

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, January 9, 1984 at 7:35 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence 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 7:35 PM.

Mayor Kuzon: We will begin with a moment of silence in memory of our former Department of Public Works Superintendent Arthur "Tip" Wolf, who passed away December 30th and I'd like to begin with a moment of silence in memory of Art.

Next on our agenda is the approval of minutes.

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

Unanimously carried.

Mayor Kuzon: Moving next to my report and resolutions I have one item to report and that is that cheese, honey, cornmeal and dry milk will be given away to Village and Town residents this Thursday between 9:00 AM and 5:00 PM here in the Town Hall. There are regulations and restrictions regarding the recipients of this food and I would ask that if you know of anyone who would be interested, or if you have questions regarding the regulations that you call the Town Supervisor's Office and that office will be able to answer your questions.

Food Giveaway

I have a number of resolutions this evening. The first one is for vouchers in the amount of \$27,334.52. These vouchers cover the period from the time of our last meeting, December 13th, to the end of December, December 26th.

ON MOTION by Mayor Kuzon, seconded by Trustee Law, vouchers in the sum of \$27,334.52 were approved as follows:

Payroll Fund	W/E 12/16/83	\$ 5,134.16
	W/E 12/23/83	<u>5,767.35</u>
Total Payroll Fund		\$10,901.51

(Continued on Next Page)

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Payroll Fund (from preceding page)		\$10,901.51
General Fund	Abstract #551	9,089.30
Sewer & Water Fund	Abstract #132	6,374.04
Trust & Agency Fund	Abstract #171	30.00
Glen Park Jt Activities	Abstract #71	378.52
Federal Revenue Sharing	Abstract #150	326.40
Community Development	Abstract #80	<u>234.75</u>
Total Vouchers		\$27,334.52

Unanimously carried.

The second set of vouchers, which cover the period from December 27th up until this evening's meeting, are in the amount of \$40,970.01.

ON MOTION by Mayor Kuzon, seconded by Trustee Law, vouchers in the sum of \$40,970.01 were approved as follows:

Payroll Fund	W/E 12/30/83	\$ 9,289.89
	W/E 1/9/84	<u>5,721.81</u>
Total Payroll Fund		\$15,011.70
General Fund	Abstract #552	22,588.35
Sewer & Water Fund	Abstract #133	2,292.77
Trust & Agency Fund	Abstract #172	899.54
Glen Park Jt Activities	Abstract #72	<u>177.65</u>
Total Vouchers		\$40,970.01

Unanimously carried.

My third resolution this evening appoints a part-time clerk in the Village Clerk's Office. This person will be paid at the rate of \$3.75 an hour and will work for 12 hours a week for approximately four hours three days a week, Mondays, Wednesdays, and Fridays. I would add that we advertised in the local paper. Twenty-nine people applied for the job, three lived in the Village. The three that lived in the Village were interviewed and the person we are appointing this evening is a Village resident. It reads:

APX

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

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RESOLVED that Virginia Wullen, 237 Monroe Drive, is hereby appointed Clerk-Typist P.T. in the Village Clerk's Office effective January 11, 1984 at a rate of \$3.75 per hour.

APPOINTMENT
Clerk-Typist P/T

Unanimously carried.

My final resolution appoints the Co-Chairmen of our 1984 Old Home Day Committee and once again I'm pleased to announce that George Measer and Jean Gaulin have volunteered for this activity and this evening I'd like to appoint them Co-Chairmen for the 1984 event. It reads:

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

RESOLVED that George Measer and Jean Gaulin are hereby designated Co-Chairmen of the 1984 Old Home Day Committee.

OLD HOME DAYS
Co-Chairmen
appointed

Mayor Kuzon: Does anybody want a roll call? If not, on the question?

Unanimously carried.

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

Trustee Brenton: Thank you. For my report tonight I would report that Consolidated Rail Corporation is preparing a legal description of the property which we have indicated we want to purchase. There will be more on that, in that regard through my resolutions. However, we do need the legal description and I have received notification from the corporation that that will be following shortly.

Our sewer rehab situation in regards to the Phase 2 and Phase 3 of the rehab of our sanitary sewers, our engineering firm, URS, has sent a letter requesting action on this from the Department of Environmental Conservation. The Department of Environmental Conservation has been somewhat slow regarding approval of our Phase 2 and Phase 3 program. We had hoped that we would have this program ready to go to bid this winter when the bidding conditions are more favorable, because of the nature of the construction work usually you can get lower bids and unfortunately we have not received final approval on this, although all the requests and conditions that the Department of Environmental Conservation had requested of us through our engineering firm, URS, have been met. So that any further delay on the part of DEC I'm afraid will have to result in the Village looking for some support from our elected representatives in the Senate and the Assembly to further speed this to a hasty conclusion because it's been going on for a long time through no fault of ours, or our engineering firm.

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Regarding the fire hall situation, of which I'm sure you're all aware, we have progressed on that to the point we are satisfied we can accommodate the proposed truck bays on the property adjacent, west of the courthouse, adjacent to the courthouse, and it will be the intention here to begin negotiations with the Town of Amherst to acquire that property and I believe that the Town Attorney has developed all of the inputs as far as the Village is concerned and those inputs, by that I mean fiscal inputs over the last several years maybe several decades, at least two decades, appear to be actual and factual and I see no problem with the, those negotiations coming to an amicable conclusion.

I noticed over the Christmas holidays, the legal holiday after Christmas Day, our garbage and trash was picked up by our contractor that does that work, which is now called Browning Ferris Industries, and then confusingly the following holiday, that would be New Year's Day, the legal holiday, it was not. Of course, there was no great problem outside of the fact that the trash was left out for a day longer than it should have been regarding the New Year's situation but many people were caught unaware at Christmas. This prompted me to send a letter to Browning Ferris Industries and return receipt requested, and I have received a reply from them and they have identified what legal holidays they will be observing in the future and we have a list of those holidays. I really don't think it's necessary to relate them now. However, we will be sending those out with the tax bills and prior to the holidays it would be the intention of this Board to rely on the Village Clerk to make some kind of a notice in the local news media as to whether or not the garbage and trash will be picked up and certainly, I certainly have to feel that Browning Ferris did not in any way comply with the conditions of our contract with them and I so implied that in my letter to them so I think we've got that straightened out.

We have received a request for lighting on Pine Acres Court and at this stage of the game we haven't determined exactly what aspect we're going to take regarding that. Well apparently I'm mistaken on that. We started at 5:00 PM this afternoon, on our work session, and it appears that I either was not aware of the fact that Trustee Law has a resolution on that so that Trustee Law will be handling that later on as to the Pine Acres Court situation.

That concludes my report and I'll move to my resolutions. The first resolution deals with the acquisition of the new 1500 gallon per minute fire department pumper. The bids have been received, and I must say that I'm incorrect in saying bids because we only received one response to our request for bids, so that it is a bid has been received and it is the opinion of the attorney that all conditions have been met. It is to the satisfaction of the fire department that this firm is the successful bidder in their eyes as to the equipment that is being provided through this award, and I'll read the resolution.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for one 1500 GPM Triple Combination Class A Custom Pumping Engine complete, and

CONTRACT AWARDED
1500 GPM Pumper for Fire Co.

WHEREAS William Shoemaker Associates, Inc. submitted their low bid meeting specifications,

NOW, THEREFORE, BE IT RESOLVED that William Shoemaker Associates, Inc. be awarded the contract for the purchase of the pumping engine at their low bid of \$130,487.00.

Mayor Kuzon: I'm going to ask for a roll call. I think on any amount of money this substantial it's important that we all go on record indicating our support on it.

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

Yes - 5; Noes - 0.

Unanimously carried.

Trustee Brenton: Resolution No. 2 has been removed from the agenda that you have and that we have also. Through our work session, which I said began at 5:00 PM this afternoon, it was determined that we did not need Resolution No. 2 and, therefore, that will not be presented tonight. Resolution No. 3, therefore, becomes No. 2 and I don't want to confuse you any more by numbering them. I'll just go on with my resolutions.

Resolution No. 3 deals with the acquisition of the property that the Consolidated Rail abandoned, which is the subject of many discussions of this Board's meetings and many discussions through our work sessions, and simply this resolution only allows the Village Clerk to obtain the necessary funding, or put in motion the obtaining of the necessary funding to purchase this property. It does not mean that we will purchase the property. However, we will be prepared to purchase the property fiscally through this resolution. It reads as follows:

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

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RESOLVED that a bond resolution in the amount of \$85,000, authorizing the issuance of \$80,750 in serial bonds and \$4,250 of capital notes, for purchase of Conrail property is hereby adopted.

BOND RESOLUTION
AUTHORIZED

\$85,000 for purchase
of Conrail property

Mayor Kuzon: Once again I'm going to request a roll call.

Vote on Roll Call: Trustee Kibby - Yes
Trustee Law - Yes
Trustee Saia - Yes
Trustee Brenton - Yes
Mayor Kuzon - I'm going to vote yes on that

but I'll add an explanation when we get to Trustee Brenton's fourth resolution and I think it will be more clear at that time to everyone in the audience.

Yes - 5; Noes - 0.

Unanimously carried.

Trustee Brenton: My next resolution deals with the publishing of the notice to go about this as far as its concerned, the bonding that is, and simply authorizes the Clerk to publish this, which is a legal requirement, and it reads as follows:

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

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

AUTHORIZATION

Clerk to
publish above
\$85,000 bond
resolution

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

Section 2. After said bond resolution shall have taken effect, the Village Clerk is hereby directed to cause said bond resolution to be

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published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated as the official newspaper for such publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law of the State of New York.

Section 3. Form of resolution to be published.

This resolution takes effect immediately.

Trustee Saia: On the question, can we change Section 3 to read Section 2 because we did change the section. Where it says set forth in Section 3 hereof. It will now be Section 2.

Mayor Kuzon: That's within this resolution. It refers to Section 3 down here, the form of the resolution to be published. It's not referring to the previous resolution.

Trustee Saia: Okay. Sorry.

Unanimously carried.

Trustee Brenton: Resolution No. 4 further deals with the acquisition of the Consolidated Rail property and it has been decided by the Board of Trustees due to the fact that there could be some controversy regarding our action to purchase or not to purchase this property, that this resolution would be appropriate. I have to say, and speak for myself, that I do feel that in some ways I am not fulfilling my duties as I was elected to do. In other words, I could simply not have this special resolution. What the resolution is going to do is place this item on the ballot at our March election so that the people will be allowed to speak regarding this and cast their ballot. I really question whether that was the purpose of my election. However, I do feel that this is the most democratic way to go and not in my own mind casting off my responsibilities as a Trustee regarding the subject,, but I really do believe that with a situation of this magnitude regarding the actual purchase, not the fiscal magnitude - I don't think it's that great - but I think that regarding the general magnitude of the situation the people should speak and in this instance then I would do this resolution, defer to the people's opinion. Now I would also say that I would have personal misgivings as to the use of the land if it is acquired, but that can be addressed at a later date. Now the resolution is rather lengthy and I really don't believe that the public was provided a copy of it so I will read it and I will read it slowly so that there is an opportunity to digest it.

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

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RESOLVED that the proposition described in the Notice of Referendum hereinafter set forth be submitted for approval or disapproval to the qualified electors of the Village of Williamsville at the Annual Election of the Village of Williamsville, to be held on March 20th, 1984, between the hours of 12:00 Noon and 9 o'clock p.m.; and it is

CONRAIL
BOND

RESOLUTION

FURTHER RESOLVED that the proposition as stated in the Notice of Referendum below, shall be printed in full form upon the ballot or ballot-label to be used in voting at the election, and that the proper officers of the Village of Williamsville be and they hereby are authorized to take any and all action that may be necessary or proper in order to lawfully submit the proposition at the election to the qualified voters of the Village; and it is

FURTHER RESOLVED that the Village Clerk be and hereby is authorized to cause notice of said referendum to be published together with the regular notice of election required by Section 15-104(3)(B) of the Election Law, and it is

Place bond
resolution on
March 20th
Election
as

FURTHER RESOLVED that the Notice of Referendum shall be in substantially the following form:

Referendum

NOTICE IS HEREBY GIVEN that at the Annual Village Election of the Village of Williamsville to be held on March 20th, 1984 between the hours of Noon and 9 o'clock p.m., the following proposition will be submitted to the electors of the Village qualified to vote upon the proposition, as follows:

SHALL THERE BE APPROVED AND ADOPTED IN THE VILLAGE OF WILLIAMSVILLE, NEW YORK, A BOND AND CAPITAL NOTE RESOLUTION ADOPTED BY THE VILLAGE ON JANUARY 9, 1984, authorizing the acquisition of approximately nine (9) acres of land, for general Village purposes, within said Village, stating the estimated cost thereof to be \$85,000.00,

FURTHER RESOLVED that the Village Clerk be authorized and directed to do all things necessary to have said proposition ready for presentation to the qualified voters of the Village at said election.

Mayor Kuzon: Also I'd like a roll call on this, please.

EXTRACT OF MINUTES

Meeting of the Board of Trustees of the Village
of Williamsville, in the County of Erie, New York

January 9, 1984

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A regular meeting of the Board of Trustees of the
Village of Williamsville, in the County of Erie, New York, was
held at Village Hall, 5583 Main Street, Williamsville, New York,
on January 9, 1984, at 7:35 o'clock P.M. (E.S.T.).

There were present: Hon. Gordon J. Kuzon, Mayor

and Trustees:

Lawrence R. Brenton
Michael W. Kibby
Lawrence Law
V. James Saia

There were absent:

None

Also present:

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney

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Trustee Brenton offered the following resolution
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE
VILLAGE OF WILLIAMSVILLE, NEW YORK, ADOPTED
JANUARY 9, 1984, AUTHORIZING THE ACQUISITION
OF APPROXIMATELY 9 ACRES OF LAND, FOR GENERAL
VILLAGE PURPOSES, WITHIN SAID VILLAGE, STATING
THE ESTIMATED MAXIMUM COST THEREOF IS \$85,000,
APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$4,250 CAPITAL
NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT,
AND \$80,750 SERIAL BONDS OF SAID VILLAGE TO
FINANCE THE BALANCE SAID APPROPRIATION.

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

Section 1. The Village of Williamsville, in the County
of Erie, New York (herein called "Village"), is hereby authorized
to acquire approximately 9 acres of former Conrail Railroad
property, for general Village purposes, within the Village. The
estimated maximum cost of said specific object or purpose,
including preliminary costs and costs incidental thereto and the
financing thereof, is \$85,000 and said amount is hereby
appropriated therefor. The plan of financing includes the
issuance of \$4,250 current funds to provide the required down
payment and \$80,750 serial bonds of the Village to finance the
balance of said appropriation, and the levy and collection of

taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes in the amount of \$4,250 to provide the required down payment and serial bonds of the Village in the principal amount of \$80,750 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$80,750 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such capital notes in the amount of \$4,250 will be provided from the proceeds of the \$4,250 capital notes herein authorized and the Village Treasurer is hereby authorized and directed to set aside the proceeds of the sale of said capital notes and to apply same solely to said specific object or purpose herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the notes and bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the

renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

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

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. A proposition for the approval or disapproval of this resolution shall be submitted to the qualified voters of the Village at the Annual Village Election to be held on March 20, 1984, and this resolution shall take effect upon approval of the Proposition by said voters at that referendum vote.

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

AYES: 5

NOES: 0

The resolution was declared adopted.

Trustee Brenton offered the following resolution and
moved its adoption:

RESOLUTION OF THE VILLAGE OF WILLIAMSVILLE, NEW YORK,
ADOPTED JANUARY 9, 1984, PROVIDING FOR SUBMISSION OF A
PROPOSITION AT THE ANNUAL VILLAGE ELECTION TO BE HELD ON
MARCH 20, 1984, TO APPROVE OR DISAPPROVE THE BOND
RESOLUTION HERETOFORE ADOPTED ON JANUARY 9, 1984.

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

Section 1. The Village Clerk is hereby authorized and directed to include in the Notice of Annual Village Election to be held on March 20, 1984, notice that the Board of Trustees will submit at the said Annual Village Election for the approval by the affirmative vote of a majority of the qualified electors of said Village voting hereon, the Proposition therein set forth.

Section 2. At the said Annual Village Election, the vote upon said Proposition shall be by voting machine pursuant to the provisions of the Village Law and the only persons qualified to vote upon the said Proposition shall be persons who are qualified to vote at a Village election according to law.

Section 3. Said notice of submission of the Proposition to be included in the Notice of Annual Village Election shall be in substantially the following form:

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the resolution adopted by the Board of Trustees on January 9, 1984, there will be submitted for the approval or disapproval of the qualified voters of the Village at said Annual Village Election, the following Proposition:

PROPOSITION

SHALL the Bond and Capital Note Resolution entitled: "Bond and Capital Note Resolution of the Village of Williamsville, New York, adopted January 9, 1984, authorizing the acquisition of approximately 9 acres of land, for general village purposes, within said Village, stating the estimated maximum cost thereof is \$85,000, appropriating said amount therefor, and authorizing the issuance of \$4,250 capital notes to provide the required down payment, and \$80,750 serial bonds of said Village to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING the acquisition of approximately 9 acres of former Conrail Railroad property, for general Village purposes, within said Village; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$85,000; APPROPRIATING said amount therefor; STATING the plan of financing is the issuance of \$4,250 current funds to provide the required down payment, and \$80,750 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$4,250 capital notes to provide the required down payment and \$80,750 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is thirty (30) years; that capital notes are required by the Law and will be provided from the proceeds of the \$4,250 capital notes herein authorized; and DIRECTING the Village Treasurer to set aside the proceeds of the sale of said capital notes and apply the same solely to the said specific object or purpose;

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

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said notes and bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that a proposition for the approval or disapproval of this resolution shall be submitted to the qualified voters of the Village at the Annual Village Election, and this resolution shall take effect upon approval of the Proposition by said voters at that referendum vote.

DATED: January 9, 1984

Theresa L. Cummins
Village Clerk

Section 7. This resolution shall take effect immediately.

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

AYES: 5

NOES: 0

The resolution was declared unanimously adopted.

General - No Veto

12/1/69 (3M)

CERTIFICATE

I, THERESA L. CUMMINS, Village Clerk of the Village of
Williamsville, in the County of Erie, State of New York, HEREBY
CERTIFY that the foregoing annexed extract from the minutes of a
meeting of the Board of Trustees of said Village of Williamsville
duly called and held on January 9, 1984, has been compared by me
with the original minutes as officially recorded in my office in
the Minute Book of said Board of Trustees and is a true, complete
and correct copy thereof and of the whole of said original
minutes so far as the same relate to the subject matters referred
to in said extract.

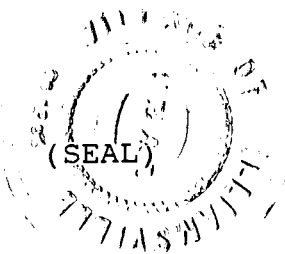
IN WITNESS WHEREOF, I have hereunto set my hand and

affixed the corporate seal of said

Village of Williamsville this 23rd

day of April, 1984.

Theresa L. Cummins
Village Clerk



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Vote on Roll Call: Trustee Kibby - Yes
Trustee Saia - I've got a few comments to make on it. When this was first presented tonight I was against it for a couple of reasons. One reason is I think we're setting a precedent in authorizing a referendum and agreeing to it at this time. The second thing is that I've always thought that we should have informational meetings to inform the public of what it is we were trying to do, or what we're trying to get done in the Village so that it would not cause any friction between the yeses and the noes in the Village. The people that want it and the people that don't want it. The people that would want it would have a reason to want it. The people that don't want it would have a reason not to want it. All we're doing here is saying to the people go to the polls and spend \$85,000 or not spend \$85,000. That's about all we're doing here with this referendum, with this notice of referendum. Now thinking on the plus side because the time is short and we will not give anybody a reason, or if you wanted to have a permissive referendum it would cost the Village quite a bit of money to hold it after the election because I don't think you'd have enough time to do it before the election. So the cost that was involved there was, has some bearing on my vote on this. Also, I would like the Mayor to start a committee almost immediately of the residents of this Village to come up with some suggestions or recommendations to the Board how to use this property in the immediate future, possibly before the March election. And with that said I vote yes on this.

CONRAIL
BOND

Trustee Law - Yes
Trustee Brenton - Yes
Mayor Kuzon - Before I vote I'd like to make

RESOLUTION

a couple of comments. First of all, I hope that all of you see that this resolution is certainly the keystone to the other resolutions that Trustee Brenton has passed this evening. To my mind they are required by law and they're procedural and in supporting them I'm supporting the procedure to go to a bond resolution and referendum and, of course, I support the resolution before us this evening that calls for a public referendum on this. I have no qualms about that. In fact, I feel that this is the only way to go. We're looking at an expenditure of \$85,000 which to my mind is basically an optional expenditure. It's a luxury. And I think it's only right that the Village residents, the voters, have an opportunity to vote and to tell the Board whether they would like to see their tax rate affected by some \$.25 to \$.50 over the next 40 years for the purpose of purchasing the property. I think it's also a proper move in the sense that this will give the community an opportunity to air the different positions on the use of this property and I feel confident that this is the proper way to go, in fact I think it's the only way in which I can support the purchase of this property if the public has had the opportunity to affirm or disapprove the total concept. So I would vote yes.

Yes - 5; Noes - 0.

Unanimously carried.

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Mayor Kuzon: Anything else?

Trustee Brenton: That's all. Thank you.

Mayor Kuzon: Okay. Next is Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. I have one thing in my report this evening. After numerous phone calls, polite letters and some other kinds of letters, we finally received the plans last Friday - Mr. Weller's going to be glad to hear this - for the renovations of the upstairs of the Meeting House. So I'll be getting together with the Historical Society and the D.P.W. head and others shortly to get that underway. I got those plans last Thursday or Friday. That's the end of my report.

Mayor Kuzon: Thank you.

Trustee Saia: Mr. Kibby, can I talk to you with Gert Weller on that plan from the architect before the weekend? There might be something cooking.

Trustee Kibby: Sure.

Trustee Saia: Gert?

Mr. Weller: Sure.

Mayor Kuzon: Next is Trustee Law.

Trustee Law: I'd like to report that I went to the swim class as liaison to the Senior Citizens, in that capacity I went over to the swimming. Another activity I went to was the exercise program and I joined in. Maybe it was more than a fellow my age should have been doing, I don't know, but I did it anyway.

I have one resolution and that deals with the light to be installed on Pine Acres. Awhile back the survey was made that this light was needed, the request was made. So I'd like to move the following:

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

AUTHORIZATION

RESOLVED that Niagara Mohawk Power Corporation is hereby authorized to install one light on Pine Acres Court.

Niagara Mohawk
install light
on Pine Acres Ct.

Unanimously carried.

Thank you.

Mayor Kuzon: Thank you. Next is Trustee Saia.

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Trustee Saia: For my report tonight, first of all I'd like to state that this coming Sunday at Glen Park the Williamsville Youth and Recreation Board will have their Second Annual Winterfest, and all the residents here are invited to do some cross-country skiing, join us in a cup of hot chocolate, and maybe a doughnut. If you don't ski we hope to have the ice skating pond, in fact after looking at it today I think we will have ice skating in the very near future before the Winterfest and if anybody wants to use it just go down and enjoy yourself. It's kind of tough in the evening. There is some light down there. If you'd like to go down there and use it we put a lot of effort in that down there. You're welcome to use it. I know that a newspaper reporter here uses it on her lunch break and maybe I'll even try it. But don't forget - January 15th. It runs from 11:00 AM to 4:00 PM weather permitting and it looks like we're going to have some good weather and you could meet your neighbors and some friends down there. Everybody's welcome.

The other thing is I hope that the two frugal fellows are here. The article in the paper said something about building some toilet facilities at the Glen Park nature building instead of that being a costly empty shell. On that part of the article thank you. I think that after our last Glen Park Joint meeting - By the way, Glen Park is owned jointly by the Village and the Town. The Village really has nothing to do with Glen Park as a sole unit. We are in it jointly with the Town of Amherst, and at the last Glen Park Joint meeting one of our members stated that they would like to see toilets put in there. Now I've been trying for a year and a half to get them in there and have been turned down for a year and a half. It looks like in the next year there are going to be toilets in the nature building down at Glen Park. So to the two frugal fellows you won't have to sit on those cold, cold outdoor toilets too long.

The other thing is I'd like to make an apology to the people that called me over that storm and the conditions of the streets. All I have to say is it's not going to happen again. If I have to get out there with my own shovel and shovel your streets you're not going to get the same conditions that you had over this last weekend. We've got better equipment now, we're in the process of getting better equipment and I want to say that I didn't resent your phone calls. If you have a problem and I'm home I'll be glad to listen to you. I know that some of you people out there called me and don't hesitate to call me if you have a problem. I think you had a problem that day and I'll be glad to hear your gripes and try to do something about it and thank you for calling me. Thank you.

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

Mr. Boudreau: I have no report this evening.

Mayor Kuzon: Thank you.

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

Unanimously carried.

CONRAIL
PURCHASE
DISCUSSION

Mayor Kuzon: We ask that you state your name and address for our minutes, please. Mr. Gallagher.

Richard Gallagher, 38 Chalmers St.: Gordon, I have some questions related to Conrail that - One - How binding will the vote be? In other words, if people say purchase that property or not purchase it, how binding is it?

Mayor Kuzon: Okay. Tom can answer that I think best in a legal way.

Mr. Troy: Yes. You must bear in mind that the vote is not purchase the property or not purchase the property. That does not require a referendum. The vote is will the taxpayers support increased taxation in an effort to pay the cost, or defray the cost of the acquisition of this land. That's the only question on this referendum and that if the taxpayers say no, the voters say no, we will not be taxed for this, period, that's the end of it because the Village has no other means to purchase it unless somebody wants to make a gift.

Mr. Gallagher: Is that essentially how it's going to be worded on the ballot?

Mr. Troy: It will be worded on the ballot exactly, or as close as possible, as I think it was read here tonight.

Mayor Kuzon: Yes. It says - "Shall there be approved and adopted in the Village of Williamsville, New York, a bond and capital note resolution adopted by the Village on January 9, 1984, authorizing the acquisition of approximately nine (9) acres of land, for general Village purposes, within said Village, stating the estimated maximum cost thereof to be \$85,000." And that will be the resolution that will be on the ballot. Right, Tom?

Mr. Troy: That's right. You must remember we would have no right to submit to a referendum the question of whether the land should be purchased or not. That's a matter for the Trustees to decide, and such a referendum would not only be improper it would be illegal.

Mayor Kuzon: But, excuse me, I think the bottom line of this is that if the bond resolution is defeated at the polls well then obviously the Village doesn't have the funds to buy the property so a defeat of the resolution to my mind is a defeat of purchasing the property.

Mr. Gallagher: The resolution will do other things. Say the Howard St., or Howard St. water repair. It's \$40,000. That was a resolution that was approved. Right?

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Mayor Kuzon: Right.

Mr. Gallagher: And you could spend that money over 40 years. What's the difference between that and this?

Mayor Kuzon: There's none to tell you the truth. Well there is and there isn't. But there's none in the sense that the Board has the option I believe - correct me, Tom, if I'm mistaken - the Board has the option on any expenditure of money that involves bonding to put it to a referendum. But in many cases we don't.

CONRAIL
DISCUSSION

Mr. Gallagher: But then if we say no, we don't accept it, then (Con't) therefore, you cannot put that into a bond resolution.

Mayor Kuzon: That's right. The Village does not have the money to fund a bond to buy the property.

Mr. Gallagher: How much is the land currently assessed for?

Trustee Brenton: Ballpark...

Mr. Gallagher: Specifically. Not ballpark.

Trustee Brenton: I'm sorry. I don't have those records available at my fingertips. The Clerk may have it in her memory but specifically I can't answer that.

Mr. Gallagher: How much does Conrail pay for taxes to the Village specifically.

Mayor Kuzon: Both of those answers can be gotten from our assessment rolls.

Mr. Gallagher: What is the length of Conrail's lease with International Chimney? Is it five years remaining?

Mayor Kuzon: There's five years remaining on that lease. That's correct.

Mr. Gallagher: If the Village did purchase that property do we then get stuck with that lease, the terms of that lease?

Mayor Kuzon: Tom, would you answer that?

Mr. Troy: Well, I don't know what you mean by being stuck. You mean will we be expected to honor that lease? There are alternatives to that, Dick. We can until that area's developed. I suppose that were it developed in five years the lease would have expired and that would be the end of it. The Village would have received the income from it and would have applied it I suppose to development of the area or the purchase price. The other alternative is if the Village felt it in its immediate and necessary interest to begin condemnation proceedings.

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You can condemn personal property as well as real property and it would involve probably getting the Village increased and additional expenses because the lease, or the condemnation would require the payment of funds to the persons who have equitable interest in that lease. There's a third alternative which is to work out an arrangement with the people who are presently parties to the lease and make accommodations with them which would be the more equitable alternative.

Mr. Gallagher: What is the rental income that Conrail receives from the three companies?

CONRAIL
DISCUSSION
(Con't)

Clerk: \$3,400 a year.

Mr. Gallagher: Total?

Clerk: Yes.

Mr. Gallagher: Who owns the depot? Does Conrail own it or does International Chimney?

Mayor Kuzon: International Chimney.

Mr. Gallagher: Then if International Chimney owns the depot and that is something this Historical Society I understand is interested in as one of our landmarks, if we buy that property we would not be buying the depot. Is that right?

Mayor Kuzon: That's right.

Trustee Saia: Dick, may I say something here? This has come up. I have some reservations whether - I feel that's a historical part of this Village. That's my feeling on it, my gut feeling, and I really have some reservations whether International Chimney really in fact owns it. Now the lawyers that own International Chimney I'm sure would be most happy to keep this thing as a historical Village monument. In fact, I think they live in the Village. I think we can work something out with International Chimney, that's what I'm trying to say.

Mr. Gallagher: Are you also saying that you're not sure?

Trustee Saia: I'm not sure of what?

Mr. Gallagher: That International Chimney owns the depot.

Trustee Saia: No. I'm sure they do. I've been told that they do. I've been told that International Chimney owns the depot.

Mr. Gallagher: Has anyone seen a document?

Mr. Troy: It wouldn't be required, Dick. A bill of sale would probably be adequate as long as they weren't selling the ground underneath it. So that's a private matter. Those types of documents, or that type of document would not necessarily be recorded.

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Mr. Gallagher: And yet we're attempting to buy property, according to this resolution, from Conrail, a piece of that would be International Chimney's.

Mr. Troy: We inquired of Conrail and they specifically exclude the depot. They indicated the depot was not part of the contract. It had previously been disposed of. So I suppose the answer would be that the present owners if we bought the land would have to remove the depot, or sell it to the Village, or to whomever else was interested. The land would belong to the Village and they would have to get it off Village property.

Mr. Gallagher: Or they could possibly retain it. There's nothing binding on them to sell the depot.

CONRAIL
DISCUSSION
(Con't)

Trustee Brenton: Well we would own the property and after five years it would have to be moved. I would like to comment on that before you leave it, Dick, and that is that I have asked Chairman Weller of our Historical Society to contact Mr. Lohr, Sr. or Jr. - I believe I recognize Mr. Lohr, Jr. in the audience here tonight - and to perhaps start negotiations in the event we do in fact acquire the property, to some way preserve that building for the future and so that I don't know if Chairman Weller has been able to initiate that action but it might be premature, but nonetheless, I think that things of that nature should be started early enough so that we're not caught surprised when we do come to a point where we may or may not purchase the property.

Mr. Gallagher: Just a last thing, which is in Gordon's presentation of the '83-'84 budget he indicated, and I quote - "The changing economy and soaring costs have increased the responsibility of Village officials to demonstrate resourcefulness in addressing the economic realities we all face. The government must provide essential services in the best, most efficient and cost effective manner." In that '83-'84 budget from what I understand, this Village Board adopted a tight budget that took most of the fat, or all of the fat out of it, consolidated positions and at the same time in doing that the tax rate went up. We also did not purchase snowplows, we reconditioned snowplows, for which we might be paying the price right now. For our taxes, or at least mine, all I expect are some essential services such as garbage collection, snowplowing, leaf collection, fire protection, being able to use a toilet at Glen Ark, etc. The point is that during the past couple of weeks this Village, at least going through it, the image and credibility has gone down. People were laughing at us for streets condition, the fact that there was garbage outside my place for eight days, the fact that leaves have not been picked up and are destroying property and we're saying what the hell is going on. There's only two things can happen: One is from a management perspective and then tied into that is fiscal. Management I'm not going to get into because that's not what we're here to discuss. What we're here to discuss is the fiscal. You adopted a good solid budget as tight as possible but you could not get a lot of things that

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this Village needs. When you take into consideration that this \$85,000 is going to add to our debt, and then you look at the debt service expense allocated for the '83-'84 budget along with the total debt service, long term, in both the Water Fund, in both the General Fund and not considering the \$136,000 deficit in the Water Fund, not considering the \$24,000 that hasn't been bonded yet for the Sewer Fund, not considering the \$52,000 for the Mill St. project, do you have this impact down, you're approaching approximately \$840,000 of this Village going in debt and I guess the question I have to raise is when you review the budget that you have this year there's no fat. The Water Fund's going to get worse. The Sewer, the debt's going to get worse and the General Fund is just making it too. Senior Citizens have received another tax exemption and rightly so. But the fact of life is someone is going to have to pick up the burden or we go deeper and deeper in debt and at some point in time we will pay the price, whether it be now or our kids, but at some point in time. I'm really concerned that this is not the best, efficient way to manage a Village. I do not believe that this Board should have made a decision to adopt a bond resolution when (1) they do not know how much the land is assessed for and how much taxes we're going to lose, which is going to increase the other amount of money that the Village is going to have to come up with and I just don't think that this is - politically this is an excellent decision because you don't have to make a decision, the people do. So when you look at it from a management perspective I really think that that \$85,000 could pay for the firehall, it could pay for the toilets, it could pay for a lot of other stuff rather than parks. That's just my comment as a citizen and I appreciate your listening to me.

CONRAIL

DISCUSSION
(Con't)

Trustee Brenton: If Mr. Lohr could wait just one second I'd like to respond to just a couple of the issues that Mr. Gallagher arose here and in particular, the water fund is getting worse. Well that's contrary to the facts. In fact, the water situation in this Village approximately when I took office was deplorable and now we're at the point where the water fund, the water department is actually in the black, where we are paying our way, and this is resultant from getting our loss down to approximately 24%. But I do understand that that is aberrated by a leak that we haven't found in the last couple of days. However, our record for the last year is approximately 24% and that has been through the concerted efforts of the Department of Public Works, and in particular the one employee that we have allocated to that area, water, Mr. Dehn, and I think that we've done a fine job there. The Sewer Fund - well I don't know, the sewer fund is fiscally very, very sound. We will incur some debt when we arrive at what our total expenditure I believe resultant from our sewer rehab will be. But we can do that. We are partially funded for that. As I mentioned to you earlier we are awaiting approval of our Phase 2 and Phase 3 and we will incur a certain portion of debt but we are cleaning up our sewers. We are on top of our water. We have, as a Board, acted responsibly and we have acted fiscally well in my mind through our actions. So that, you know, I take issue with that. The General Fund you say that we have the status quo. Well I don't know if we have a status quo or not, but

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we do have the second lowest tax rate in the County of Erie. That is low, of villages that is, and if that status quo is a detriment then I just wonder where the other villages are that are much higher than that. But we fiscally strive as a Board here to present a reasonable tax cost to the villagers which we will be instituting within another couple of weeks through our budgetary procedures, which will take several months. We try and anticipate exactly what our expenses will be on a realistic basis.

CONRAIL

Now taxes lost resultant from the sale of the Conrail property. Now I can tell you this, but you won't accept it because you don't want ballpark figures, but I would say just off the top of my head that we would probably lose \$500 give or take in real estate taxes for that property. Now if you feel that's of great concern by acquiring that property that we're going to lose that \$500 then I wonder where your values are because we will be gaining \$3,400 a year in rent. So that the rents that we will gain from the leases will far outweigh our tax loss and I must point out to you, and I have to do this again ballpark, that the property as taxes up to this date is based on the rails. The rails are gone so that they can come back into us, and I assure you they will if we don't purchase the property, and ask for a significant reduction in their assessed valuation, which is probably in the area of \$15,000, slightly less than the valuation of my house which I think is some parallel and so that, therefore, they will be coming in for a reduction in their very low taxes today. So those issues I do feel I had to comment on and to wit, in particular, to enlighten people in this room and perhaps anybody else in the community that will hear my side of the story.

DISCUSSION
(Con't)

Mayor Kuzon: Yes, Mr. Gallagher.

Mr. Gallagher: One point for Larry is that when you were talking during this last year and a half, you're on record saying that if those leases could not be broken you did not want this Village to get into real estate. Quote, unquote. And if, that's the case of public record in the minutes, so that this is contrary, or your decision is contrary to what my understanding your opinion was.

Trustee Brenton: That's right, and I basically go on record as saying that in my mind without in any way slanting the issue here, I frankly don't think that the Village should take title, I think the Village should take title to the entire piece of property and I think that we should sell it to the highest bidder, portions of it to recoup the cost of it, which would make quite frankly, the argument very moot if we could do that and if the Village Board would back me on that particular method.

Trustee Saia: Dick, can I ask you one question? You made a statement that, about turning this into parks. Tell me something. Are you against this being turned into a park?

Mr. Gallagher: I am against the expenditure.

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Trustee Saia: Okay. Are you against turning this into a park? Because I'll tell you why I'm asking. I am not for a park, but I'm not against it and I think that you and the rest of these residents in this community should determine what this should be turned into. That's my opinion. But I think...

Mr. Gallagher: You could have a dart board. You could say build a park, a bike trail, you know, commercial development. But the point of it is look at the record. Look at the fiscal. Sure we might have the second lowest tax rate but do we also have the second lowest debt service rate.

Trustee Saia: Dick, I am going on the other end of the scale. See I'm going out, but I'm thinking of the youngsters coming in. Now your children might have a use for that property, or some of it, and the younger generation might have a need for that and I think it behooves us to look ahead, not to tomorrow or next month but a couple of years down the line. Now whether it be used for recreation, whether it be used for condominiums or business, or whatever, the residents of this community express their wishes for it I think this Board will consider their recommendations.

CONRAIL
DISCUSSION
(Con't)

Mr. Gallagher: My last question. If someone, if this is...

Trustee Kibby: Before we answer a question I'd like to hear the answer to the question that was put to you.

Mr. Gallagher: Do I want to see that as a park?

Trustee Kibby: Do you want to see us purchase the property and do you want to see it used as a park?

Mr. Gallagher: Not purchase the property and...

Trustee Kibby: It's moot obviously if you don't want to buy the property.

Mr. Gallagher: That's right.

Trustee Kibby: Now you have a chance to vote on it. I'm sorry, I'm almost sorry that I voted for this resolution because my own feeling was just go ahead and buy the property but I really doubt...

Mr. Gallagher: You're on record in the minutes as saying half of that property no one wants. Okay. Quote, unquote. So the point of it is that I made a statement as a citizen. You can indicate as you did at the last meeting that you could have done it in the back room, that legally you weren't required to do anything out front of the people. It could be done in executive session. The point is that this Village does not need to spend \$85,000 to purchase that property for a park.

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Trustee Kibby: Now you'll have your right to exercise that opinion.

Mr. Gallagher: Okay. Last question.

CONRAIL
DISCUSSION
(Con't)

Audience: No.

Mayor Kuzon: Everybody's going to have their fair share of time here.

Mr. Gallagher: If it is approved, who then determines what should be done with it?

Mayor Kuzon: Then as Mr. Saia suggested it will be into the committees, which will study the idea with input from the Village Board, but the final decision as to use of the property rests with the Village Board. One thing I'd just like to add, Dick. You made reference to the debt and in checking with our Clerk who is our fiscal officer, I found that the Village is up to 13% of their constitutional debt limit. Now that excludes water, which is a legally excludable item. However, it does include our general fund and our, what is now our sewer fund. Up until a few years ago sewer was included in general fund. So that 13% represents general fund and sewer. Sewer and water are now excludable items from our debt limit. But at this time we're 13% of our constitutional debt limit. Okay. Mr. Lohr your hand was up first.

Richard Lohr, President, International Chimney, 55 S. Long St.: A couple of questions have been raised, and yes, we do have title to the station and the shed behind it. I have a bill of sale from Conrail. Yes, we do have a lease. It doesn't have a cancellation clause in it and it is good up until '89. Yes, we are interested in owning the property. We previously contacted the Village and the Board both by letter and in person. We are on record as considering \$40,000 a fair offer for approximately 2½ acres of the property. We would be willing to participate with the Village in the purchase of the property if they so desire. I'm not sure we want to pay \$40,000 if it was auctioned off later. As far as use of the station goes, twice we've saved the station from the wrecking ball. I was out of Town on Thanksgiving and I was called that Conrail had let a contract to wreck the station. When the demolition contractor showed on the site we parked our trucks around it, took the keys out and went home. The following week we began negotiating with Conrail to buy the building. The reason they tried to demolish was because of a television story that said it was an eyesore and problem to the Village. That is why we bought the building. It was leased to us at that point. We also bought the shed behind it. Are we interested in historical preservation? The answer is certainly. We wouldn't have put a new roof on it, put a new chimney on it if we weren't. We wouldn't have boarded the building up, we wouldn't have nailed it shut, we wouldn't have been maintaining it. It would have been easier to let the building go and collect the insurance on it. Obviously, we're interested.

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You may be upset at the way it looks, and maybe a lot of people are upset at the way it looks except we've put about \$8,000 into it already just to maintain it and keep it available. I can't and won't go further with restoration or renovation of the building until I'm sure we're going to have title to the land under it. It would be very foolish to do that. The station belongs to us and the land belongs to Conrail. The Village has a right to buy the land before we have a right to buy the land. The State of New York had the first right of refusal, the Town of Amherst the second right of refusal and now it's down to the Village. I have all the files and records with me. Originally, the Village felt our offer of \$40,000 was much too low. I don't know if they still feel that way as they've been negotiating with Conrail. I'll go on record as making that offer to participate with the Village depending on how it comes out. I'll also go on record as guaranteeing, and do it in writing, to renovate and restore the station if I do receive title to the property. I'll also go on record as allowing enough room to have a bike path through the back side of the line away from our present property so it would connect all the rear property if the property comes into our hands. I've heard some comments from neighbors - we try to be good neighbors - on Long St. It used to be a lumber operation in our building. Certainly the traffic, the retail operation there, the activity around there is much less than when it was a lumber company. We are interested in any complaints that anybody has relative to our operation. I am interested in hearing complaints relative to our maintenance of the property, or the station, or the shed. We resided the shed twice. It's been broken into by vandals twice and we've closed it up twice. We've spent a lot of money over there on the property we don't own. I guess I'm really here to say we'd like to participate. We don't really want to get into competing with the Village for the land. We thought we had when we got this letter back from the Village about our offer not being enough and not being able to accept it.

CONRAIL DISCUSSION
(Con't)

We are good neighbors and will stay that way. Also, I notice the Village came up with a master plan and they've got all our property listed under green park. Before we put any more money into our buildings over there we'd like to know what the Village's intentions are for that land. I heard tonight that yes we can use condemnation proceedings if necessary. If that's coming please let us know. We'll start looking other places. Keep in mind that other people are a little upset about what we may be doing over there. We're open to your suggestions.

Lady in audience: Can you tell us what your master plan is for S. Long St. You've been buying land all up and down the street. What is your plan for 10, 15 years from now? You purchased two houses. You knocked one down and it took you six months to knock that house down.

Mr. Lohr: We purchased five houses.

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Lady in audience: Okay. Are you going to make one parking lot out of S. Long St.? What are you going to do with this land if you get it?

Mayor Kuzon: Maybe, those are important questions and certainly are relevant to the neighbors and citizens of Long St. and Union Rd. But perhaps they can be better addressed in a smaller forum.

CONRAIL
DISCUSSION

Mr. Lohr: I'm available to anyone who'd like to talk about what we plan. I'd much rather talk to people in person than talk to television reporters. We've never refused to see anyone, we've never refused a request from the Village, we invite fire inspections, we call up for them. We cooperate every way we can. We've never refused help to the Village. Tell us what you want. As far as the neighbors in the area go, if you've got complaints come to us directly and talk to us. We'll work on it. Relative to the other issue of this land, we are very interested. We've kind of been sitting tight waiting to hear from you, the Board, as to where you think we could participate. I've heard the word auction tonight. I can't run my business this way. I'd like to know where we stand as a company and taxpayers and if we should be looking elsewhere. (Con't)

Mayor Kuzon: Okay. At this point I think that where the Board is at is that we are now waiting for the outcome of the referendum which we adopted earlier this evening regarding the bond issue and an affirmative vote on that would then be the first step in any discussion between your firm and the Village regarding the sale. So at this point it's, you know, our earlier motion put it up to the voters to decide if the Village should purchase this property or not.

Mr. Lohr: Wouldn't it be better maybe if the Bond were withdrawn and we, all the interested parties, all went to the Conrail together and it would lower the cost considerably to the Village and maybe still achieve all objectives. That's what we were trying to propose a year ago. We never heard it discussed.

Trustee Brenton: Well your proposal of approximately less than a year ago was submitted, your letter was provided to the Village Board and at this time you were informed that the Village Board was only interested in what value your firm placed on the property as information only. And that's the way the letter was written. It also was stated in there that the Village Board was not interested in selling the property at this time. How could we when we don't own it. And that we felt that the offer was too low. That was the opinion of the Board of Trustees as it was then constituted and that was related to you. Now as to any joint effort on the part of the Village and any other firm to acquire the property I think we would be beyond that stage because we have arrived at successful negotiations with the rail corporation as to the purchase price. In fact, we have been accepted, our offer has been accepted. So that to reopen that I'm sure the corporation would get extremely hyper

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because their feeling is that they are losing interest on the dollar value of the property and they want to get out of the property to begin with and have wished to do that for the past three years since the line was abandoned.

CONRAIL

Mr. Lohr: Would it be legally wrong for you to go in with a couple of different checks to pay for this property? In other words, sign an agreement with you buying it. From a business standpoint I've always believed that the best business transactions were the ones that satisfied all parties, and no one got hurt, and that may save a lot of confusion for you and a lot of confusion for us.

DISCUSSION

Trustee Saia: I like some of the things you're saying, but I honestly think the Mayor has now consented to appoint a committee to look in - we still have, no matter what you and I think as individuals, and I'm not speaking for the rest of the Board, no matter what you and I think I still think that there are people in this Village that have a say so what we do for that property. I'm going to base my decision on purchasing that property on the people that I talk to in this Village not what you offer. I think you should talk with the committee comprised of people in different parties in the Village and also I like the way you're talking but I'll tell you I've never talked to you before. I don't know what you're talking about offers because I've heard rumors upon rumors, but I... (Con't)

Mr. Lohr: The closed door session the Amherst Bee alluded to was a luncheon meeting at the White House which lasted for 45 minutes in view of the whole world. That was ridiculous. The follow-up to that meeting was the letter that was sent making the offer. That was it. We were totally wide open.

Trustee Saia: I'd personally like to sit and talk to you. I don't know about the rest of the Board. I'd personally like to sit and talk to you. I will say we're going to have a committee and they are the people that you should talk to.

Mr. Lohr: I really think you should make your dissenters aware on this resolution. I think you should make them aware that if you don't buy it it then goes to the general public. I don't think they're aware of it. I think there have got to be some compromises and I think many of those can be worked out prior to the sale rather than after a sale if you're going to spend another three years and we have another five years until our lease is up with the station still dilapidated, hanging there like it is now. We're going to - let's get together on this thing, let's get it settled. I'll be glad to put it in writing as far as restoring the station. That'll make the people who want the station happy. Of if you want us to take it down we'll take it down. But I think reasonable men can make reasonable decisions and we've been practically sitting tight. I've got a file this thick on that property. We're not trying to steal it from anyone. We're not trying to do anything.

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Trustee Saia: Well I'm going to be interested in finding out. There are a lot of other people with their hands up. Let's find out what their opinion is of this.

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: Okay. Mr. Hill.

Richard Hill, 18 Brookside Drive: Now on this resolution, is it do we want to spend \$85,000 or not? Right?

Mayor Kuzon: That's right. That's what we legally can say.

Mr. Hill: All right. Suppose the vote is yes.

Mayor Kuzon: Then the vote is affirmative for the bond resolution.

Mr. Hill: That's not deciding what the property can be used for.

Mayor Kuzon: As I said, the ultimate decision then rests with the Village Board.

Mr. Hill: Right. Well you're almost inviting a no vote then on the \$85,000 when you say that, because I'm not voting for the \$85,000. I'm voting for what I want to use that property for. You're telling me I can vote for it but I can't have a say on what it's going to be used for. Your resolution's all wet.

Mayor Kuzon: No it's not all wet and essentially that's what it legally has to be. You know, practically the way things work the Village Board always accepts the input from its citizen committees and its citizens and if in fact the vote is affirmative, then, certainly the Board would listen to the public as to what the majority would want regarding the use of that property and I'm not saying the Board is going to turn a deaf ear to the public, not by any means. But what I am saying is that by our elected positions and the law the ultimate, you know, responsibility is ours. That's what I'm saying.

Mr. Hill: You're saying if you get the \$85,000 you decide what to do with the property. That doesn't give the people a chance to come back with a permissive referendum saying we want the property used for this. This way we give you the right to buy it. We haven't got a goll darn word. So far negotiations for that property have been kind of kept in the backyard. I figure half the people tonight don't even know what's up.

Mayor Kuzon: No. I'm not sure I understand everything that you're saying. But the one thing that I do hear and the one statement that I will make is that by the Board making a motion to put this to referendum is giving the people the loudest voice they could possibly have in the use, or in the purpose of this property and that's the most immediate issue.

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Mr. Hill: Not the use, just the purchase.

Mayor Kuzon: Do you want to spend \$85,000 and affect your tax rate for the purchase of this property. To me that's the most immediate issue in my mind.

Mr. Hill: I don't want to spend \$85,000 for that property if it's going to be turned around and sold to industrial use or some other property owner, or reason. I want to know what it's going to be used for before I pay \$85,000. What you're telling me we buy it, take a pig in a poke, and buy it... CONRAIL

Mayor Kuzon: It says for general Village purposes. General Village purposes at this time. Yes, Mr. Sweeney. DISCUSSION

Richard Sweeney, 325 Mill St.: I'd like to clarify that one specific point, that the way the resolution is worded is that the bond issue would be for purchase of the property for general use, which should that bond resolution pass it would preclude the Village Board from turning around and selling off a part of that property for non-general use. (Con't)

Mayor Kuzon: I - the way it has been legally explained to me, I would say no. That by general Village purposes - correct me if I'm wrong Tom - by general Village purposes it means that if the Board does decide to sell a portion it may.

Mr. Troy: Yes.

Mr. Sweeney: I would agree with that from my own understanding. I would also like to clarify, you can sell it if the bond resolution passes. If the bond resolution does not pass that would not prevent you from working an agreement with anyone to purchase the property as a joint venture, the Village spending something less than \$85,000 since the Village Trustees have already indicated they have that authority without the resolution.

Trustee Kibby: Well are you trying to say that if this referendum is defeated that we still have the right to purchase the property?

Mr. Sweeney: I would think so.

Trustee Kibby: That's what you're saying?

Mr. Sweeney: That's what I'm asking.

Trustee Kibby: Well, I guess for this particular Trustee it doesn't matter whether we have the right or not because I couldn't from my own structure of how I look at life. This simply is not a reasonable thing to do, to ask the voters to give you their vote in a referendum and then turn around and do whatever you darn well please.

Mr. Sweeney: Basically, it's a money issue that you're presenting to

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the voters. \$85,000 is the only specific. The use of that property is not specific. People don't want to spend \$85,000. Maybe they're willing to spend \$40,000 and let someone else make up the difference.

Trustee Kibby: Possibly. But the referendum does say \$85,000 for the purchase of that approximately nine acres for general purposes.

Mr. Sweeney: With the understanding that I have now the general purposes being pretty much open to the future wishes of the Trustees. I think I would agree with the previous speaker that I'm not in favor of that kind of resolution. My initial impression was to applaud the Board for presenting this potential large expenditure to the Village residents for a referendum but since that referendum does not bind you to do anything specific with the property it's a meaningless choice.

CONRAIL

Trustee Kibby: So you're applauding if it had been, if it had bound us to purchase it for the use of a park.

DISCUSSION

Mr. Sweeney: For general Village use. A park, new fire hall, new civic center, new Village function, but to ask me to authorize you to spend \$85,000 so that you can turn around and play real estate agent and sell off this, I'm not interested in, you know, that kind of a business. So again, I'm simply saying I'm disappointed in the wording of that resolution.

(Con't)

Trustee Law: I don't, I think your criticism is well founded. However, had the resolution read particularly for one specific thing or another and it would have passed then it would have to be used in that particular manner. By using the wording general Village purposes this allows more flexibility and I think it was the Board's intention to, if this law passes, to form a committee and receive input after. It just isn't what one person necessarily thinks on this. So, also there would be an interval of time where the leases, at least one lease in particular would be generating money and hopefully these funds would be used to be paying off the price or set aside for improvements of whatever has to be done. So I feel that the Board would seek and desire input on the uses of this. Thank you.

Mayor Kuzon: Yes ma'am.

Mrs. Mary Lindow, 22 Garden Parkway: If this doesn't pass and somebody else buys it will we have a say as to what goes in there? Of is it just zoned industrial? Because it goes right along behind Darling Co. and all the way up to Cayuga and there are houses all along there. Most of the people that live where I do are worried that someone, a high rise or some developer is going to sell it. There's Darling Co. and International Chimney have been buying up land all around us and I'm thinking those companies are much too big where they are and are they going to take their piece of land and sell it to a

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big developer. And put in wall to wall condominiums, or even high rise.

CONRAIL

Trustee Saia: Mrs. Lindow, I'm now speaking for myself although I've heard other Trustees mention this, and that is - I think just for everybody's information - in looking at the zoning map of the Village I discovered that the whole railroad is M-1, which is manufacturing. Now how a railroad got to be zoned M-1 I don't know. But in this M-1 zoning there's also a strip of land that's a Village park and you know, where that is, that little diamond up on the end of the Garden Parkway. That's a Village park. It's also zoned M-1 and it's amazing to me. But I think some of the Board members had said that if we purchase it we would rezone it into a less restrictive, like commercial or whatever, whatever the citizens decide. You can be one of them and you should have some input. And I'm going to listen to you, what you want up there.

DISCUSSION
(Con't)

Mrs. Lindow: Well you say it's manufacturing.

Trustee Saia: That's what it is right now. Don't ask me how it got that way.

Mrs. Lindow: The point is nobody manufactures around here.

Trustee Saia: Evidently somebody down the line took the railroad and knew they were going to get rid of it 10 years or 15 years ago and put a big M-1 on there even on the property that is supposedly a Village park.

Mrs. Lindow: Somebody was just drawing a map.

Trustee Saia: Yeah, but we go by that map. The Building Inspector, if you go for a permit, he says you're in the M-1 district because there it is on the map. But I - this is my personal opinion - that property should be rezoned again and I am going to push that for the committee that comes in to see if we can get it rezoned. I think I have some sympathetic people that sympathize with me on that issue.

Mayor Kuzon: We'll go in front and then take some people in the back. Yes, ma'am.

Mrs. Gustavson, Benmar Development Corp., Wellington Court Condominiums: We are bordering for a long stretch along the Conrail property. We maintain it and keep it neat and orderly. We are definitely looking to the Village Board for our protection and our interests. If we cannot count on you to protect our interests, I don't know where we would go. I am not in favor of the open ended situation like we have here to ask the voters to vote for \$85,000 and not know what is going to become of the land, but are willing to place our faith in your good judgment. And I'm doing it because I feel the Village has a greater chance of protecting our interests than leaving it open

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for anyone to come in and pick it up. My question is, however, what are the alternatives should this be voted down? What can happen? How can we protect our interests? At the Wellington Court Condominiums pays substantial tax money to the Village and we do feel that we need some assurances that there isn't going to be a road cutting through there and we're going to have Village protection.

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: I think that maybe Larry can answer best what the alternatives would be if the Village doesn't purchase it.

Trustee Brenton: Well in the first place that particular piece of abandoned rail bed is not in the Village of Williamsville. However, through the original letter to the New York State Department of Transportation which I submitted I requested that the Village be allowed to be the preferential purchaser of that property and under the New York State Railroad Law we were assigned the preferential right to purchase that property. That gave us the first option to negotiate with the rail corporation and that brings us up to date. Now also under the law, if for some reason we cannot come to an amicable agreement with the corporation, the corporation has the right to request of the Department of Transportation to be released from that obligation and to pursue selling that property to whoever they please. So that I would assume that should this resolution be turned down by the electorate the corporation would immediately enter into negotiations with the Department of Transportation and I have to assume also that the Department of Transportation would then release the corporation and the corporation would proceed to sell the property to whoever would pay the most for it in the normal manner. Therefore, if the resolution is defeated I would suggest that you immediately contact the Consolidated Rail Corporation and express your desires pertaining to any interest you might have in that property. And if you need any information regarding that after our March election you may contact me and I would direct you to the real estate person representing Conrail. I have to emphasize that should this resolution be defeated, then I'm sure that everyone knows and is aware of the property just goes up for grabs to the highest bidder so to speak, and then the property will retain its present zoning, etc. and would remain in that status I would say forever. So there is significant impact upon the resolution number 4 as to whether or not the Village should purchase this property.

Trustee Kibby: At the risk of sounding presumptuous and somewhat pompous -and I'm a professor so I can be pompous - I do think that probably the best assurance that the Village, and I'm not saying anything detrimental to any other business or anything like that, but rest assured that the Village is most likely to listen and would be most cautious and most careful about the way the land it has purchased is developed, in terms of what effect that development has on the environment, the nearby residents. I'm not trying to be hostile to any kind of businessman or merchant or developer or manufacturing. I'm not saying that the Village is perfect, but the electorate should be aware that one reason for the referendum or

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voting on the proposition is to have an opportunity to listen without just going ahead and saying we're going to do this, or we're going to do that, or we're going to do nothing and let it go to the highest bidder. That I think has it's negative effect also.

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: Yes, Mr. Metz.

Former Mayor Richard Metz, 118 Monroe: I'm not going to be as lengthy as some people but I'm going to be very pointed. (1) It is my true impression that the Village Board is in competition with International Chimney. (2) I personally object to the Village Board with all this rhetoric, with all the resolutions when I feel that the Board has not convinced me that they've done their homework. I have in my hand the actual taxes generated from Conrail. I also have the actual assessment. The Board could not quote these from records again convincing me that somebody better start to do their homework. There should be no consideration of this property whatsoever until a legal description is made available to the public. I as a taxpayer went in and asked for a legal description of the property. It is not available. I question highly whether any of the Board knows where the Village line is over there. I agree with the zoning. It's M-1. Nobody can tell me who put the M-1 on after we spent \$40,000 or \$50,000 on the studies made by foreigners, and I mean foreigners living outside of the area. I had this same battle when I was Mayor, having people from East Aurora come in here and tell us what the best utilization of the property would be. Another question is, are you familiar with the drainage ditches on the right-of-way of the Conrail property, formerly the Lehigh Valley. As far as any further discussion it would be my recommendation that in order for the Board to explain to the public why they got be interested in the property number 1 when they don't know how it can be utilized from a topographical viewpoint, from a drainage viewpoint, then I think honorable Board and Mayor and everyone else you'd better go to work because I am going to work tomorrow to find out the answers that you fellows have not been able to give this evening. Thank you very much.

Mayor Kuzon: First of all I'm just going to say I'm not sure a legal description would be much use to anyone here in the audience except for trained lawyers. I've had occasion to read a legal description and certainly it's valuable to surveyors, attorneys, real estate people, but I think to the average person in the public it would just be confusing. We have maps that are available that show the outline of the property which we are proposing to purchase and I think for the general public, and I don't mean that in any way to hide anything, I think it would be more productive for the general public to look at a general map that outlines the property. Legal descriptions are great for the County Clerk, and the attorneys, but for me, for many of the people here in the audience it would just simply be confusing. The other thing is I think the Board has done sufficient work on this. This is not, the Board in my mind has done sufficient work on this. This is not something that is being brought up for the first time this evening. The Board has spent,

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in fact I have looked at correspondence that went back to 1982, and this has been an on again, off again, on our agenda. It has been discussed in the public. Mr. Gallagher has been following this for more than a year now. He has asked many questions. He has written many letters, which have been responded to and I guess what I'm saying is that in my mind we have done sufficient work to answer the questions that we have raised at this time. Did you have something else to say? Okay. Yes, Mr. Brown.

Robert Brown, 81 Milton Street: I'll get away from this property and give you a break. I hear bad rumors, nasty rumors, that the Village is thinking of putting Milton St. through to Long St. eventually going through to Union Road taking Bieter's Alley going to Main St. up into Milton St. for the Senior Citizens down there. By going through Milton St. through to Long St., you'd be doing away with those two beautiful basketball, tennis courts and basketball courts that I helped put up when I was on the Recreation Committee and doing away with two beautiful ball diamonds. That's the rumor. True or false?

Mayor Kuzon: Just that. Just a rumor. This is the first time that I've heard it.

Trustee Saia: Mr. Ed Fisher - I'm sure you know who the gentleman is - am I correct?

CONRAIL
DISCUSSION
(Con't)

Mr. Brown: No.

Trustee Saia: Ed...

Mr. Brown: Oh, yes, Ed.

Trustee Saia: He stood up at this meeting and made that suggestion that you're saying that he wanted to see that road go all the way through. Yes, he has made that suggestion.

Mayor Kuzon: Well to the extent he wanted to see the alley connected to Milton, but the rest of it is new this evening.

Trustee Saia: He made the suggestion. He made the recommendation.

Mayor Kuzon: That's hardly a rumor.

Mr. Brown: Fine, keep it that way.

Mayor Kuzon: Okay. Mr. Lorich.

Irvin Lorich, 85 Milton St.: I have a few questions. I took time to write out a few notes before coming to the meeting. Some of the things have been answered, but for the sake of continuity I want to go through them. First of all, that portion of Long St., of the railroad property from Long St. to Union Rd. is of very questionable

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interest to the Village because of its drainage problem and terrain. And I will agree with some of the other gentlemen, I don't know if International Chimney is interested in that piece of property but in my estimation they would be the most likely candidate to benefit from that piece of property. That portion from Cayuga Rd. to S. Long St. is approximately half in the Town of Amherst and the other half in the Village approximately. Why is not the Town interested in this part as the Town residents would be bordering on that and yet I see no interest on the part of the Town to generate a park back there for their residents, of which they have no park their south end. Again Mr. Brown heard the same rumors I did and I will say I just believe it's a little bit more than a rumor because of some of the sources that this has purportedly come from and some of the statements that may have been made. But the rumor is that the present ball diamonds and tennis courts will be sacrificed for industrial development. Now the ball diamonds and tennis courts would be relocated apparently in what you're now proposing as some of a park. You shake your heads up there gentlemen, but I understand there has been a decision rendered by the attorney that there is no deed restrictions on that parkland now and if that is so why was that decision asked for in the first place.

CONRAIL
DISCUSSION
(Con't)

Mr. Troy: Mr. Lorich, may I interrupt you? What is the source of that information.

Mr. Lorich: I will keep my sources confidential for the time being.

Mr. Troy: Let me assure you I have not been asked, nor have I given a decision on that question. It has never been broached. I have no idea who the source of your information is but the gentleman is either a fool or a knave.

Mr. Lorich: Well be that as it may time will prove who was right and who was wrong.

Trustee Sala: Mr. Lorich, I can't sit here saying I didn't hear that because I did hear it. The way I heard it was it would be nice to turn the ballpark and some of this area of the railroad into one of those parks you were just talking about. I heard that rumor and that's all it is, is a rumor. In fact, the person that stated that got shot down like around 9 to 1 and it wasn't, the persons that shot it down are not on this Board and I heard that rumor and personally it will be over my dead body.

Mr. Lorich: Being an old Army man things somehow have a way of ending up to fruition.

Trustee Kibby: Do you believe that old rumor where there's smoke there's fire?

Mr. Lorich: We're not here to discuss that. I am a little concerned why the Town is not interested in having this property, or why in this particular case it was not a joint venture with the Town if you're

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proposing park land back there. After all, other park property was a joint venture with the Town. This piece of property, half of it at the present time is in the Town.

CONRAIL
DISCUSSION

Trustee Saia: It seems to me I got a letter from Mr. Sharpe expressing desire for that property is we refused it. Am I correct, or...

(Con't)

Mayor Kuzon: No.

Trustee Brenton: The Town declined interest.

Mr. Lorch: Concern my question when you do your homework fellows.

Trustee Brenton: The homework's been done financially. They don't want any part of that property and to wit Cayuga east is now sitting vacant because Consolidated Rail Corporation can't find a buyer.

Mr. Lorch: Well it's a little bit ironic to me that the Village is moving so fast on this issue, particularly with this bond question on the funding deal when the movement of the Village offices and the fire headquarters has taken more than three years to reach a decision which up till tonight was still forthcoming. I think we got part of an answer here tonight but I still don't know whether it's a final one. Gentlemen, the acquisition of the railroad property is something that the Village can do without. More pressing matters are before you and this is where your energy and efforts should be directed.

Mayor Kuzon: Thank you. Yes, ma'am, in the rear. Your hand was up earlier.

Mrs. Beverly Felser, 236 S. Cayuga: I am a Town resident. I live between the Village and the Conrail property. My question is this - If the voters in the Village of Williamsville defeated the referendum and the Village couldn't buy the property it would open the sale to Joe Blow or Susie Doaks. It is now zoned M. I understand that's manufacturing.

Mayor Kuzon: I would ask a question. I don't have the zoning map in front of me. Some of it is zoned M, but I'm not sure if all of it is.

Mr. Felser: My question is this. If the Village of Williamsville does not buy this property and the residents defeat the referendum and it goes up for sale to anyone then anyone who buys it it's already zoned M-1 or something. What would stop someone from putting in a row of factories?

Mayor Kuzon: They can do whatever is permitted in that zone.

