Board - no, maybe it shouldn't be a Whereas, maybe it should just say the Village Board can't request it, but let's see - I want this Town to sit with this Village Board and whoever else they have to sit with to discuss the problems that we want the Village Board to address in this letter which is given us perpetuity for dumping our refuse and for, to convey the appropriate, for the appropriate consideration of this piece of property. I want the Village Board, or the Town Board to sit with us to discuss these. Now I don't want to put them in the letter, into the agreement with the Town Board, but I do want it so that they must sit down with us within 30 days or 60 days to discuss this. Period. And then I think all this other stuff should come out and I think, I honestly think a lot of good ideas came out of this. (Con't)

Trustee Kibby: All right, but you're not just saying that you want to add something. You want to replace number 3 and...

Trustee Saia: I want to replace one - I want to leave everything in there except...

Trustee Kibby: The perpetuity thing.

Trustee Saia: The perpetuity and the whereas on the bottom and add something that we have to meet with them within 30 or 60 days or whatever.

Mr. Troy: Well you've already been defeated though, Jimmy, on the...

Trustee Saia: I understand that.

Mr. Troy: So they have to stay.

Trustee Saia: I perfectly understand. There are a lot of things around here, you know I try to keep my cool a lot of times and I don't and you'll have to excuse me for it, but there are a lot of things over here that I would like to be expressed. Now somebody also mentioned on here the Village Board is looking to dispose of this property ultimately through proper negotiations. Well I'm kind of glad that was taken out of there because I'm not and I'm on this Village Board, and I'm not in agreement with that to put it in there. Yes, it was taken out, that number 1.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

But that's the way I feel about it. I'm sorry to say it. I do not like to see this thing goofed up. Yet I don't like to see the Village get messed up on some of these deals we're talking about because I still think they're good deals and I think we should sit down with this Board and tell them what we want and maybe we should have done it before. That's the problem.

Trustee Brenton: Maybe we should have and if the thing would have progressed in its normal state we probably would have, but we didn't have enough time to do it and it wasn't something that originated in our court.

HOPKINS ROAD  
DUMP  
Discussion  
(Con't)

Trustee Kibby: I agree.

Trustee Saia: Did you meet with somebody in the Town?

Trustee Brenton: I talked informally to Bill Kindel.

Trustee Saia: You met with somebody?

Trustee Kibby: Would you like to table this?

Trustee Saia: So did I informally too.

Trustee Kibby: Do you just want to table this so we can talk with them?

Trustee Saia: I don't think you can.

Trustee Kibby: Okay.

Trustee Saia: Look it, I'm outvoted. You know I saw the handwriting on the wall. I'm not that stupid.

Trustee Brenton: He can still do what he wanted. He can dump. What do you mean? It's not like he lost.

Trustee Saia: I stated my conditions. You've got yours. You voted for it. I voted against them and Larry did too and I mean that's about all you can do, Mike. That's the democratic way.

Mr. Troy: Is there a motion?

Trustee Saia: I made my motion. I'd like to see another article except those two and I put that up for a motion.

Clerk: I don't have a motion. All I got is...

Trustee Law: You have to amend the motion.

Trustee Saia: I would like to amend the motion, after, if we remove those two which we didn't I would have liked to see a, some kind of meeting held and maybe you'll still want to put it in there. Some kind of meeting held within 30 or 60 days or whatever with the Town Board.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

Trustee Kibby: Why doesn't the Mayor simply say in his cover letter that accompanies this motion that the Village Board, or representatives of the Village Board would be delighted to discuss this in great detail with representatives of the Town Board. I agree with Jimmy. I mean I don't agree with his substitution. I don't think it needs to be in here, but I do think it should be conveyed in writing and I think the cover letter that goes with it is the appropriate place for it.

Mayor Kuzon: Okay. No problem.

Trustee Kibby: Is that okay?

Trustee Saia: Well it helps, yeah. I think, you know I still think we should get together with these people.

Trustee Kibby: I agree.

Trustee Saia: They're not going to agree with what we can do and what they can't do and what we want them to do and we're not sitting down with them.

Trustee Kibby: Jimmy, I wish all seven had been here tonight along with their attorney because it is important. I think it's important.

Mr. Troy: Well does that satisfy Jim in lieu of a motion?

Trustee Saia: Are you talking about that last motion I made, the cover letter so that we can get together? Yeah, I think so.

Mr. Troy: Let's go back then to the original motion.

Clerk: How about number 3, changing the wording there so it would read: "The Town of Amherst shall provide in perpetuity and at no cost to the Village an alternate site for the Village of Williamsville's refuse at the Town of Amherst Highway site." It seems to read better, instead of the original.

Mr. Troy: Sure.

Mayor Kuzon: Highway Department, or highway site?

Clerk: Highway Department.

Mayor Kuzon: Okay. So on the original motion -

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

WHEREAS the Amherst Town Board has agreed to the placement of 60,000 cubic yards of free fill on the Hopkins Road dump site, and

AUTHORIZATION

WHEREAS the Village of Williamsville owns 12 acres that are part of the dump site and continues to use the property as a repository for biodegradable wastes, such as leaves and brush,

(With Restrictions)

for Town of Amherst

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees agrees to the selected placement of clean fill on Village property at the Hopkins Road dump in accordance with the following:

to deposit fill on Village portion of Hopkins Road Dump

1. Fill shall come from no other area than the Sewage Treatment Plant Retention Basin without the prior consent of the Village Board.
2. The total amount of fill on the Village property shall be limited to the area outlined in red in the westerly most portion on the Baehre Swamp Conservation Area map dated May, 1983 and identified with the notation of 72,000 cubic yards.
3. The Town of Amherst shall provide in perpetuity and at no cost to the Village an alternate site for the Village of Williamsville's refuse at the Town of Amherst Highway Department.
4. Any dumping in areas other than those agreed to by the Village shall cause the immediate termination of the rights hereby extended to the Town.
5. The Village reserves the right to accept or reject any further activities on this property.

AND FURTHER BE IT RESOLVED that it is the present intention of the Village Board ultimately to convey this property to the Town in return for appropriate consideration.

Vote on Roll Call: Trustee Law - no  
Trustee Brenton - yes  
Trustee Kibby - yes  
Trustee Saia - no  
Mayor Kuzon - This is a strange situation

because I walked in here tonight and I thought that I would vote against allowing the Town to place, you know, the fill on the Village property and it seems that things have reversed here and that a no vote here actually prohibits them from placing the fill on it and a yes vote does allow them to do that, and as I said, I

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 28, 1983 at 7:37 PM

walked in here this evening thinking I was not in favor of this and that I would probably vote against it, but I guess it's ironic that I'm going to vote yes with the contingencies. So the motion carries 3 to 2.

Vote on Roll Call: Yes - 3; Noes - 2.

Carried.

Mayor Kuzon: Is there a motion to adjourn?

ON MOTION by Trustee Brenton, seconded by Trustee Saia, the meeting was adjourned at 11:47 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer