

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby

Trustees

Lawrence Law

V. James Saia

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on February 27, 1984 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the proposed acquisition and use of the Conrail property.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 8:30 PM.

CONRAIL  
PROPERTY

Unanimously carried.

Mayor Kuzon: To begin, basically the Village Board has two reasons for calling for this evening's public hearing. The first is to clarify our reasons for purchasing the property and the second reason is to provide you with some type of idea or intent regarding the Board's use for the property.

Acquisition and  
Use

To begin with, our reasons for purchasing the property we have categorized into three areas - public use, area improvement and orderly development. Under public use, we would purchase the property for the purpose to insure that a portion of the property will be publicly owned and preserved for public use and open space. Also by purchasing the property it would improve access to Village owned land which is adjacent to the abandoned Conrail property. This piece of property that the Village currently owns is in the neighborhood of two acres.

In terms of area improvement, we would purchase the property to provide for a continuous buffer strip from South Union Road to South Cayuga Street separating existing manufacturing zones from existing residential zones. Also under this area we would establish the proposed buffer as park land for public benefit. Another reason to purchase the property for area improvement would be to be actively involved as a neighborhood property owner in the improvement and enhancement of the immediate neighborhood. Also to insure and influence an appropriate use of the public and nonpublic land, consistent with neighborhood interests, and to establish a "blue print" for improvement for land that has been neglected and quite honestly is an eyesore.

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, February 27, 1984 at 8:30 PM

beneficial to the Village and I think it can be stated logically that this is something that should be put to the people, because it is a cost bearing item. It's going to be expensive to purchase and to pay for. It's also going to be expensive to develop, and since it is something that is discretionary that probably that discretion should be given to the people. Why should the people be given this discretion and turn around and then ask, and then put to us how to use the land? Because as I said before, I think that the Village Trustees are the only group that will be able to evaluate objectively all the relevant aspects and interests in this project and be able to take into account the nearby residents, the remainder of the Village residents, to be able to take into account the future needs of the Village, the financial impacts on the Village, the improvement of what is now undoubtedly, the improvement of land down there that is indeed a mess, and to take into account zoning and future development of that land. We can also take into account environment, combined with residential issues. This is the one Board, I think, and not just necessarily because of the make-up of the Board, but because of the legal aspects of this Board that can take into account, will take into account all of these considerations and not just come at it with one axe to grind. So I think this is why the people should be aware of the possibility of purchasing this land, learn as much as they can about it, decide whether or not they wish to buy the land. I would encourage them to do so. This is a discretionary purchase. This is their right to choose and I think they should understand why the Trustees are giving them this choice and what the Trustees are planning to do with the land and the Mayor already has. Thank you, Mr. Mayor.

Acquisition and  
Use of

Mayor Kuzon: Thank you. Is there any additional Trustee who'd like to comment before we open the public hearing?

Conrail  
Property

Trustee Saia: I have just a few words on it. I think this is an opportunity that as my, as me sitting on this Board it's an opportunity that comes about once in a lifetime. We have a chance to buy this piece of property, find out what the Village residents would like to do with it, and do it. I don't think an opportunity like this exists. What has happened in the last week or two, and we have a gentleman in the audience right now that has offered a piece of property to the Town at a very reasonable cost that he would like it to remain a conservation area. With that piece of property which is adjacent to this property I can't, at this time I just can't believe that we can let this piece of property slip through our fingers. We're not helping ourselves but the future generations. I wholeheartedly - there's not too much to say because I can see it's the same faces that were here a couple of weeks ago. There are a few new faces. I don't see too many new faces, but we do have a few in the audience that must be concerned with this piece of property. But I thought sure we would see 40 or 50 people in this audience tonight. Evidently they haven't heard about it or maybe they don't care about it. So I think it's up to the citizens of this community who have children, and I'm thinking

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

To insure orderly development, we have listed the following. First of all, we would rezone the property to a more restrictive use. That is we would rezone that portion zoned manufacturing to a more restrictive commercial use, which would be C-2 or C-3. And also under orderly development, it is our intention to be an active participant and a positive influence in the future use and conversion of the abandoned railroad property and the neighborhood area.

Those are our stated reasons for purchasing the property and our intent upon purchasing the property, if the referendum is approved, would be to first of all rezone the property to a more restrictive use, retain and establish an area as a buffer between the existing manufacturing and residential areas, sell a portion of the property at a fair market value. On the property sold we would impose deed restrictions and covenants to insure proper maintenance. Also when the property is sold we would maintain adequate buffer and this would be in addition to the Village buffer and to provide for appropriate buffer material, whether it is a fence, a tree, or a berm. And also on the property sold we would make every effort to improve and maintain the property in a general clean-up effort. Some of our thoughts also include creating a moratorium on the use of the public owned land not sold until the Village Board endorses a concept plan, creating an advisory committee to review the Village Board proposals for use and make recommendations to the Village Board upon which the Village Trustees would endorse a plan, and then the Village Trustees would implement the plan with available funds.

Acquisition and  
Use of

One footnote to that list of intentions is that those are proposed intentions. They're not stated in any sequential order. They are not written in stone. They are what the Board has put together after a lengthy work session on the topic and we present them to you this evening for your comments and additional discussion.

Conrail  
Property

Before opening up the floor to public comment I would give the Trustees the opportunity to make comments of their own to add to the reasons, to add to the intent that has been stated. Trustee Kibby, I think you've got something.

Trustee Kibby: Yes. I just wanted to make a couple of points. There have been a number of questions as to why have a referendum and why give this option to the Trustees. To use one of Trustee Law's words, this is a discretionary purchase. The same evening that we put this referendum on our agenda and voted to take it to the public we also purchased a fire engine for a considerable amount of money, larger than this proposed purchase here. This is the responsibility of Village Trustees, to make these kinds of purchases, to spend this kind of money, and to save money. That we did without going to referendum. That's part of the safety, the efficient conduct of the Village. The purchase of this land is not something that is part of the safety or necessarily part of the efficient conduct of the Village. However, it probably is

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

a blighted situation within, I think everyone would agree, a very beautiful community. So that it is very easy for people that perhaps live on Highland Dr., or in other untouched areas of the community, Brookside Dr., Mill St., that really have never been confronted with a manufacturing type of situation within their backyards with the noise, etc. and also with the remnants of what once was a railroad line staring in their faces every day when they come to and from their homes and their company, etc. comes. So to me it looks like a spot that can only continue to deteriorate. However, through the acquisition of the property and through the acquisition of the property with all Village taxpayer funds, and hopefully some funds from any interested purchasers of a portion of the property, or portions of the property, that the Village Board may elect to sell that we could in effect clean-up the community. I think this is what any citizen within the community should want and would support and I hope that through my summarizing the situation in that way that they can view this in a positive manner and go out and support the acquisition of this property. It's already been brought out that this will cost in the neighborhood of \$.42/\$1,000 over several years to the average property owner, probably in the neighborhood of a six-pack or so of beer a year, and I would just hope that the taxpayers would support that type of expenditure and in effect help themselves, and definitely help those that are in that given area and that's all I have to say. Thank you.

Acquisition  
and Use

Mayor Kuzon: Thank you. At this time we'd like to open the meeting for your comments. We ask that for our records, our minutes, that you state your name and address before speaking please. Anyone in the audience? Yes, Joe, Mr. Jakubik.

Conrail Property

Mr. Joe Jakubik from International Chimney, 55 S. Long St.: I'd like to read a letter to you from Richard T. Lohr, our President on this Conrail property. (A copy of said letter is attached hereto.) This is again by Richard T. Lohr, President of International Chimney.

Mayor Kuzon: Okay. Thank you.

Trustee Brenton: As one that is mentioned in your letter I'll take the opportunity to respond to it, Mr. Jakubik, and as you know we have had several conversations regarding this property and you indicated that over a year ago you had made your offer and this is true. However, you also indicated, or Mr. Lohr indicated in his letter that the offer has not been taken seriously and that you have never received, or he has never received a response. I have a copy of the letter that dealt with the subject property and it is addressed to the International Chimney Corporation, attention yourself, and I won't bother the public with the content of the letter other than to say it is suggested that it is told to you that the offer that the corporation made was found to be insufficient on the part of the Board of Trustees based on the acreage that is involved and which was a subject of contention I believe between yourself and Mr. Lohr and myself, your feeling that there was lesser acreage involved than there

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

about 10, 20 years down the line, to take this thing and run with it and vote approval of this Conrail property. I have, by the way, gone to every resident on Long St., practically every resident, everyone I could find home on S. Long and Garden Parkway and I also visited some of the people in the Town adjacent to this area. I have called the block unions of Southeastern Homeowners, North Citizens Association and I'm sure that Cayuga Rd. Association would be interested in looking at something like this. But it seems like when these people have a problem it's always that they have commercial encroachment in their residential area. We have had in the North Citizens Association, I know the Southeastern Association has had it and so has Cayuga Association and the Millrace. I'm pleading with them now to get to their, to get their people to vote for the purchase of this Conrail property so that we might get a committee together to decide what's best for the Village, that we can have something to leave our children. The National Parks & Recreation Association of the United States says that one acre should be set aside for every 1,000 residents - I'm sorry - it's 10 acres for every 1,000 residents. It's 10 acres for every 1,000 residents. In the Village here we have approximately 22 acres. Now some of that is in jointly with the Town of Amherst, but we do have 22 acres. But I want you to know that there's an awful lot of people knocking on Williamsville's door to get their home in this little Village, an oasis in the Town, because the Town's park area is hardly worth mentioning. I don't know what else to say. I came prepared with a long speech but like I said there's not too many of us here. I'm afraid we're going to have to get out and knock on some doors and instruct these people and educate them and tell them what this piece of property is going to do for our Village and the opportunities that lay ahead for the coming people that sit on this Board and govern this Village. Thank you.

Acquisition and  
Use of  
Conrail  
Property

Mayor Kuzon: Thank you. Any other Trustees? Trustee Law.

Trustee Law: I would encourage people to go take a walk along the Conrail property. I think this is, as Jimmy said, an opportunity that doesn't come by very often and as I walked through the area I couldn't help but think that there are eyesores there and I would trust that if the Village purchased the property, the voters approved it, that we could have an orderly development here. I just hope the people will vote, will get out and look at it, and consider this on the referendum.

Mayor Kuzon: Larry?

Trustee Brenton: Yes. I guess everything's been said that I would have elaborated on and I can just I think summarize it as far as I see the situation and that is that the continuing source of complaints that have emanated from that area from Village residents and also residents from the Town who, of course, as Village Trustees we don't have to concern ourselves with. However, the area is probably what could be considered



# INTERNATIONAL CHIMNEY

CORPORATION

ENGINEERS ••• CONTRACTORS

55 S·LONG ST·BOX·260·BUFFALO·N·Y·14221-0260

(716) 634-3967

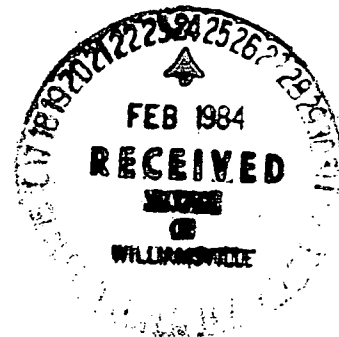


February 22, 1984

Village of Williamsville  
P.O. Box 191  
5583 Main Street  
Williamsville, NY 14221

Attention: Village Board

Subject: Abandoned Conrail Property



Gentlemen:

For many years International Chimney Corporation has been leasing Conrail land and has title to the freight station and pole shed on this land. We have been working with Conrail relative to the purchase of the land, after it is offered to local governments by procedure. The Village is the last entity in this chain before the public may vie for the property.

As a cooperative effort, International Chimney Corporation has been in contact with the Village of Williamsville regarding the participation in the purchase of a portion of the abandoned Conrail property. In our earliest communication with the Village of Williamsville, Trustee Brenton clarified his intentions as fact finding, and not negotiation. We understood Trustee Brenton's position, however, we volunteer to state our intent in the interest of clarity and in the interest of giving the Board the opportunity to have something concrete to work with.

Our offer was based on the premise that the Village of Williamsville and Conrail would enter into negotiations, and Conrail's selling price would be greatly reduced. This has happened.

Our offer was met with ridicule and not treated seriously. Time has told the difference, however, and as it presently stands, International Chimney Corporation's offer is almost half the purchase price for less than 26% of the property.

International Chimney Corporation has made several assurances to the Village of Williamsville. We include the provision for a 15 ft. right away along the most Southern edge of the property (providing that any improvements/grading/maintenance/fencing, etc. done on the right away be the responsibility of the Village). We agree to work with the Historical Society in an effort to protect the former Station by having it registered as a historical structure. We have publicly stated that we would renovate the station, including landscaping and blacktop providing the property beneath the station be sold to International Chimney.



As you know, the freight house station and pole shed themselves are already our property, and some improvements have already been made - including a new roof and chimney to the station and siding to the pole shed.

With all of the above being a matter of public record, we simply cannot understand why the Board has not seriously considered our offer, or why they have asked the taxpayers in Williamsville to approve an expenditure of \$85,000.00 instead of \$45,000.00.

In the spirit of cooperation, we again repeat our offer to the Village Board, in the hopes that a formal agreement can be reached and a lesser burden be imposed on the taxpayers of the Village of Williamsville.

It is important that the Village Board understand that our offer of \$40,000.00 is for participation in the purchase of the property. The title to the parcel in which we have interest would have to be conveyed to International Chimney Corporation, at or near the time that the total parcel would be conveyed to the Village.

We are definitely not setting up a standing indefinite offer of \$40,000.00 for the property. We presently have a reasonable lease with many years to run on property that is being used by us. This lease would have to be honored by any owner. If our participation offer is not accepted, it would most likely be our intent to maintain the use of the property during the lease, determine the disposition of our buildings on the land, and not get into a serious pursuit of the purchase of the property from the Village, as it would then be evident that the issue would be highly political and frankly, not worth our time and effort, or the bad will that might be created.

Obviously, it would probably be in International Chimney Corporation's interest if the Village does not participate with us and does not buy the property. Then we could negotiate directly with Conrail for what we desire, at most likely a more reasonable price.

We feel almost foolish for being up front with the Village in trying to help in the overall situation, rather than just sitting back and waiting, which would be in our best business interest. What I am essentially saying is if our offer is not taken in earnest and is continuously kicked around, it will be totally withdrawn.

If you buy the property without assurances to us of a timely transfer, do not depend on us for \$40,000.00. If there is any thought that we are willing to pay more than \$40,000.00 for the land that is of dubious value at this point with the unimproved structures we own, the thought would be entirely wrong.

We have discussed this issue during our initial meeting with Larry Brenton well over a year ago, at the Board Meeting on January 9, 1984 and at the Mayor's office on January 20, 1984. To date we have not received any response - positive or negative.

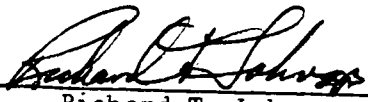
February 22, 1984

Page 3

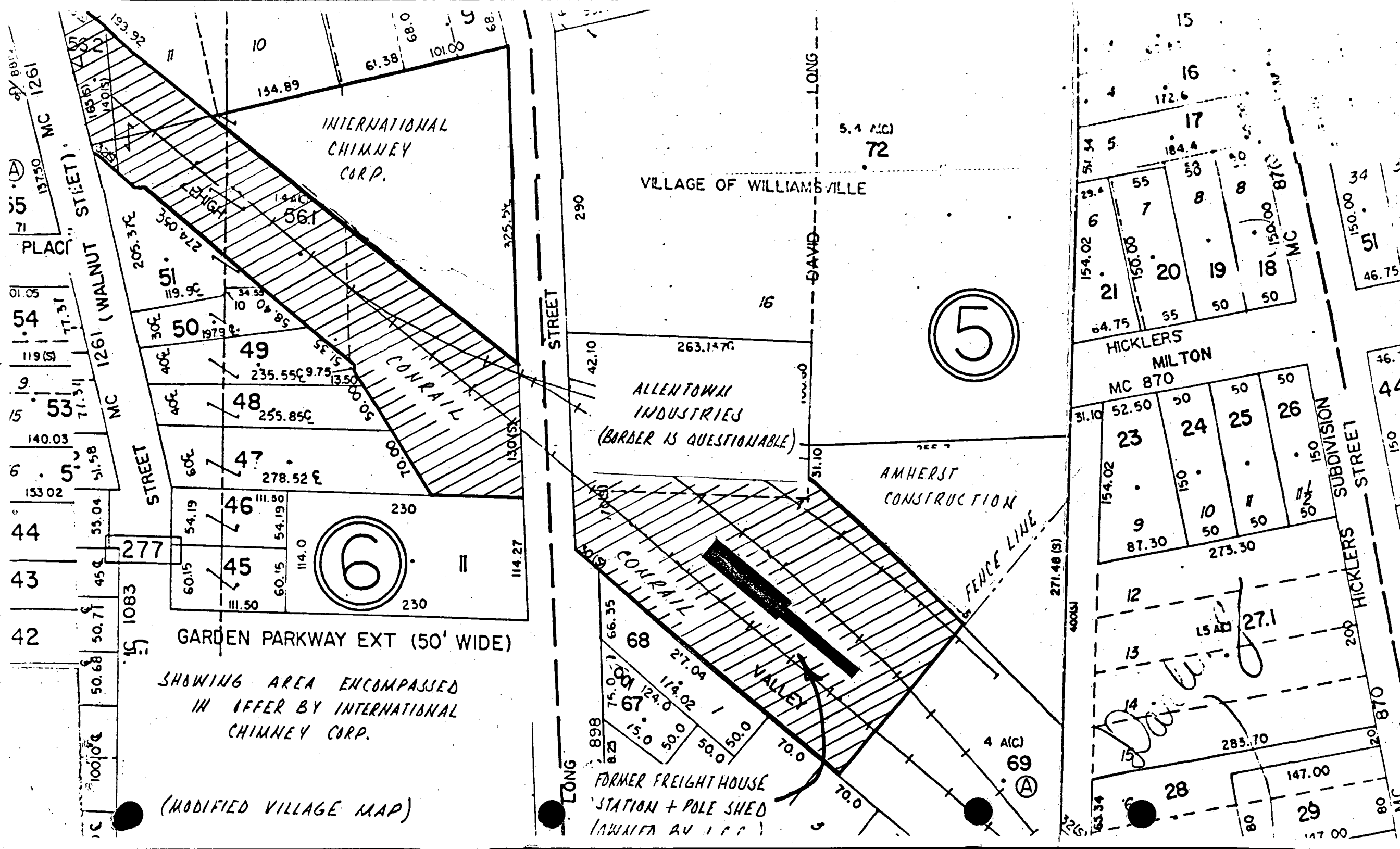
We do not know how else to cooperate; we do not know what else to offer;  
are about to give up.

Very truly yours,

INTERNATIONAL CHIMNEY CORPORATION

By   
Richard T. Lohr,  
President

RTL:nk  
Enc.



INTERNATIONAL  
CHIMNEY  
CORP.

VILLAGE OF WILLIAMSVILLE

ALLEN TOWN  
INDUSTRIES  
(BORDER IS QUESTIONABLE)

AMHERST  
CONSTRUCTION

CONRAIL  
VALLEY

FORMER FREIGHTHOUSE  
STATION + POLE SHED  
(LAWREN AV 100)

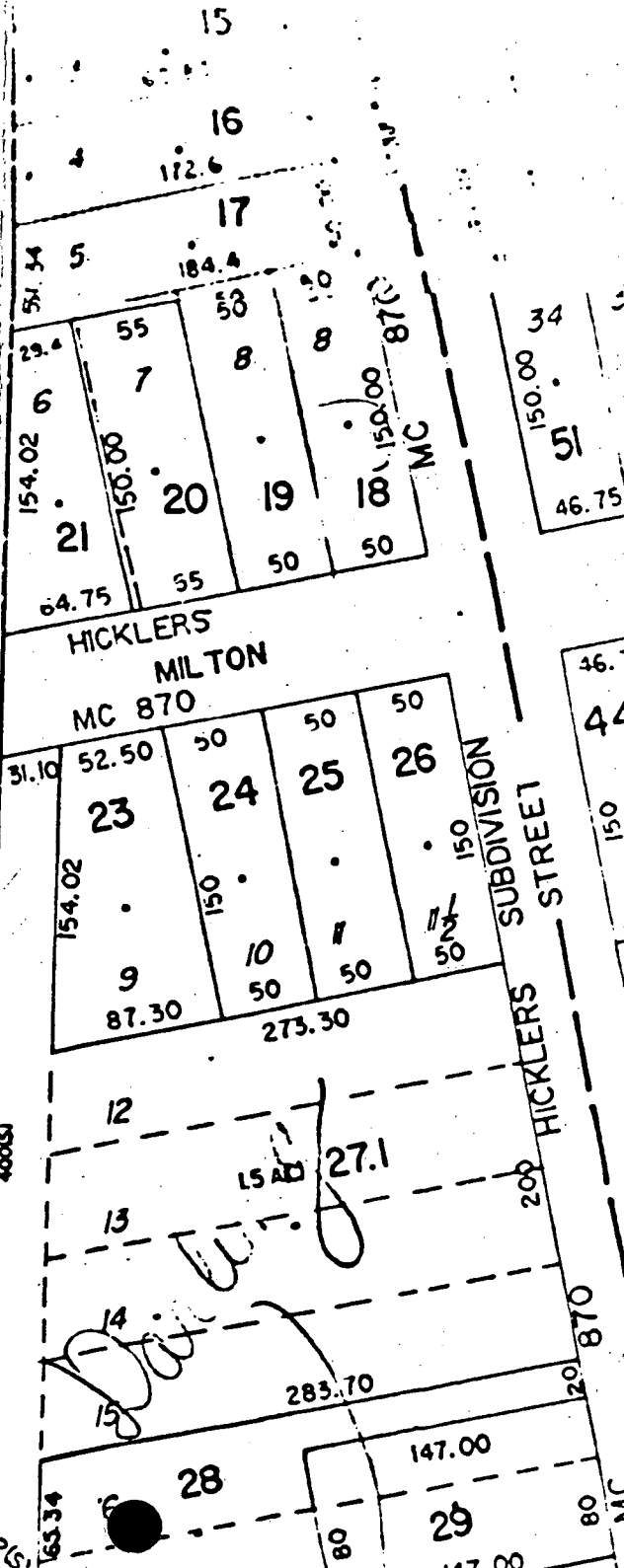
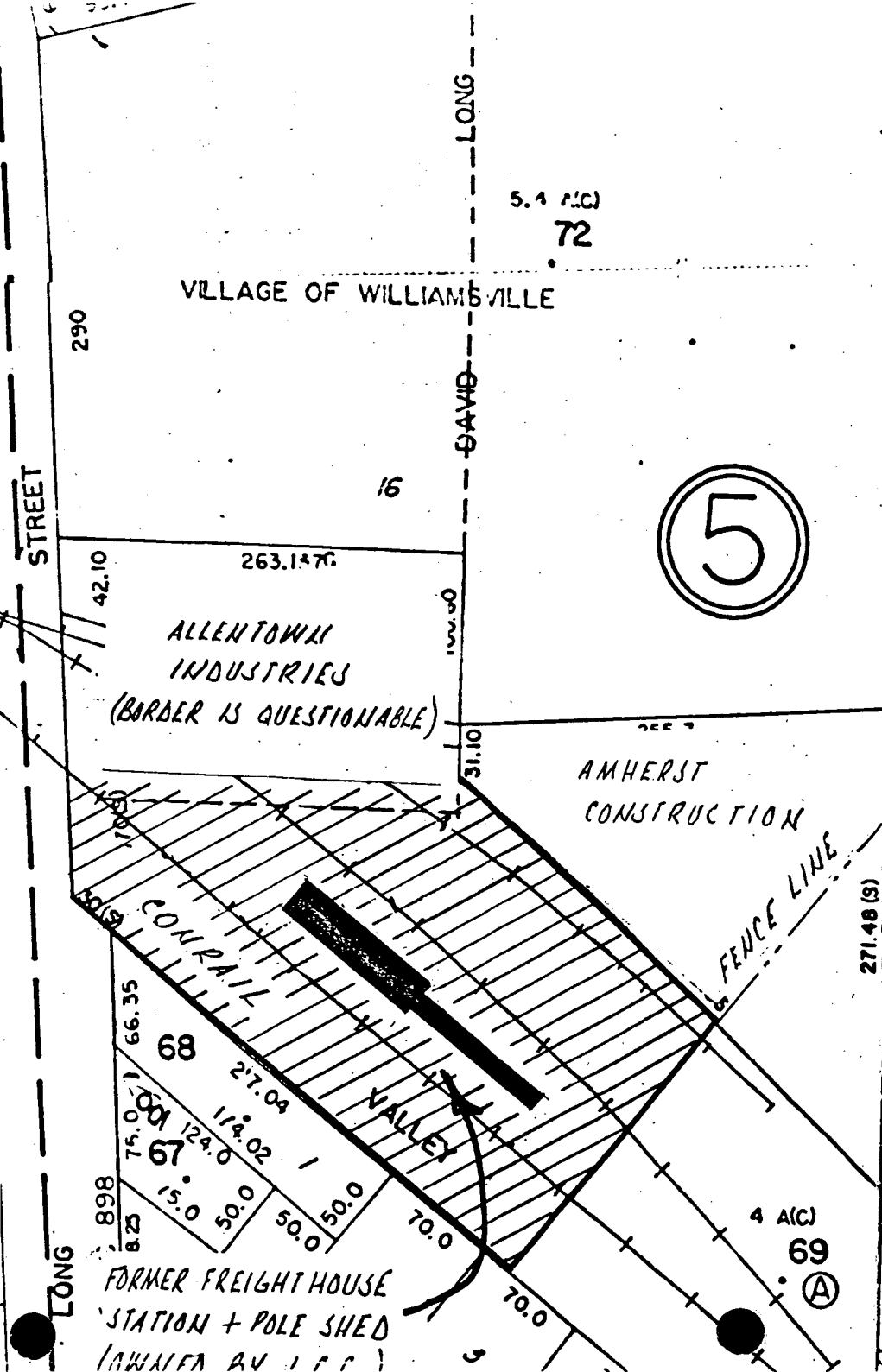
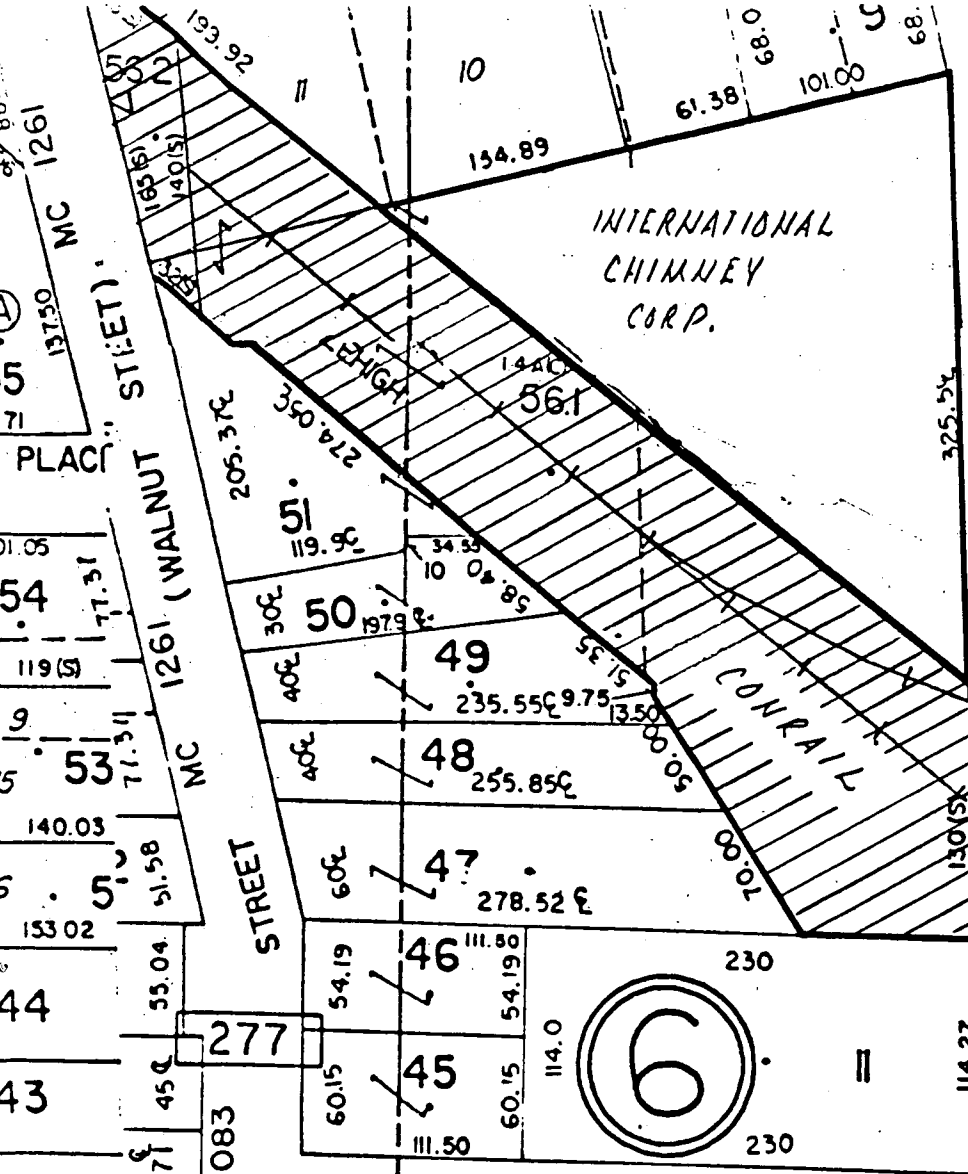
5

6

GARDEN PARKWAY EXT (50' WIDE)

SHOWING AREA ENCOMPASSED  
IN OFFER BY INTERNATIONAL  
CHIMNEY CORP.

(MODIFIED VILLAGE MAP)



Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

actually is. And also I advised you that the Board was not interested anyway at that particular time, January 28, 1983, in arriving at a purchaser for a portion of the property, and quite obviously so because we don't own the property nor will we until after the effect of the March 20th referendum concerning same, so that therefore, it would be impossible for the Village in all true honesty to negotiate with your firm pertaining to acquisition costs. There is no way that we can successfully negotiate something concerning something that we have no control over. So that I would say that we had in effect answered the original offer of International Chimney and that answer was provided attention to yourself on January 28, 1983 and we do certainly appreciate the effort that you and Mr. Lohr have spent in trying to provide the Village with this fiscal assistance on this matter and I'm sure that should the Village determine it advisable, the people in this case, to purchase the property that we will be in contact with you and any other interested parties that perhaps would want to purchase the property.

Acquisition and  
Use of Conrail  
Property

Mayor Kuzon: Yes, sir.

Mr. Jakubik: Mr. Brenton, again that was over a year ago. As you well know the negotiated price has come down from close to \$200,000 to \$80,000 and it makes quite a bit of difference in regard to our offer. At the time we had mentioned to you that there was a great possibility that you could have a substantially reduced price from Conrail. This has happened and this is what we had based our figures on in our offer originally and as it turns out now we're standing behind our offer even though this turns out that the acreage, the proportion of acreage to cost is not much in your favor. My point is it's a very serious offer at this point.

Trustee Saia: Sir, I happen to own some property on S. Long St. also. When this offer you gave came out to the Board I don't remember it being in writing, I remember we had discussed it. But we rejected it. Now in your letter I notice that you say that almost one-half the purchase price for less than 26% of the property. Like I said I bought some property on S. Long and I still own it and if you say half the purchase price for less than 26% of the property I think we should say that the \$40,000 offered is for 75% of the value piece of property. The piece of property that you offered that money for is the most valued piece of property of that whole railroad. So, you know, let's not, you know figures can kind of be twisted around a little bit. It's definitely only 26% of the property but it's about 75% of its value.

Mr. Jakubik: Can I ask you, sir, what the value of the property is based on?

Trustee Saia: Vacant all the Village gets is \$175 a year in taxes.

Mr. Jakubik: What I'm saying is you're saying that our offer is only 75% of the worth of the property. You're obviously taking into

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

account the structures on there.

Trustee Kibby: Mr. Mayor, is this the place for negotiations?

Mayor Kuzon: Probably not.

Trustee Kibby: I think we've got an offer from this company when we didn't ask for an offer. What we asked for in Trustee Brenton's letter a long time ago is what is the value of that property. This is one of the things we did while we were trying, at the same time we also had an assessor look at the site just to get an idea of what the value of that property was. That's all we were trying to do. I don't think this is an appropriate time for negotiations on the sale of property because we don't own the property. I'll sell you a bridge, the Brooklyn Bridge, if you're interested in buying property we don't own.

Acquisition and  
Use of

Mayor Kuzon: Okay. Is there anyone else in the audience? Yes, Mr. Sweeney.

Conrail  
Property

Mr. Richard Sweeney, 325 Mill St.: In response to the editorial and this is probably not the proper place to subscribe to an editorial in the Amherst Bee but my own opinion was that -the editor of the Amherst Bee pointed out with this new offer by Mr. Miller for a potential purchase of property adjoining the Village that the value of the Conrail property to the Village had declined and I would like to make my own opinion that I personally think it's quite the contrary. Since the Conrail property does adjoin the property that Mr. Miller owns and is offering to the Town, or Town and Village, I think the Conrail property is that much more valuable. Quite definitely it would be, I think, to the existing Long St. recreation area with what is being considered as a passive recreation park. I can't see any logic in those kinds of development decreasing the value of the Conrail property to the Village. Again, I support very much the Village's referendum and would encourage the citizens to back it whether or not we eventually sell a small portion of the Conrail property for further development. I think the property is worth the price. Thank you.

Mayor Kuzon: Thank you. Anyone else? Yes, sir, Mr. Metz.

Richard Metz, 119 Monroe Dr.: It's baffling to me that the Village Board at this time seems to have so much rhetoric about the purchase of this property. There are a few questions that have been bothering me and I hope someone can answer them. Was the Village interested in any part of this property or the preservation of the station prior to receiving the letter, or I might say prior to International Chimney buying the building? I wonder where the Village Board was at that time in not wanting to preserve the station house. To me and the Village that is the most important part of the whole deal is the station. That's number one. To date has there been a survey of this property that the Village Board is interested in?

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Mayor Kuzon: We have a legal description.

Mr. Metz: I'm referring to a survey.

Mayor Kuzon: No survey. Just a legal description.

Mr. Metz: Then before any further negotiations can take place I would assume that the Board's credibility would be reduced if they were not working with a survey. That would become a Village cost - Is that correct? - in order to obtain the survey. Acquisition and

Trustee Brenton: Well to answer your question I think I can give you a question, you know, who provides the survey? You're a real estate man. Use of Conrail  
Property

Mr. Metz: In my experience the purchaser generally provides the survey if the seller does not so do.

Trustee Brenton: But in my experience the seller provides the survey. In this instance the attorney has advised us that we are on very good and solid ground in proceeding with the legal description that we have received. So that we don't really have that as a fear. I respect your consideration that we are not perhaps acting properly regarding that but I'm sure that the rest of the Board agrees with me on the advice of the Village Attorney that that does not concern us at this time. However, if the need for a survey would result at a later time I'm sure that that would be negotiated in the normal real estate way and that would mean that the seller should have to provide the survey or else some type of financial remuneration for it and that might be developed in later negotiations.

Mr. Metz: Is it not common knowledge that part of this right-of-way is in the Town of Amherst?

Trustee Brenton: It is common I would - I think when I discussed the situation with Supervisor Sharpe - who is in the audience - that the Town did not see a need for that particular piece of property that was located totally within the Town, that does abut the Village portion. I saw a need, an opportunity rather to open up a two acre parcel of property located directly in the middle of the subject property that the Village now owns and so I asked the State of New York Department of Transportation to allow the Village of Williamsville to be included as the number one preferential right - that's not the exact term, but you know what that preferential right means - to acquire and that preferential right was afforded to the Village of Williamsville and so, therefore, we had the opportunity to purchase it before anyone else.

Mr. Metz: One other question. It will be necessary I believe - and I stand corrected if I'm not right - in order for the Village to utilize the full right-of-way of that portion in the Town of Amherst it will then have to be annexed by the Village. Is that a true statement?

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Mr. Troy: Not necessarily, no, Mr. Metz. The Village can own land outside of the limits of the Village.

Mr. Metz: I understand then that the Village has the first right of refusal on that portion which lies in the Town. Is that correct?

Trustee Brenton: Yes. That's correct.

Acquisition and  
Use of  
Conrail Property

Mr. Metz: By whose authority?

Trustee Brenton: As I explained, the Department of Transportation of the State of New York is the authority over this type of transaction and they have conveyed that first right to the Village of Williamsville.

Mr. Metz: One other consideration in the public use and I will refer to Trustee Saia's arithmetic on the park land vs. population. Do you feel that it's absolutely necessary that the Village has any more open land particularly of that topography, particularly of that dimension, particularly because in my personal opinion there's no feasible way of developing that into anything but, if I can be real nasty and say a marijuana trail. Meaning simply that it would have to be leveled in order to have a bikeway and certain other things would have to be done to make it safe for the children. As I personally see it I think the Village has much more important things to do than acquire a 100' wide strip particularly when if negotiated and accepted by the Town of Mr. Miller's offer I'm sure that that sanctuary or whatever it might be would certainly be open to Village use. Would that be right, Supervisor?

Supervisor Sharpe: I'm an observer. I'm not entering into this conversation. I have no comment to make. I'm coming as an observer to listen.

Mayor Kuzon: The simplest answer would be that if it were a Town park it would be accessible to the Village residents because they're all Town residents.

Supervisor Sharpe: Just as the Village park is.

Mr. Metz: Also, the referendum to my mind seems to be a blank check unless you have rewritten the referendum. As I heard it in the last meeting there was absolutely no tie on that money. It was a referendum for \$85,000 but nothing specifically was stated as to what was going to be done with the \$85,000. I personally am not happy with writing a blank check.

Mayor Kuzon: Well it's not a blank check. The referendum did state I believe in a sentence or two that the bond issue was for \$85,000 to purchase approximately 9 acres of abandoned Conrail property for general Village purposes.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Mr. Metz: Sorry, I didn't hear that part of it.

Mayor Kuzon: And that is the way it will read on the ballot.

Mr. Metz: Well that's fine. I wonder if anybody's ever considered that if the Village did not purchase this property what Conrail might do with it?

Mayor Kuzon: Well I think we've discussed it previously and the next step for Conrail is to offer the property to abutting or individual property owners. Acquisition and  
Use of  
Conrail  
Property

Mr. Metz: Would that relieve the Village taxpayer in any way?

Trustee Saia: It might, Dick. You're a real estate man, you know something about real estate. I think the concerns of an awful lot of people in the area at this time, one of the concerns is that it is zoned M-1. Now if you ever take a walk through there and you drive through there you'll see what M-1 means. You've got Darling Company is M-1, and so is International Chimney. Now this property here we have an opportunity to take it off of the M-1 zoning if it's purchased by the Village. I'm afraid if it's not purchased by the Village, if this is turned down in the referendum, then I think it would be one heck of a job to take it off the M-1 district. So you have manufacturing up against an awful lot of residential homes.

Mayor Kuzon: Excuse me, Mr. Metz, I believe your question was, would there - if I can infer - would there be a substantial increase in assessed value if this property were purchased by individuals or corporations? Is that essentially what you were asking?

Mr. Metz: Well that's one of the complexities. I can see no property owner that I know that is contiguous with the right-of-way that would purchase extra property back there and expect to pay more taxes. It doesn't make sense to me. Particularly in the area. Now to get back to Mr. Saia's worry about the zoning in the area that International Chimney is now utilizing, if you purchase do you feel you have the right to take that zoning away? Would you zone it down to a point where International Chimney can no longer function?

Trustee Saia: Are you asking me, Mr. Metz?

Mr. Metz: I'm asking the Board.

Trustee Saia: Well my answer to you would be that I would leave it to a committee that would be appointed by the Mayor and this Board to look into what this Village could use that property for to the best use of the Village residents. And I'm sure that a large portion of that, as a Committee because I think the people that would be on this committee are residents of this area, of this Village, and I'm sure that it would lean toward restricting the zoning on it, or a portion of it.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Trustee Law: I think the question was by rezoning it would International Chimney, could International Chimney, would it serve their use. Was that the question?

Mr. Metz: No. I'm questioning if you rezone it will it be rezoned so that International Chimney can still function as they are today, or are you trying to change the existing?

Trustee Saia: No, it's already zoned. We can't touch that. What we're talking about is the Conrail property.

Acquisition and  
Use of  
Conrail  
Property

Mr. Metz: What is it?

Trustee Saia: It's M-1. International Chimney is zoned M-1. Conrail property is also zoned M-1.

Trustee Brenton: Portions of it.

Trustee Saia: The portion in the Village is zoned M-1.

Mayor Kuzon: What we're talking about rezoning would be just the - if the referendum is approved - we're talking about rezoning that portion of the property that the Village would then own. We're not talking about rezoning other property not owned by the Village.

Trustee Brenton: And again, I would say portions of the property acquired would be changed from M-1 to C type of zoning and this would be as I stated earlier tonight to clean up a situation. This would not conflict with the intent as provided by Mr. Lohr, Jr. as to what he would do with that portion of the property that he wishes to acquire east of Long St. because he has indicated that he has no intent, verbally to me, he has indicated that he has no intent to continue manufacturing there and that indeed an office type of situation would be nice. Now whether or not he fulfills that I have no idea. Again his representative is here and he was also present when that statement was made and so that to answer your question what the intent of the Village of Williamsville is to this and how it affects International Chimney is to assure that an otherwise eyesore is brought up to the conditions that this community believes, that the Board of Trustees believes everyone supports.

Mr. Metz: I will publicly state that I will do all I can to convince people that it's to the Village interests not to approve the referendum. Thank you.

Mayor Kuzon: Thank you. Yes, sir.

Mr. Doug Sandburg, 81 Mill St.: I'd like to say that I congratulate the Board of Trustees and the Mayor for their foresight in buying, or hoping to buy a piece of property by referendum that they presently are having put on the ballot on March 20th. I think it's only foresight that we'll have a better community by taking an area that is now zoned M-1 and rezoning it to C-1 or C-2, I think can only enhance

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

the Village that I live in, that I believe the rest of you are here before this hearing this evening. I think when people come and look and say well now I'm against it, I'm against it, I think they ought to look a little further and say golly, you know, we're really here and have a better place to live and so I would say thank you Board of Trustees for trying to make it a better place.

Acquisition and Use  
of Conrail  
Property

Mayor Kuzon: Thank you. Yes, Mr. Jakubik.

Mr. Jakubik: A quick question. If you should purchase the property and it should be rezoned what effect would this have on the lease that International Chimney already has and which cannot be cancelled for an additional five years?

Mayor Kuzon: To the best of my knowledge you would be continuing non-conforming use which would allow you to operate for the duration of your lease. If there's a change of use then it has to comply with the zoning code and the building code as applies to that zone. Yes, Mr. Weller.

Mr. Gartley Weller, 129 Mill St.: As a suggestion I wonder if the Village people are aware of the fact that there is a substantial offer awaiting the outcome of this referendum. In other words, if this were noted in the referendum that the tax rate may be 22¢/\$1,000 rather than 42¢/\$1,000, that substantially or approximately half the property would be paid for the good amount of people that are interested in the restoration of the railroad station, it would be done at the same time, and I believe it would be much more likely that if the people really knew all the facts, whether you feel the offer is substantiated or not there is a good offer and I feel it is an honest one, and I think it should be considered and the people of the Village let know. I think it would have a real bearing on the outcome of the referendum.

Mayor Kuzon: Okay. Thank you.

Trustee Brenton: I would trust that the news media would pick that information up.

Mr. Weller: I think it would be good if someone let the people know that it is not really \$85,000. It could be approximately half and at the same time keep our railroad station and have it restored.

Mayor Kuzon: Okay. Thank you. Anyone else? Yes, Mr. Gallagher.

Richard Gallagher, 38 Chalmers: Mike, does that mean, and I know you're speaking as an individual and not for the Board, that the letter, offer, or whatever it was that was presented to this Board, does your comment mean that you are not willing to make any public commitment to the extent of this, of supporting that offer for the \$40,000 for that property?

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Trustee Kibby: Well I made a public comment that I would be willing to sell, if you're asking me - okay - you're directing your question to me - that I'd be willing to sell - I think I said this at the last meeting - roughly 2½ to 3½ acres. I'm not necessarily willing to make a committment right now to the only person who's made an offer. That would be a mistake on my part, I think, not to seek the best price, the best possible price for that land. But I have made a committment that I am willing to sell that particular parcel of land, a committment to myself. It doesn't answer your question? You didn't like my answer? What's the matter?

Acquisition and

Mr. Gallagher: Well I think that comment that Jimmy made to the extent we're the people that I think that one I really do not think that they understand the issue. Two, I think it's a very complex issue to attempt to get through to the public and three, I think that you all deserve, all five of you deserve, I guess the confusion, I guess, you deserve - I'm just trying to be articulate - I guess what I'm trying to say is you're deserving all this confusion. The reason is that when you're trying to tell the people are you going to expend \$85,000 they're going to say for what and if I could say, and I guess if you could say we're going to expend it to buy \$40,000 as a committment it might be a little more palitable than this if, come and reverse. We have a situation right now and I'm sitting here as a citizen who followed this for a year and a half that cannot believe that a public hearing was not held prior to your adopting the resolution to pursue this. Two, that the person that negotiated this, and I questioned this a year and a half ago and I'm not attacking Larry Brenton's integrity, I'm attacking the Board's mismanagement by putting Larry Brenton, an employee of Conrail in the position of a direct conflict of interest in voting on the resolution to put this before the public, at , when at least he should have abstained, and now I hear that Jim Saia has property along S. Long St. and has gone up and down that street. I haven't seen you on Chalmers St., Jim, to the point where I really question the integrity of this Board and the ability to spend \$85,000 on an if, come and reverse. My position as far as running for Trustee is if, come and reverse. I cannot support no committment whatsoever as far as \$85,000 but I could support an offer of \$40,000 which includes the depot, which includes a landmark which all of you wanted, which includes the restoration of some of that property and getting rid of some of the eye-sore and possibly at 20¢, 25¢ putting some of that to the property and not even bringing Warren Miller's proposal into the picture at the present time. But I really believe that you did not (1) do your homework, work out a process that was in the best interests of the rest of the Village and in that context have created an awful lot of confusion and what you're going to be doing unfortunately, is putting different districts against each other. There is no reason why District 2 should not have a park, or the semblence of a park, and a nature trail just like District 1 has Garrison, just like District 3 has Glen Park. And I guess that my public comment is that at the present time unless this Board is saying that they're going to have a majority of the votes on the basis of the zoning, Larry and I running, and go in writing and commit themselves to an offer which would reduce

Use of  
Conrail

Property

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

the tax rate, keep a historical depot in the hands of the Village, because if we defeat it they can just pick it up, it's their property and go elsewhere. I could not advocate for the Independent Party to support that. If you are willing to go on record, fine, but there'd be no way based on the actions of this Board could we support this.

Acquisition and Use  
of Conrail  
Property

Trustee Saia: Now Mr. Gallagher...

Mr. Troy: Mr. Gallagher...

Trustee Saia: I think I've got something to say. I think you tried to accuse me of having some cohesion or something like that in having property on that street. I bought the property recently, for your information, and if you're accusing me, I'm going to accuse you of this - you come to this meeting...

Mayor Kuzon: Let's not get into a shouting match. The purpose of the meeting is to focus on the issue of the abandoned Conrail property. We're not going to get into throwing accusations around the room. We're going to focus on the issue and stay calm and we're going to have an intelligent discussion.

Trustee Saia: I don't think he should make accusations.

Mayor Kuzon: Okay. Then that's something that can be discussed at a later time but let's keep this issue in focus.

Mr. Troy: As Village Attorney just for the purposes of clarification I think Dick raised the question at an earlier time as to the conflict of interest of Trustee Brenton being an employee of Conrail and representing the Village and I believe you were answered that an opinion had been rendered earlier that there was no conflict of interest at all and I think you've been around public agencies enough to know the nature and character and the limitations on the conflict of interest. You were at that time advised that it isn't so and I'm a little distressed that you'd bring it up again. There is no conflict of interest. Mr. Brenton wouldn't have acted if there were.

Mr. Gallagher: Tom, you believe legally there is no conflict of interest. My concern is that not only when we discussed it, Larry should have morally, ethically abstained from that vote because he puts himself in that position.

Trustee Brenton: I have to take exception to that. I have to take strong exception to that and I realize we don't want to get into accusations here but, however, I do feel that when you do say I'm in conflict of interest I wonder how you can relate that conflict of interest to the fact that I am the negotiator for the Brotherhood of Locomotive Engineers. I handle the contract for it, the people

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

that I represent in the City of Buffalo, I do a very good job of that representation and that's why I was chosen because I am a negotiator and I did, as Mr. Jakubik pointed out, negotiate a much, much lower price for the property than they anticipated and I think perhaps some other people anticipated so that to confuse this issue further than the attorney has stated (a) that it is not a legal conflict of interest, which you have the right to pursue by inquiring of the Attorney General of the State of New York whether or not it is and I, therefore, suggest that you do that before the election and you publish the results so that once and forever this question of whether I am in conflict of interest will cease and desist as I'm sure it will.

Acquisition and  
Use of

Mayor Kuzon: Okay. First of all we're creating a lot of heat and very little light on this issue. So what I would like to do is just to remind everyone, audience and Board members, that certainly these things are important. I'm not trying to stifle the debate on this issue, but I want to keep your attention focused on the purpose of the public hearing and I don't have the notice in front of me but as I remember it it basically says to discuss the acquisition and use of the abandoned Conrail property. Once again, these are related issues regarding conflict of interest, being a resident in the neighborhood, and whatever else has been raised and certainly they are germane to the issue, but let's see if we can keep on the very topic of acquiring the property and what we're going to do with it. As you say, and I agree with you, it is a very complex issue, it is one that has not been clarified totally for the benefit of Village residents, and I don't think that our debating these side issues is going to aid in the clarification process for Village residents. Okay. Once again, I, you know, the statement is not intended to stifle debate. If need be we can take that up further in suspension of rules but let's keep to the issue of the public hearing.

Conrail  
Property

Trustee Kibby: I will stick to the issue and I will take your reprimand to heart. I would like to say though that it would have been foolhardy for negotiations and I think for business to accept the first offer given to us when we weren't even looking for an offer at the time. I think that what this Board has said in its statement here is that we are interested in selling the property, we are going to very likely sell a small portion of that property for the best price. We have one price. That may be the best price, it may be the lowest price, but when we only have one price it seems foolhardy to simply accept it and let it go at that without looking around to see if there is yet more money to be made on that piece of property. Thank you.

Mayor Kuzon: Thank you. Trustee Law.

Trustee Law: Concerning the confusion I believe we had one hearing on this before which the public was invited to participate, questions

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

were asked, discussions raised. Many of the same things that were brought out tonight were brought up then and I feel the Board felt that this issue was worthy enough to be discussed again and that's the reason for this hearing, to take care of some of this confusion. If someone has some confusion I think this would be a great time to ask.

Acquisition and  
Use of  
Conrail Property

Mayor Kuzon: Okay. Yes, Mr. Brand.

Mr. Edward Brand, 131 Monroe Dr.: I am not talking either for or against this purchase but I'm asking a few questions because I'm confused. In the first place, I've heard Warren Miller and his property which I think is on the other side. Does Warren Miller own any of this property, this Conrail property?

Mayor Kuzon: Not that we are considering, no. His offer was made to the Town.

Mr. Brand: Then why was he mentioned here if you're talking about Conrail?

Trustee Saia: I think I mentioned his name. That's because I think it's a gentlemanly thing that this man is trying to do, but he is abutting the Conrail on the other side of Cayuga and that property that he has offered to the Town, which I hope they accept, is adjacent to this property, it's the other side of the street, it's into the Town of Amherst.

Mr. Brand: It actually has no bearing on what we're talking about.

Trustee Saia: No, sir, it doesn't. It's an entirely different matter.

Mr. Brand: You're talking about 2½ acres or so to be sold to International Chimney, or possibly sold to International Chimney. Are they using all of that land now? Is that - are they renting all of that land, or where does the 2½ acres come from?

Mayor Kuzon: I'd have to ask Mr. Jakubik. Are you presently renting all that land?

Mr. Jakubik: It's my belief that we are, yes.

Trustee Saia: They have a lease for 10,000 sq. ft. According to the lease it reads 10,000 some odd sq. ft. which means they have - there's the railroad station and there's a shed behind it, about 400 by some feet wide.

Mr. Brand: 10,000 sq. ft. is less than a quarter of an acre.

Trustee Brenton: To answer your question, Mr. Brand, they use presently on a lease basis from Consolidated Rail Corporation that portion

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

of property east of Long St. The roadbed west of Long St. abuts that property but, however, it is not used by them. They do wish to acquire that property should the Village Board of Trustees sell it to them.

Acquisition and  
Use of Conrail  
Property

Mr. Brand: That's Conrail property.

Trustee Brenton: The roadbed that runs from the bridge over Union Rd. approximately.

Mr. Brand: So actually, as I get it, now they own about 1/4 of an acre, where the station is. Is that right?

Trustee Brenton: No. They just lease it.

Mr. Brand: They lease it. In other words they own nothing.

Trustee Brenton: They own their present occupancy of what used to be Corbett Lumber Corp. That they own.

Mr. Brand: Is that part of the Conrail property?

Trustee Brenton: No. That is their own property plus they own the station itself.

Mr. Brand: Now you're saying they own the station?

Trustee Brenton: They own the station but not the land underneath it.

Mr. Brand: So they own no land at all but there is land, they have a lease from Conrail for how much?

Trustee Saia: 10,000 sq. ft.

Mr. Brand: 10,000 sq. ft. They want to buy 2½ acres. So personally I think that's a pretty good deal. But all I could get out of the meeting so far is that they have been discouraged. They have received no encouragement whatever. I realize that you can't say, yes we're going to accept the offer, but you can tell them we're very much interested and if we don't get a better offer it's yours. That can be done. They should be encouraged to buy this thing instead of meeting a standoffish attitude. If you aren't willing to sell that 2½ acres to International Chimney, may I ask what the reason is?

Trustee Brenton: Well I myself would answer that we don't control the property and, therefore, it is really premature to engage in negotiations. I would further that also though that when International Chimney Corp. made their original offer back in 1983, and that offer has been continued to date per Mr. Lohr's most recent letter, of approximately \$40,000 the Village was unaware that the corporation was paying these lease

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM.

payments to the Consolidated Rail Corporation because it was early in the stage of affairs here. Since then, of course, we realize that their offer would thus relieve them of the payment of some \$10,000 in leases so perhaps there might be some question in the minds of the Board now that they're aware of the fact that the effective purchase price would be \$30,000 from the corporation. As to whether or not that is the most value, there are other people that may be interested and we felt it was premature to go out and before we owned the property to try to arrive at the highest offer.

Mr. Brand: When somebody buys property on speculation it has been very frequently that it is subject to rezoning or something like that. In other words, there's a way to get out of the deal. Now it seems to me that if you're thinking at all of selling any of that property and you've got an offer on 2½ acres, and the offer has not been withdrawn as I understand it, it would seem to me that you should encourage the man, encourage the company, and not discourage it. In other words, if you can sell 2½ acres with your \$85,000 deal for even \$30,000 and assure him that you will sell it if you buy it - understood it can't be sold unless you buy it obviously - it's the same thing as taking an option on the property, then there's no reason that I can see why you can't tell him if you don't get a better offer and if we buy the property it's yours. And I think that would sweeten the deal quite a bit as far as the citizens are concerned when this referendum comes around. Thank you. Acquisition and Use of

Mayor Kuzon: Thank you. Anyone else? Any Board member have additional comment? Yes, Mr. Metz. Conrail Property

Mr. Metz: I have one other thing. Perhaps, Mr. Mayor, it isn't pertinent but I just wanted to inform everybody in the audience that, as well as the Board, that I don't think anyone has a greater concern than I do. I was born 72½ years ago and I hate to have a newcomer accuse any villager that has lived here that long of not being interested in the operation of the Village Board. Thank you.

Mayor Kuzon: Thank you. Any Board member have any additional comment? Okay. I would just, before we do close the public hearing I would just like to make one additional comment regarding this property. Certainly we sympathize with the public. It has not been a totally clear and easily understandable issue. There are many complexities to it to be sure. Many things that are very involved and very detailed that are being considered and being discussed. We are at a very preliminary stage considering simply the purchase of the property. The Village Board has been trying to confront the issue in a positive way but yet somewhat uncertainly in the fact that we do not own the property and we do not know the outcome of the referendum on March 20th. My personal comment though is that I personally have questioned the reasons for purchasing the property and in many cases I have not been able to sustain a substantial argument for buying the property. However, I have listened

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Acquisition  
and Use of

to the arguments of the other Trustees and to citizens in the neighborhood and other parts of the Village and I do have to admit that on a couple of points a few persuasive points, a few strong points can be made for the purchase. However, considering these points in isolation and on their merits alone I probably could without reservation endorse the purchase of the property. However, we do not operate in a vacuum and the purchase of this property is not a one dimensional decision. The purchase of the property cannot be viewed only in the matter of environmental improvements or under a conservation light. In my opinion the proposal must be examined under the full light of Village resources and priorities. In this light the implications of purchasing the property become more visible. In my opinion 1984 promises to be a more challenging year to the Village of Williamsville than any in probably the last decade. The Trustees are currently in the initial budget preparation process. Each of them I'm sure has experienced substantial budgetary decisions in their areas. The purchase of the Conrail property is one of those substantial issues that we must face. Certainly it will have economic, social and political impact on our community for years to come. But the other issues in the budget also have to be considered. Issues such as a potential move by the Village offices and fire department into the old courthouse, a new front loader for the D.P.W., other capital expenses within the D.P.W., assumption of court cost personnel, personnel for the court. And I think with this knowledge the question is not just simply the purchase of the property but is this a priority for the Village this year and if it is a priority are you willing to pay for it and what are you willing to sacrifice or go without to achieve this objective. I can answer the first question, that yes this is a priority. It's a priority of mine, it's a priority of the Village Board, and I do believe it's a priority of government at all levels to preserve and conserve open space for public use. However, in answering the second question - are we willing to pay for it, can we afford it and what are we willing to go without to achieve this - is a much more difficult question to answer. Each of the Trustees, and in fact each of the residents will have to answer this question individually on election day. The Trustees, if the vote is affirmative, will have to answer this question collectively in the budget for this coming fiscal year. Certainly it will not be easy and certainly it will require the total combined and unified efforts of the Village Board. We look to our public for your support and comments and criticism and we sincerely expect those criticisms and comments but once again, if we have to simply answer the question are we willing to pay for it and can we afford it in my opinion, under the light of our financial resources and the priorities that we will be expecting for this year, I'd have to say that to me the answer is no, not this year, and unfortunately a no now is a no forever. This is an opportunity that will not come our way again. Someone here this evening said it's an opportunity of a lifetime and certainly it is. We are committed to open space. We are committed to park land in the Village but we're also committed to the fiscal integrity of our community and in my

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

opinion fiscal integrity is the first thing that we have to address ourselves to. To me the question of Village government is, is it going to maintain its vitality, its importance over the next decade and through our lives. It's a question of can it remain affordable and the Trustees will have to consider this as a total part of that. Budget decisions this year will not be simply one year decisions. They will be decisions that will have an impact on our community and our lives for years to come. I recently returned from Albany as you heard me say earlier this evening from discussion of the State budget with other mayors and the conference staff of the State Conference of Mayors. One of the things that became clear about the State budget was that it becomes a system of trade-offs. The governor, who as they say the governor proposes and the legislature disposes. Each year interest groups, citizens go to Albany after items have been cut from the budget and demand that those are priorities that should be addressed by the State government. In riding home last night in the car it seemed that this process in some small way can be applied to this situation. Perhaps some of you are saying certainly maybe the Village can rearrange its priorities, its fiscal priorities for the coming budget year and manage to include the Conrail property as part of our overall financial plan. Perhaps we can put off some items for another year, delay their impact. In thinking about this on the long drive home last night I don't feel confident that we can put off the needs that I see the Village anticipating for this coming year, a few items that I mentioned - a new high loader for the D.P.W., other capital equipment. I don't believe that they can be delayed or avoided another year. So, therefore, the question now becomes one - how do we achieve our objective of purchasing the property and once again maintain our fiscal integrity. I think two of the speakers here this evening have realized how we can do that. We have an offer from a corporation in the neighborhood that is willing to pay \$40,000 for a portion of the property. In my opinion if the Village Board can commit, or make some type of gesture to indicate our goodwill to International Chimney then I believe it would be much easier for the public to vote on election day. In fact, I would like to make my position clear so that there is no mistake about where I stand on this issue. I support the purchase of the property and my support is conditioned on selling part of it to reduce the purchase price and, therefore, reduce any tax burden that may be put on Village residents. And I would also have to say, however, that if there is no commitment by this Board, or any gesture of goodwill by this Board to sell the property then I doubt that in good conscience I can totally support spending public funds for what I believe to be a discretionary use. And with that I would have to seriously reconsider, you know, any support that I would give to the proposal and when it comes time to vote I would cast my vote accordingly on election day and act accordingly on the Village Board. But I hope that has not added to the confusion. I hope that it has helped to clarify where I stand and how I see it from where I sit. If there's nothing else a motion would be in order to close the public hearing. Yes, Mr. Brand.

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 8:30 PM

Mr. Brand: Mr. Mayor, I think you mentioned the nub of the problem here and that is that it is open as to what will happen to it and if the Board wants this approved by the voters I feel very definitely that you should come out very soon now with your proposals of what you intend to do with it because this is like buying a pig in a poke except for 2½ acres. You have a gesture yes of goodwill, you're going to sell that, the rest of the use, or the rest of the property is open and that I don't think is going to get you the votes.

Mayor Kuzon: Okay. Thank you. If there's nothing else...

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the hearing was closed at 9:45 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 7:32 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby

Trustees

Lawrence Law

V. James Saia

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:32 PM.

Mayor Kuzon: We'd like to welcome everyone in the audience to what's become an annual occurrence in the Village and the Town, our annual joint meeting which happens about February every year, and before we really get into anything I'd just like to make a brief comment about this. It seems that some of us really don't take this seriously enough. I've just returned from Albany this past weekend and it's been my experience in talking with the other Mayors in Albany that in many Towns and Villages there is not the spirit of cooperation that is here in Amherst and Williamsville and perhaps we work so well together that we sometimes take this cooperation and joint spirit a little bit too much for granted. I think that if you look across the state that this is a unique happening, a joint Village-Town meeting in a single Board room. Once again in talking to some of the other Mayors they tell me they're lucky if they can get on their Town Board agenda for consideration. So I think the Village and Town have a proud history of cooperation over the years and it has benefited all the residents of the Village and all the residents of the Town and I'd like to welcome you to this meeting and I think the Village and Town officials can be proud of our record of cooperation and I'm confident that it will continue. With that I'll lead the Pledge of Allegiance.

Pledge of Allegiance.

Mayor Kuzon: At this time I'm going to make a motion to recess so that the Town Board can commence their portion of the meeting and continue with their agenda.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, it was moved at 7:34 PM to recess the Village Board meeting until the end of the Town Board meeting.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved at 8:29 PM to reconvene the Village Board meeting.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 27, 1984 at 7:32 PM

Mayor Kuzon: Our first order of business is a public hearing regarding the proposed acquisition and use of the abandoned Conrail property.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 8:30 PM. (The hearing was closed at 9:45 PM.)

Unanimously carried.

Mayor Kuzon: For my report this evening, twice now I've mentioned I've been in Albany this weekend. We did spend a lot of time reviewing the State budget, the proposed Governor's budget and its implications for the Village of Williamsville. This is a substantial document with substantial implications for our community. I'd just like to report that I will be discussing it further at later meetings and at budget discussions. I think it would be a little bit premature for me to report this evening since I've only returned and haven't had enough time to fully digest what was learned over the weekend.

I have one resolution. That's for vouchers in the amount of \$38,756.01. These vouchers cover the period from February 14th through February 27th.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$38,756.01 were approved as follows:

Payroll Fund	W/E 2/17/84	\$ 5,043.03
	W/E 2/24/84	<u>8,340.48</u>
Total Payroll Fund		\$13,383.51
General Fund	Abstract #555	19,803.68
Sewer & Water Fund	Abstract #136	646.08
Trust & Agency Fund	Abstract #175	3,134.46
Glen Park Jt. Activities	Abstract #75	219.73
Federal Revenue Sharing	Abstract #150	13.55
SSES C-36-1244-01	Abstract #28	<u>1,555.00</u>
Total Vouchers		\$38,756.01

Unanimously carried.

That concludes my portion. Next is Trustee Saia.

Trustee Saia: I'll read my resolution first, Mayor, and then I'd like to make a report.

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, February 27, 1984 at 7:32 PM

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

PARKS

RESOLVED that the Village Park Regulations be amended as follows:

Amendment to  
Park  
Regulations

25.150 Park Fees - There shall be a \$35.00 fee charged each pavilion user for the issuance of a permit. No permit issuance fee shall be charged for any sport, game or other activity scheduled by the parks committee.

This will be put on the new rules and regulations for Island Park.

Unanimously carried.

On my report, I'm sorry that Connie didn't make it Saturday and Sunday for the kids' art show at Glen Park, but the Glen Park Nature Building which is owned jointly by the Village and the Town was put to a very good use Saturday and Sunday, the 18th and 19th of February. I'm sure that the people that went there entertained themselves by looking at these drawings and paintings from third grade on up. They were drawn by the kids of our community. I don't know how - I just don't know what to say about my Youth Board that's done such a wonderful job with the kids up till this time and I'm sure that what I see in the future that Youth Board is going to be a, they're really going to be putting it in high gear. The kids were all awarded a certificate for their paintings and I've got to admit that some were beautiful and I think maybe the Village should purchase one of them from the kids for hanging in our back room. Some of them are real professional looking and we could make a selection and purchase one of them.

The other thing I have to say is the parks will be put back in shape the end of March, probably in April, we'll get busy on them. We've got a couple of openings on some of our committees and if anyone would like to get on one of our committees just notify the Village or contact me if you want to be on Environmental, or Parks Committee and we're going to have some openings and we could use some citizens on our committees. I guess that's it, Mayor.

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

Trustee Brenton: Thank you, Mr. Mayor. For my report, and the only thing I have tonight is the fact that Superintendent of Public Works Boudreau and I have been engaged along with Clerk Cummins many, many hours in the recent week, or weeks I guess, developing our upcoming budget and in doing so I can see what, or where Mayor Kuzon perhaps has some concerns as to the cost of government, but I think that his concerns are overly stated and I think we're in pretty good shape as far as one of our primary areas of expenditure are concerned, and, although I'll wait until the time the budget is developed. And another thing I'm just wondering - do we need a public hearing if we

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, February 27, 1984 at 7:32 PM

decided to purchase one of these children's paintings? We can have a little levity every once in awhile.

Mr. Troy: You might have to have a bond issue on that.

Mayor Kuzon: I'd recommend a committee to study that.

Trustee Brenton: So that concludes my report. I guess I have a couple of resolutions tonight, one of which deals with the Fire Department and three of their members who are going to attend one of the many schools that they attend throughout the year and from which all the community benefits thereof, and I'll read the resolution.

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

RESOLVED that Peter Strobel, James Zymanek, and David Militello are hereby authorized to attend the Fire Pump Maintenance Course at the Academy of Fire Science, Montour Falls, N.Y. from March 6-8, 1984 and the costs, not to exceed \$175.00 each, to be paid by the Village of Williamsville.	<b>AUTHORIZATION</b>  Firemen to attend Maintenance Course
---	--

Unanimously carried.

Resolution No. 2 deals with a situation that involves a compromise regarding an erroneous water bill on one of our water subscribers. What took place is that the customer normally phones in her readings. She has a meter that's in a multiple dwelling unit so that there are two meters. In phoning the meter reading in the Clerk in the Water Department erroneously put the meter down onto her neighbors, or, I guess it is her neighbor's account so that this went on for approximately two readings in succession. During this time the customer developed a leak in her system which she felt had she had an accurate reading she would have known so that we are in agreement by this resolution which will reduce the charges to her from \$103.00 to \$51.50. Resolution No. 2 reads as follows:

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

RESOLVED that the water bill of Leslie Cannon, 146 Highland Drive, Account #116403 be adjusted in the amount of \$51.50 from \$103.00 to \$51.50 due to an error by the Water Department.	<b>WATER</b>  Adjustment of bill at 146 Highland Drive
---	--

Unanimously carried.

That's all I have, thank you.

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, February 27, 1984 at 7:32 PM

Mayor Kuzon: Thank you. Next is Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. For my report this evening I would just like to indicate that the Planning Board meeting will be on Monday, March 5th at 7:30 PM and there are a number of sign permits on the agenda. There are also site plan and architectural review for frontage at 5742 Main St. and for Antiques My Favorite Things which is also at 5742 Main St. And what else is there? Oh, yes. There's also, there's more signs and plans being submitted, preliminary plans for the ice cream parlour on Spring St.

I have one resolution this evening. It calls for a public hearing to be held for discussion of the distribution of community development funds. It reads:

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville at 7:35 p.m. on March 26, 1984 in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the proposed use of the 1984 Community Development Fund allocation which will amount to approximately \$47,025.00.

CALL FOR PUBLIC HEARING  
Community Development Funds

Mayor Kuzon: As you heard the Supervisor state earlier in the Town portion of the meeting, there has been an 8% decrease in CD funds. The Village and Town are part of a consortium, I think it's called an urban - Is it called an urban town? - something, there's a correct term for it - but anyways this 8% decrease in funds also affects the Village as we participate with the Town.

Unanimously carried.

Trustee Kibby: That's all I have, Mayor.

Mayor Kuzon: Thank you. Next is Trustee Law.

Trustee Law: I'd just like to report, Mr. Mayor, that I've been meeting with the landscape architects for the landscaping of the front of the Meeting House and hopefully we'll have the final plans in order so that the Planning Board can act on them at their next meeting.

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

Mr. Boudreau: Proposed Storm Sewer Construction: Plans are being

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, February 27, 1984 at 7:32 PM

completed for construction of a new storm sewer leg on Hillside Drive. It is proposed to install approximately 250 lineal feet of 8" - 10" storm tile on the North side of Hillside Drive, southerly from the existing receiver 250 lineal feet to a point of isolated storm water runoff. Plans are also being completed for installation of storm drainage at the corner of Scott and Monroe Drive to relieve an isolated pocket of surface drainage.

Under the heading of Water Main Construction: Construction of the recently bid water main project on Grove and Spring Street will commence on Monday, February 27, 1984. Vehicular traffic using this area will experience some delays during the day, due to the narrow right-of-way of the highway pavement. Brief, intermittent interruptions in water service may also occur in this area during construction.

Under the heading of Highways: Our Elgin Street Sweeper is now in operation on Village streets.

Under the heading of Main-Garrison Overhead Left Turn Sign: The installation will begin tomorrow, weather permitting.

Finally under the heading of Village Manholes, Sewers, Etc.: Only employees, officials or authorized personnel are permitted to enter our Village manholes, connected with our Village infrastructure, mains or sewers. This is stipulated in our Village ordinance. That's the end of my report.

Mayor Kuzon: Thank you. Question?

Trustee Law: Have people been wandering about our sewers lately?

Mr. Boudreau: Yes, they have, looking for a stop sign.

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

Unanimously carried.

Mayor Kuzon: Anyone in the audience? Anyone?

Trustee Saia: Mr. Mayor, I left one thing out on my kids' stuff. We also had a dance February 19th, I think it was a Saturday night. It was over at Calvary Church. It was the first one that the youths are sponsoring. They're gonna have one at every church in the Village, about quarterly I think, and I'm sorry I didn't get it up to the Village Board before this, but the next one should be well informed and the paper also I hope.

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

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, February 27, 1984 at 7:32 PM

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...

ON MOTION by Trustee Brenton, seconded by Trustee Law, the meeting was adjourned at 9:57 PM.

Unanimously carried..

Theresa L. Cummins,  
Village Clerk-Treasurer