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Mrs. Felser: I think that the Village Board tried to do the right thing in asking for the vote - do you want to spend \$85,000 - and I think it's backfiring because it's going to turn the people off and they're automatically going to vote against it. (1) They don't want to spend the money period. (2) They don't want to vote yes spend the money if they don't know what's going to happen to it. But what could happen to it if the Village doesn't get the money and spend it to buy the property. Then you can end up with five factories in a row and I think that's very important. I am absolutely shocked that that was zoned M-1. And my question is this - Could the Village rezone that property before the referendum. In other words, to protect the people that are adjacent, like the lady who spoke was adjacent to it, could that property be rezoned before the referendum so in case the referendum failed then the property would not become a row of little factories?

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: I think I'll let the attorney answer that.

Mr. Troy: Ma'am you're opening such a can of worms. The problem of rezoning is so tangled just to take a piece of land for that purpose would be improper to begin with.

Mrs. Felser: But my question is this. If the property is M-1 now and the Village of Williamsville does not buy it, it's not allowed to buy it because of defeat of the referendum, then what is to stop - and I think people are going to be very upset if someone bought it and put in a whole bunch of high rise or built factories or whatever and I can see that that could very likely be done if the Village doesn't buy it. But I don't think that the people realize this because I didn't know it was M-1. I don't think anyone knows that.

Trustee Saia: I honestly - this is my own personal opinion - I honestly believe that the only way that we can assure - and I have talked to people of your concerns all up and down that street - I honestly believe that, first of all I must say this - in fact the President is here from the Southeastern Homeowners Association - they're always having trouble with the Town at the other end with rezoning and stuff. Now we've got a problem on this end that has not taken place and the concern is exactly what you're saying but if the Village had the property and we had a citizens' committee to take this property and do what's right, give the part that belongs to the people that should have it there, do what we have to do with our part, put a two year limit on it, sit on it for a couple of years, get your committee going on this to come up with an answer of what this Village should do.

Mrs. Felser: But I think the problem is that 95% of the Village residents are not aware of exactly what that zoning is and not aware of the fact that if the Village doesn't buy it and someone else does what will happen to it. It would be much worse.

Mr. Lohr: It's not all M-1.

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Mayor Kuzon: You have a zoning map?

CONRAIL
DISCUSSION (Con't)

Mr. Lohr: Yes.

Mayor Kuzon: The portion in the Village would be M-1.

Mr. Lohr: The portion that goes across Long St. by Allentown Industries is M-1. Allentown is M-1. When you go beyond that you go into R-3M.

Mayor Kuzon: Which is multiple development. Okay. Thank you.
Mr. Hill.

Mr. Hill: I was a little angry before. I've cooled down a little bit. I think the Board tried to do something here tonight very quickly. I mean you decided tonight at 5:00 PM or a half hour before the meeting that you were going to put this up to a referendum. I don't think you stopped to realize what you were asking for. You're asking us to vote for \$85,000 for that property not having any idea what it's going to be used for. You've got me over a barrel as far as my vote is concerned. I have to vote for it hoping I can protect it but I'm not sure I'm doing that. I'm voting for something I'm not sure what's going to happen to. If there were some commitment from this Board, something should be done to say once we decide whether to buy it or not then you people will have a chance to say what you want to use it for. But the way it is now once we say yes to you you don't have to come back to us for anything. I think legally that should be in there somehow or another that we have a right to say what we're going to use that property for. Right now all you're saying to me you vote for it or somebody else is going to buy it. I've got to vote for it to protect maybe hopefully protect the people's interest. This is a bad resolution, Gordie.

Mayor Kuzon: Well maybe, maybe not. I'd just like to make a personal response. This is a personal response on my own behalf and this does not speak for the whole Board. I think maybe the discussion I have heard this evening has proven to me it's a case for me of possibly being too close to the forest to see the trees and by that I mean I do have a position on this issue. It has been articulated to some people, not to a group, okay, and maybe now is the time for me, I know the Board knows it, but maybe now is the time for me to tell everyone where I personally stand and I don't say this as the position of the Board, but for me personally. Okay. First of all I do have a problem with purchasing the property and using it for all park purposes. I'll say that right up front. I do support the purchase of the property on the condition that a portion of it is sold and to whomever that may be and part of the reason for that is that the Village may recoup some of the purchase price. Now I do support the purchase of the property on that basis as it does provide the Village with a means of protecting the residents in that area, of getting involved in development so that it is done in a way that is most beneficial to the industry and the residents. I think that's the bottom line for me. The primary reason for supporting the purchase of the property is so that the Village can be actively involved in determining

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CONRAIL DIS-
CUSSION

where future development may take place in that area and so that it does not take place in a way which is detrimental to the residents of S. Long St., Union Rd. and Garden Parkway. I also feel that I should say at this time regarding the railroad station, because I don't want to lead anyone astray and I'll say it all this evening, regarding the railroad station it's a difficult decision and certainly it's a building of historical significance within the community. It's recognized as the Williamsville railroad station. However, at this time if the Village is to purchase the property I personally cannot support the Village buying the building. I would support another group within the community, another community-minded group buying that building and preserving it. But at this time I don't think the Village can support it financially and I think that it could properly be restored by another group and I'll point the finger at the Historical Society this evening. I would actively support their getting involved in the restoration of that building but I do not actively support the Village of Williamsville getting involved in the restoration of the building. And just one last thing. I also have to personally respond that I guess I'm a little bit baffled by the response to our motion for a referendum. In thinking about it over the last couple of days I felt it was a very sound decision. You know, what better way to let the people decide how their tax dollars should be spent than by giving them a chance to vote on it, and again listening to the discussion this evening I believe I heard people that are opposed to it and I believe I heard people who support the purchase saying that they both think the referendum is a bad idea. Now I can't agree with that. I think that, you know, I've said often that local government is government at its best because it's closest to the people and to me this is an example of where the people get an active role in their government. Certainly you might argue that voting on the New York State Transportation Bond was a similar idea but not really. This is it. To me this is local government at its best. The Village Board is proposing to buy a piece of property that will affect our tax rate by raising it some \$.25 to \$.50 over 40 years. If you think that the Village should do that for the preservation of open space, for the preservation of existing residential neighborhoods, or assisting in the combination of industry in that area, or whatever you want to say. If you think that's a good idea. You now have the opportunity to vote on it. Not only do you have the opportunity to vote on it, you have the opportunity to set the issue straight. Certainly the Village Board is not politically naive. There will be an election in March not only to vote on this referendum but to elect a Trustee to fill out Trustee Murray's term. Certainly this will become an issue during the campaign. And once again what better way to inform the voters of the community than during an electoral campaign. I guess that's my position. I think that this is a correct position to go to a referendum. Certainly things can be articulated during the campaign. I know that some will be misstated and misquoted and not everything will be accurate, but certainly I have trust in the voters and the people of the Village to make a rational decision based on what they believe to

(Con't)

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be the correct information. That's my position. I don't know if the rest of the Board would like to state their's at this time, but I've done mine. Mr. Metz.

CONRAIL

Mr. Metz: After spouting out before I'd like to compliment the Board on the approach to the referendum. I don't think there's a soul in this room that would have the nerve to get up and object to that referendum.

DISCUSSION
(Con't)

Mayor Kuzon: Somebody behind you just stood up.

Mr. Sweeney: I've registered my opinion.

Mr. Metz: You're demanding simply this - that you're voting to spend \$85,000 but at this point they don't know what they're going to use it for, they don't know how they can utilize the land if they do buy it and the last question - I swear I won't say another word tonight - Where was the Village Board when the ball was going to destroy the station and how come this man back here had to come in and save the building? Where was the Village Board? Where were our environmentalists? How much, Mr. Lohr, did you way you paid for it?

Mr. Lohr: We've got over \$8,000 in improvement in the building right now.

Mr. Metz: And you have the use of the building for free.

Mr. Lohr: We're renting the property under it.

Mr. Metz: You're renting the property under it, technically you do not own the building.

Mr. Lohr: We own the building.

Mr. Metz: How much did the building cost? How much did you spend to save the ball from knocking down the station?

Mr. Lohr: We spent \$8,500.

Mr. Metz: That's one-tenth of \$85,000.

Trustee Brenton: Just to further the point, Mr. Lohr, do you recall when you purchased the property?

Mr. Lohr: I've got all the papers right here if you want to look it up.

Trustee Brenton: I'm sure it was quite awhile ago and I'm just wondering if it might have occurred during Mayor Metz', former Mayor Metz' tenure as Mayor.

Mr. Metz: You know, I'd be very happy to find that out.

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Mr. Lohr: I'll look it up.

CONRAIL
DISCUSSION
(Con't)

Trustee Brenton: Thank you.

Mr. Lohr: One point I'd like to make since you asked me a question. You know, the Mayor mentioned that he'd like to see private enterprise restore the building other than the Village or taxpayers. I hope I made a point clear and that is that the guy that owns the building presently, which is the corporation International Chimney, wants very much to restore the building. We're restoration contractors. We did the tower on the old Post Office, we did the Edison Lab in New Jersey, we did the top of the Woolworth Building. That's what we do for a living. We're not going to bust the building down. We want to restore it. But I don't know what's going on. I mean I'm going a little crazy with this thing. The Village letter to me was dated January 28, 1983 relative to our offer. We've been sitting tight ever since. As corporations do go on, sooner or later we're going to have to make other decisions and do other things. And we want to be good neighbors. We want the bicycle path in the area, we'd like to put up a fence, we'd like to clean the property up. But I'll be darned if I'll do it to somebody else's property.

Trustee Law: What was the date you rescued the station?

Mr. Lohr: I'll find the bill of sale.

Mayor Kuzon: Okay. Mr. Weller.

Gartley Weller, 129 Mill St.: I wasn't going to comment at all but I just want to talk to one little aspect tonight and that is the railroad station. Yes, I did talk to Mr. Lohr. He assured me that if he is able to purchase the land on which the building sits he would restore the building. The Building has architectural value, it has historic value. So many of our buildings in the Village have been destroyed through the years. We've gone through this before. Now in regards to the railroad station I admire Mr. Lohr for the fact he promises that if he can buy the land, he owns the building, he will restore the station. This is all we are interested in. The reason the Historical Society got into this in the first place, if no one else would we would like to have the opportunity. In other words we are interested in historic restoration and preservation. That is the exterior. Mr. Lohr assured me that it would be used for some other entity, which is his business. But save the exterior. Mr. Lohr also is a restoration expert in buildings. This is all I'm talking about, is the building. Many, many people in this Village want to see that building restored.

Mayor Kuzon: Okay. Thank you.

Mr. Lohr: The bill of sale is dated April 3, 1979.

Trustee Brenton: You're clear, Mayor Metz.

Mr. Metz: Saved.

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Mayor Kuzon: Anyone else? Yes, ma'am, Mrs. Felser.

Mrs. Felser: I notice that there are a few people here tonight that appear to be skeptical of Mr. Lohr's comments and I'd like to say this in defense of Mr. Lohr. I met Mr. Lohr a couple of years ago at a party. He happened to be good friends of someone that I know. I never met the man before, I just talked to him once in my life. I didn't know him before at all. But at this party Mr. Lohr and I discussed the Village of Williamsville and what a great place it was and how very nice it would be to restore the railroad station. And at that time, Mr. Lohr told me he was very interested in preserving the station and he wished the Village would preserve it, or the Historical Society, or someone and he would very much like to see it saved. He told me the story about putting the trucks around the station. He told me he spent \$8,000, and \$200 to fix the roof and he told me exactly the same things he told you here tonight. So if some of the people think that this is sort of a little story that he conjured up to put on a good face here tonight, he told me the same story three years ago and I don't think he knew he was coming here tonight.

CONRAIL

Mayor Kuzon: Thank you. Anyone else? Any Board member have any additional comments? Larry.

DISCUSSION

(Con't)

Trustee Brenton: Yes. I also feel that as Mayor Kuzon I should go on record as to what I feel should possibly occur with minor alterations pertaining to that property, and I should say I totally subscribe to what he has said, but I would also add that the Village by acquiring the property would show vision and would show proper representation of the people because we could then proceed to the aspect of selling a portion off and gaining a good portion of the initial price, purchase price, and also precluding the type of activity that was mentioned, I forget the lady in the rear, but at any rate a lot of little factories. Once we own the property then we can rezone it to other purposes which would preclude that M-1 aspect and I'm sure would be compatible with the interests of, for want of any other firm, International Chimney. But there are other firms in that particular area, Darling, etc. that have leases on that property. So that I would go on record now as really being very apprehensive about purchasing the property totally for the use of parks, about burdening the taxpayers for that amount of money into the foreseeable future purely for parks. However, I think that we have a wonderful opportunity by purchasing the property to in effect, and I don't like the term, have our cake and eat it and I think we can also in effect develop a situation on S. Long St. that will be much more beneficial than presently exists and then finally when S. Long St. is done in the manner that only a committee or some input from the people to decide and the Village Board will then make its final decision based on input then we can have a situation on S. Long St. which many of the people who oppose the purchase don't ever go down, don't ever receive complaints which I have and I continue to receive so that there is an opportunity here to really move ahead and clean up an area and preserve a historic structure in the Village of Williamsville. To vote

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no on the purchase in my mind would lose that opportunity, it would continue the use of land as presently zoned and allow whomever to do as they see fit with it.

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: Mr. Brown.

Mr. Brown: Could a diagram of this be put in the paper? I've lived on Milton St. for 60 years and I don't know what land you're talking about and I grew up on the railroad all my life and I don't know whereabouts it is and if a diagram could be published in the Bee, the News, Shopping Guide, or whatever we would know where it is.

Mayor Kuzon: Yeah. I think we can do that. In fact, I can talk to the Bee reporter after the meeting. I have a copy of it and I'm sure the original would be a little bit better than what I have and as I said earlier, it would be more helpful to the general public than a legal description.

Mr. Brown: Right. Somebody could see it.

Mayor Kuzon: Yes. Mr. Hill.

Mr. Hill: This is the one thing that - there's two members of the Board now who want to sell some of it off. I'm not familiar enough with that property back there to say what I want to do with it. But I think at some point when we find out what the land is we should have something to say about it. But you're not giving me that opportunity. All you're saying to me is let me buy it, then I'll decide what to do with it. I still think the general public should have a say in this.

Trustee Sala: That was two members. There are three more who have a say in this. I think the Mayor has stated that he will appoint a committee that will come back and make recommendations to this Board, a committee comprised of people in this Village.

Mayor Kuzon: Regarding the wording of the bond, the wording of the referendum, as I understand it it's worded that way - correct me, Tom - it's worded that way because that's the way for it to be legally binding. Any other type of referendum that might suggest the nine acres be used totally for parks or a portion sold would be exactly a permissive referendum and would not have a binding effect on this Board. Is that correct?

Mr. Troy: Not quite, no. It's worded that way simply because there is a certain amount of indecision as I understand it as to what the ultimate disposition will be and to give the Board the very freedom which Mr. Hill seems to oppose. It could have been worded in such a way that it would say be used exclusively for development of park within the Village, park land within the Village, and that would have sealed it in and then you would have had a problem with the referendum too. People would have said do you want a park or don't you want a

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park and that would have killed the issue all together. Now the Board seems to want more flexibility and I think they're entitled to it. Now if you're suggesting as Mr. Hill has been that this should be a referendum asking the people what they want to do with this park (sic) precisely the Board is forbidden to present such a referendum to the people by the State Law, the Village Law. We are not allowed to do that. There are only certain areas where you may have referendums, mandate referendums, or as in this case introduce a resolution. It simply is not the type of government which our Village Law envisioned and it is expressly prohibited in most areas other than a few selected situations, usually which involve the expenditure of public money.

CONRAIL
DISCUSSION
(Con't)

Mr. Hill: I agree with you. You cannot put up a resolution that this all will be park. You can't do that. But you can ask for an informational referendum and get an idea from the general public what they want for it. It's not binding but it is informational. It's done by the school board.

Mr. Troy: I don't agree with that. I don't believe you can. I believe you cannot use public money for informational referendums. If it's been done in the past it's been done improperly.

Trustee Kibby: Mr. Hill, I don't want you to leave here with the mistaken impression that we could not ask the public to provide the \$85,000 for the purchase of this land exclusively for park uses. We could have done that. As a matter of fact we discussed that. We just, really it's just one option versus the other option in terms of this particular bond resolution referendum. The option was whether to spend \$85,000 for the land exclusively for parks. If the referendum is approved buy the land and turn it into a park versus the option of whether or not, versus the option of allowing the Village in the future through the passage of time and discussion of the development for park, the examination further of the environment, taking into account other residences and businesses, taking into account the future needs of all the Village, balancing the financial aspects of this particular \$85,000 versus other offers that could come in and also taking into account the fact that we could control the zoning and development of the property that we own. That's what we were essentially asking the residents to do, is to give us the \$85,000 to purchase this land taking all of these other factors into account. What I was trying to say to this lady right here a few minutes ago, I don't know of another group that is better suited to taking into consideration all those variables and make decisions as to what is best to do with that land at a given time with an eye towards given time being perpetuity. We discussed the fact that this purchase was possibly for perpetuity.

Mayor Kuzon: Mrs. Lindow:

Mrs. Lindow: I think we should ask the Town for half the purchase price because most of the people that are my neighbors live in the

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Town of Amherst and they benefit from the Village park and they have a beautiful woods behind their homes and that is Village property. If we purchase this land there is a vacant lot which quickly could be sold and a house put on it. That lot has been sitting there for years. There was a house going to be started on it 30 years ago but it was never built. The Village kept that land to keep that woods open. There's a lot of things that can be done so that the Village does not have to pay the full amount. The Department of Public Works, that building is prime land, it's worth a lot of money. They could sell that and move over, move the Department of Public Works over near the railroad. That's a lot of things that could be done to save that \$85,000 but the Town of Amherst should pay for half of that because the people in the Town of Amherst directly benefit from it.

CONRAIL
DISCUSSION
(Con't)

Mayor Kuzon: Okay. Thank you. Mr. Brown, your hand was up.

Mr. Brown: Is there anything on your records that shows the width of that property.

Mayor Kuzon: Yeah.

Mr. Brown: Particularly behind the residential.

Trustee Saia: I'll tell you what. I got a survey of that I believe. I got sore eyes trying to figure out figures on it. To get back to what Mr. Metz said before I've walked this thing, each foot. You said maybe the Board members don't know. I don't know if the Board members know but I know. Every foot of this place I walked by foot. So I know what's involved down there and I tried to get some measurements and what I come up with, now possibly they're wrong, but I come up with about 125 feet on the west side and it's a real screwy piece of property. It jogs down and then goes back up and then it goes back up it looks like over 100 feet to Union and then on the other side it's a 100 foot and on the other side where International Chimney's got their railroad station and that shed International Chimney's got about 10,000 sq. ft. that they lease which is a 30 foot by about 400 feet or 800 feet long piece of, strip of land and International Chimney or Conrail goes beyond that to the north and also to the south of that about 90 feet. So on Cayuga Road, or on S. Long St. on one side you might have 150 feet. Now I've taken the measurement according to this thing I've got right here and maybe somebody else has some better measurements.

Trustee Brenton: Well I think the question was in the residential areas, the measurements east of S. Long St. to Cayuga, up in there you have approximately a hundred foot right-of-way and that would begin approximately 400 feet plus or minus east of S. Long St. So 400 feet approximately east of S. Long St. and thence 100 foot right-of-way through to Cayuga Road.

Mr. Brown: So if someone wanted to develop and they had to put a road in they're not going to have much land to develop that property.

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Trustee Brenton: No, not in that general area. There's abutting property owners, if they are interested in acquiring property I don't know. However, we would no way I think entertain the idea of building a road there. Roads are extremely expensive and there's no way that road could ever pay for itself for development purposes or anything else. So then I would doubt it very much. However, we would still create the original theory behind acquiring through to Cayuga as an accessway for this little two acre triangular-shaped park right in the middle and that was the theory when I originally requested to be allowed to be the preferential buyer through to Cayuga.

CONRAIL
DISCUSSION
(Con't)

Trustee Kibby: Like a walking path.

Trustee Brenton: And we would not in my mind need 100 feet for that. Whatever number of feet would be determined by other people and then I'd have a final say so on it as to what I thought.

Mayor Kuzon: Mr. Lohr.

Mr. Lohr: International Chimney and Allentown are M-1 and when you pass there the strip is all R-3M.

Mayor Kuzon: Mrs. Gustavson.

Mrs. Gustavson: Are you actually entertaining an access road to S. Cayuga.

Trustee Kibby: No. We said a path.

Trustee Brenton: We've precluded the thought of building a street. There is no way the Village can afford or even desire a street.

Mrs. Gustavson: In my wildest imagination did I ever believe anyone would be interested to put a road there. You have to consider the rest of the property that goes along there.

Trustee Brenton: It would not occur where you are presenting using the property. The buffer would be on the other side towards Cheektowaga. There would be a buffer walkway type of thing. It would not occur on the property you are abutting. It should be of no concern to you at all.

Mayor Kuzon: Mrs. Felser.

Mrs. Felser: It's very confusing down there because the Village goes to the track on the west side of the street but it doesn't go to the track on the east side.

Mayor Kuzon: Okay. Anyone else? Anyone on the Board? Larry.

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Trustee Law: I think the Conrail property is an opportunity that doesn't come by very often. And on the one hand you think of many uses that, or maybe some uses that it can be put to. But on the other hand, it's kind of an expense and, therefore, one should go slowly. Well not slowly, I don't quite mean that, but I, we've talked about all these items and when it comes down to \$85,000 one has to consider it both ways, whether to purchase it or not purchase it. We decided to put it up for a referendum. I would very much like to see the Village purchase this property and for the most part I would like to see this used, the use for this land be for park, or a walking trail, or items of this nature. I believe the wording in the resolution that we passed tonight that this land should be general Village purposes, this allows flexibility and I feel it was a desire of the Board to have this flexibility to form a committee that would be listened to even though the ultimate responsibility rests with the Board. And I go along very much with the way this has been handled.

Mayor Kuzon: Any other Board member? Anyone in the audience? If not...

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

Unanimously carried.

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

ON MOTION by Trustee Brenton, seconded by Trustee Saia, the meeting was adjourned at 9:45 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer