

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, May 29, 1984 at 7:33 PM

| | | |
|-----------|---------|--------------------------------------|
| Roll Call | Present | Gordon J. Kuzon, Mayor |
| | | Lawrence R. Brenton |
| | | Richard Gallagher Trustees |
| | | Michael Kibby |
| | | V. James Saia |
| | | Theresa L. Cummins, Village Clerk |
| | | Thomas V. Troy, Village Attorney |
| | | Phil Boudreau, Dept. of Public Works |

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

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

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, the minutes of the regular meeting held May 14, 1984 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the public hearing held May 14, 1984 regarding Senior Citizen Exemption were approved.

Unanimously carried.

Mayor Kuzon: For my report this evening I have one item. Our Fire Limits Committee has met recently, has met this past month, and at that meeting came to a conclusion and have advised the Board of Trustees of our support for the concept of Fire Limits and the proposed local law, and I advised the Board in our work session that the Village Attorney is currently drafting the proposed local law which he will be sending to us along with the committee's recommendations in the near future and we will probably be calling for a public hearing.

For my resolutions this evening I have seven. The first one is for vouchers in the amount of \$80,249.80. These vouchers cover the period from May 15th to the 29th, which is today.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the amount of \$80,249.80 were approved as follows:

| | | |
|--------------------|-------------|-----------------|
| Payroll Fund | W/E 5/18/84 | \$ 5,111.57 |
| | W/E 5/25/84 | <u>8,585.98</u> |
| Total Payroll Fund | | \$13,697.55 |

(Continued on Next Page)

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| | | |
|------------------------------------|---------------|---------------|
| Payroll Fund (from preceding page) | | \$13,697.55 |
| General Fund | Abstract #561 | 59,019.35 |
| Sewer & Water Fund | Abstract #142 | 4,481.39 |
| Trust & Agency Fund | Abstract #181 | 159.35 |
| Glen Park Jt. Activities | Abstract #81 | 279.41 |
| Federal Revenue Sharing | Abstract #156 | 2,467.50 |
| Community Development | Abstract #86 | 5.60 |
| SSES C-36-1244-01 | Abstract #30 | <u>139.65</u> |
| Total Vouchers | | \$80,249.80 |

Unanimously carried.

The Village's fiscal year ends May 31st and my next series of resolutions are year-end budget transfers. Basically these move money from one account in the different funds to other accounts and my first resolution makes budget transfers in the General Fund, basically transferring money from four accounts to some 45 other accounts. It's interesting to note that there are 45 other accounts we are transferring money to. Of the 45, 28 of them have transfers of \$750 or less, approximately 11 of them have transfers of up to \$2,500 and then there are basically only five budget transfers of substantial amounts.

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

RESOLVED that the following transfers are hereby made in the General Fund:

| | | <u>From</u> | | | <u>To</u> | GENERAL FUND |
|----------|--|--------------------|-------------|--|-----------|---------------------|
| | | | | | \$ | BUDGET TRANSFERS |
| 1.9730.7 | | \$29,000.00 | 1.1110.401 | | 30.00 | |
| 1.8560.1 | | 8,000.00 | 1.1355.445 | | 40.00 | |
| 1.1990.4 | | 25,000.00 | 1.1450.408 | | 1,100.00 | |
| 1.1991.4 | | 4,690.00 | 1.1450.1 | | 200.00 | |
| | | <u>\$66,690.00</u> | 1.1640.416 | | 1,300.00 | |
| | | | 1.1640.444 | | 60.00 | |
| | | | 1.1640.445 | | 2,000.00 | |
| | | | 1.1640.1 | | 1,300.00 | |
| | | | 1.3310.4232 | | 500.00 | |
| | | | 1.3310.4233 | | 1,200.00 | |
| | | | 1.3410.422 | | 100.00 | |
| | | | 1.3410.446 | | 20.00 | |
| | | | 1.3410.449 | | 170.00 | |
| | | | 1.3410.448 | | 40.00 | |

(Continued on Next Page)

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, May 29, 1984 at 7:33 PM

| <u>From</u> | | <u>To</u> | |
|-------------|--------------------|-----------|--------------------|
| | 1.3620.401 | | \$ 150.00 |
| | 1.3620.403 | | 50.00 |
| | 1.3620.445 | | 20.00 |
| | 1.5110.4161 | | 16,900.00 |
| | 1.5110.426 | | 1,000.00 |
| | 1.5110.425 | | 3,300.00 |
| | 1.5110.4271 | | 1,050.00 |
| | 1.5110.4272 | | 50.00 |
| | 1.5110.445 | | 2,230.00 |
| | 1.5110.460 | | 630.00 |
| | 1.5142.4161 | | 2,950.00 |
| | 1.5142.425 | | 750.00 |
| | 1.5142.1 | | 14,630.00 |
| | 1.7140.2 | | 210.00 |
| | 1.7140.4163 | | 470.00 |
| | 1.7140.4165 | | 230.00 |
| | 1.7140.445 | | 580.00 |
| | 1.7140.1 | | 140.00 |
| | 1.7550.440 | | 220.00 |
| | 1.7550.441 | | 950.00 |
| | 1.7630.407 | | 200.00 |
| | 1.7630.445 | | 10.00 |
| | 1.8010.403 | | 50.00 |
| | 1.8140.416 | | 1,400.00 |
| | 1.8160.425 | | 80.00 |
| | 1.8160.1 | | 6,900.00 |
| | 1.8170.1 | | 300.00 |
| | 1.8560.434 | | 1,100.00 |
| | 1.9010.8 | | 1,900.00 |
| | 1.9041.8 | | 50.00 |
| | 1.9060.8 | | 130.00 |
| | <u>\$66,690.00</u> | | <u>\$66,690.00</u> |

Unanimously carried.

My third resolution is budget transfers in the Water Fund.

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

RESOLVED that the following transfers are hereby made in the Water Fund:

**WATER FUND
TRANSFERS**

| <u>From</u> | | <u>To</u> | |
|-------------|-------------------|-------------|-------------------|
| 6.1990.4 | \$1,220.00 | 6.8340.407 | \$ 100.00 |
| | | 6.8340.4162 | 900.00 |
| | | 6.8340.445 | 120.00 |
| | | 6.9060.8 | 100.00 |
| | <u>\$1,220.00</u> | | <u>\$1,220.00</u> |

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, May 29, 1984 at 7:33 PM

The fourth resolution transfers money in the Sewer Fund.

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

RESOLVED that the following transfers are hereby made in the Sewer Fund:

| | | | | SEWER FUND TRANSFERS |
|----------|-------------------|-------------|-----------|-------------------------|
| | <u>From</u> | | <u>To</u> | |
| 7.1990.4 | \$3,350.00 | 7.8120.4161 | | \$1,020.00 |
| | | 7.8120.4162 | | 2,300.00 |
| | | 7,9060.8 | | 30.00 |
| | <u>\$3,350.00</u> | | | <u>\$3,350.00</u> |

Unanimously carried.

The Glen Park Fund:

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

RESOLVED that the following transfers are hereby made in the Glen Park Fund:

| | | | | GLEN PARK FUND TRANSFERS |
|-------------|-------------------|-------------|-----------|-----------------------------|
| | <u>From</u> | | <u>To</u> | |
| 9.7141.1 | \$1,900.00 | 9.7141.407 | | \$ 550.00 |
| 9.7141.2 | 500.00 | 9.7141.4164 | | 1,530.00 |
| 9.7141.4101 | 800.00 | 9.7141.4106 | | 1,375.00 |
| 9.7141.4104 | <u>565.00</u> | 9.7141.445 | | <u>310.00</u> |
| | <u>\$3,765.00</u> | | | <u>\$3,765.00</u> |

Unanimously carried.

My sixth resolution, since we do not have another Village Board meeting until June, which is the beginning of our next fiscal year, the next resolution authorizes the Clerk to make any other additional year-end budget transfers that are deemed necessary after this evening's meeting, between now and the end of our fiscal year and it reads:

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

RESOLVED that the Clerk-Treasurer be authorized to make any other budget transfers necessary at year end, after all accounts payable and adjustments have been placed on the books.

AUTHORIZATION
Clerk to make
year end
transfers

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, May 29, 1984 at 7:33 PM

My seventh resolution concerns the application of the Williamsville United Methodist Church for a temporary sign. Under our present code temporary signs are granted for a period of thirty days and can be renewed upon the basically majority approval of the Village Board for an additional thirty days. The Church would like to have the sign, which recognizes the celebration of Methodism for over 200 years in America, and the Village Board is granting them extension of their temporary sign permit for one month. It's my understanding that the Church would also like to have it up an additional period of time and in that case they will have to appear before the Planning Board and seek a permanent sign permit for that sign. It reads:

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

RESOLVED that the Williamsville United Methodist Church be given approval for a month extension of a temporary sign permit in their celebration of 200 years of Methodism in America in accordance with Section 1.18 of the Village Code.

TEMPORARY SIGN

**Approved
extension of time
for Williamsville
United Methodist
Church**

Trustee Kibby: I'd like the minutes to reflect the fact that in general the Board is not opposed to the five month extension. It is limited by the codes.

Mayor Kuzon: Okay. Fine.

Unanimously carried.

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

Trustee Saia: Thank you. I have a few resolutions. Resolution No. 1:

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

RESOLVED that Michael Moritz, 42 W. Spring Street and John P. Garono, 20 S. Long Street be appointed Seasonal Laborers in the Department of Public Works @\$3.45 per hour, effective June 4, 1984.

APPOINTMENTS

**Seasonal Laborers
in DPW**

Unanimously carried.

I'd like to skip the next one because it belongs to Trustee Kibby and I'm sure he'll read that one. The next one would be No. 3.

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

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, May 29, 1984 at 7:33 PM

RESOLVED that Bond Resolution in the amount of \$44,000.00 for a Caterpillar #930 Wheel Loader is hereby adopted.

**BOND RESOLUTION
ADOPTED
Caterpillar #930
Wheel Loader**

Unanimously carried.

No. 4 reads:

ON MOTION by Trustee Saia, 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
bond
resolution
on
wheel loader**

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published at least once in the "Amherst Bee", a newspaper published in Amherst, New York and having a general circulation therein, and hereby designated the official newspaper of the Village, and to be posted in at least six (6) places in the Village.

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper hereinabove referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

No. 5:

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

RESOLVED that a Municipal Cooperation Agreement for mutual exchange of highway equipment pursuant to the provision of Article 5-G of the General Municipal Law be entered into on behalf of the Village by Mayor Gordon J. Kuzon with the Town of Amherst for the fiscal year 1984-1985.

AUTHORIZATION

**Mayor to sign
Mutual Cooperation
agreement for the
exchange of
highway equipment
with Town of
Amherst**

Unanimously carried.

EXTRACT OF MINUTES

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

New York

May 29, 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 the Village Hall, 5583 Main Street, Williamsville, New York, on May 29, 1984 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Honorable Gordon J. Kuzon, Mayor

and Trustees:

Lawrence R. Brenton

Richard J. Gallagher

Michael W. Kibby

V. James Saia

There were absent:

None

Also present:

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

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Trustee Saia offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF
WILLIAMSVILLE, NEW YORK, ADOPTED MAY 29, 1984,
AUTHORIZING THE ACQUISITION OF A CATERPILLER
WHEEL LOADER, STATING THE ESTIMATED MAXIMUM
COST THEREOF IS \$46,500, APPROPRIATING SAID
AMOUNT THEREFOR, INCLUDING THE APPROPRIATION
OF \$2,500 CURRENT FUNDS TO PROVIDE THE
REQUIRED DOWN PAYMENT, AND AUTHORIZING THE
ISSUANCE OF \$44,000 SERIAL BONDS OF SAID
VILLAGE TO FINANCE THE BALANCE OF 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 of Trustees) AS FOLLOWS:

Section 1. The Village of Williamsville, in the County
of Erie, New York (herein called "Village"), is hereby authorized
to acquire a Caterpillar 930 Wheel Loader. The estimated maximum
cost of said specific object or purpose, including preliminary
costs and costs incidental thereto and the financing thereof, is
\$46,500 and said amount is hereby appropriated therefor,
including the appropriation of \$2,500 current funds to provide
the down payment required by the Law, as hereinafter defined.
The plan of financing includes the expenditure of said current
funds and the issuance of \$44,000 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. Serial bonds of the Village in the principal amount of \$44,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the balance of said appropriation not provided by said current funds.

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 \$44,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. (28) of the Law, is fifteen (15) 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 current funds in the amount of \$2,500 will be provided from moneys now available therefor in the current budget of the Village under the heading "Capital Fund." The Village Treasurer is hereby authorized and directed to set aside said current funds 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 five (5) years.

Section 4. Each of the 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 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 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 and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 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 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 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. This bond resolution is subject to permissive referendum.

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

AYES: 5

NOES: 0

The resolution was declared adopted.

Trustee Saia offered the following resolution and moved its adoption:

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

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in "Amherst Bee," a newspaper published in Williamsville, New York, having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication and posted in at least six (6) public places in the Village, a Notice in substantially the following form:

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on May 29, 1984, the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, adopted bond resolution entitled:

"Bond Resolution of the Village of Williamsville, New York, adopted May 29, 1984, authorizing the acquisition of a Caterpillar Wheel Loader, stating the estimated maximum cost thereof is \$46,500, appropriating said amount therefor, including the appropriation of \$2,500 current funds to provide the required down payment, and authorizing the issuance of \$44,000 serial bonds of said Village to finance the balance of said appropriation."

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

FIRST: AUTHORIZING said Village to acquire a Caterpillar 930 Wheel Loader; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$46,500; APPROPRIATING said amount therefor, including the appropriation of \$2,500 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$44,000 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 \$44,000 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 current funds;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is fifteen (15) years; the proposed maturity of said \$44,000 serial bonds will exceed five (5) years; and current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds are available therefor in the amount of \$2,500 in the current budget of the Village and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose;

FOURTH: DETERMINING that said 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 bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution permissive referendum.

DATED: May 29, 1984

Theresa L. Cummins
Village Clerk

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. 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

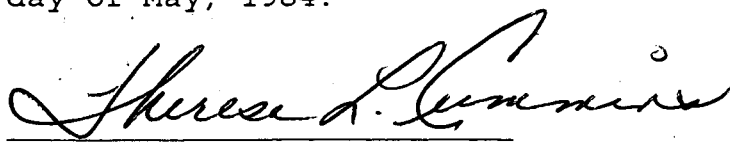
NOES: 0

The resolution was declared adopted.

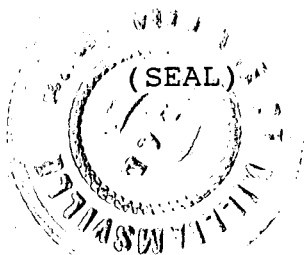
CERTIFICATE

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 May 29, 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 29th
day of May, 1984.



Village Clerk



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, May 29, 1984 at 7:33 PM

I will hold my report until the next meeting. I don't have to give it tonight.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: First I'd like to report that regarding our equities in the two buildings - the court building and this administration building - those equities have been put in summation and forwarded to the Town Attorney and the Town Attorney is to draw the necessary agreements for approval of the Town Board if he and the Town Board agree on the equities as presented. So in effect, the Town is now in possession of that situation.

Also recently we had an emergency sanitary sewer repair on Evans Street and this was brought to my attention by Deputy Supervisor Collier of the Town of Amherst, that these people had a severe situation. They were unable to use their sanitary lateral. Upon investigating that situation, I found that that particular location was called out to be repaired in our sanitary sewer repair program, which I'll be talking about here in a few minutes. And so I discussed the situation with our engineering firm, URS, and they agreed that this would constitute an emergency repair. The reason that the Town was involved in it is that the request had originally gone to the Town and the Town was going to actually go in and have that work done. However, they realized that it was a Village area of responsibility and Deputy Supervisor Collier indicated to me that the firm that does that work for the Town does it on an annual contractual basis and the figure that they charge the Town for that type of work is less than is allocated by the engineering firm and approved by the Federal Government. So I felt that it was best to allow them to go ahead and do it for approximately \$500 less than was called out for in the sanitary sewer evaluation plan and program. So that is the background on that situation. That repair has been made. The memo that I sent to Deputy Supervisor Collier is still withstanding. The Town will be billing the Village for exactly a maximum of five feet of sanitary lateral replacement in that particular job. Anything over and above that, it will not be the Village's concern and we will receive eventual reimbursement through the State and Federal Government for 75% of that work. That concludes my report.

My resolutions are - No. 1 is the question of having the Conrail property, which we are intending to purchase, surveyed. We are going to do that by this Resolution No. 1 and we are also going to authorize a stub search which will take us back to the time when the railroad itself became a railroad and will, in effect, provide us with all the necessary assurance regarding that search that we feel we need and the resolution reads as follows:

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

RESOLVED that the Mayor is authorized to sign agreement with URS to perform a survey of the Conrail property at a cost not to exceed \$2,575.00 and to purchase an abstract of title from the Title and Guarantee Co. for a sum of approximately \$750.00.

AUTHORIZATION

Mayor to sign agreement with URS re: Survey of Conrail property

Unanimously carried.

Resolution No. 2 deals with a change order for the Howard Street water line in that the hydrants originally were called out in the specs to be Muellers. We utilized Kennedys and these are a little more expensive so that we're going to add that increase in this change order No. 1.

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

RESOLVED that the Mayor be authorized to sign Change Order #1 for the Howard Avenue Watermain for an increase of \$615.00 - from \$52,203.69 to \$52,818.69, which change includes the substitution of a Kennedy Model K-11 Hydrant for the Mueller Model A-423, which was originally bid.

WATERMAINS

Change Order #1 for Howard Avenue Watermain Approved

Unanimously carried.

The previously mentioned sanitary sewer Phase II that will in effect be the concluding phase of our sanitary sewer rehabilitation project and it will commence shortly and perhaps even be done by the end of this year, or this calendar year, and I think it will and this awards this to the firm of M. C. Morgan meeting their lowest bid which was quite a bit lower than we had anticipated, or the engineering firm had led us to anticipate. The resolution reads as follows:

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

WHEREAS the Village has advertised for sealed bids for Sanitary Sewer Rehabilitation, Phase II, Contract B, Project #C-36-1244-01, and

CONTRACT AWARDED

WHEREAS M. C. Morgan Contractors, Inc. submitted the lowest bid meeting specifications, and

SSES Project Phase II

WHEREAS U.R.S., the Village engineers on this rehabilitation project recommend acceptance of this bid,

to M.C. Morgan

NOW, THEREFORE, the Village of Williamsville Board of Trustees recommends acceptance of the M. C. Morgan Contractors, Inc. bid for Phase II in the amount of \$198,705.00.

Unanimously carried.

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Resolution No. 4 deals with the, in effect, education and in this instance it happens to be mandatory for our Village Justice, continuing education type of thing that we send our Fire Department personnel to, some Trustees take advantage of it, etc. This is for Justice Rath and it authorizes him to attend the Advanced Training School at St. Lawrence University. It reads as follows:

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

RESOLVED that Justice Edward A. Rath, is hereby authorized to attend a 12-hour Advanced Training School at St. Lawrence University, Canton, New York from July 24 - 27, 1984 and the expenses, not to exceed \$350.00, to be paid by the Village of Williamsville.

AUTHORIZATION

**Justice Rath to
attend Advanced
Training School**

Unanimously carried.

That's all I have, Mayor.

Mayor Kuzon: Thank you. Next is Trustee Gallagher.

Trustee Gallagher: Just a few items. One is that May 20th I, for the first time, participated in the Walking Tour sponsored by the Historical Society and also attended a performance of Brian LaTulip as Jonas Williams, and I would like to strongly recommend that any of the Trustees that were not able to see any of the performances see it. They might do the same thing at Old Home Days and another performance at some other time. It is excellent. It gives you a strong perspective of the heritage of the Village. It's an excellent learning experience and something that was enjoyed by all. And I would also like to go on record congratulating Carolyn Shrauger, Gartley Weller, Joyce Troy and Rosemary Sugg and all the volunteers that acted as guides on that day. It's a real credit to the Village and particularly on the basis that it was a rainy day that it was held.

The other item I have as far as acknowledgements, our Mayor who gave an excellent speech on Memorial Day. I was present at the ceremony at the cemetery and it was something that many people commented on and it was an extreme privilege to be part of the Board and hear an elected representative on the Board make a speech like that and it was so acknowledged by many of those in attendance.

There are items that need some type of referral for information and all of these were reported to the members in the work session. One is that representatives of this Board attended a meeting with George Measer - he being in attendance as Co-Chairperson of Old Home Days - and representatives from the County Highway Department in respect to the condition of the bridge in Island Park and looking at it for safety precautions, but also what was the current status on the condition. They gave a report. They then provided the

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, May 29, 1984 at 7:33 PM

background and explanation of the report. They will be coming back in the early fall to look at the girders of the bridge and the bottom line is that it's going to need repair. The figure that they threw out was \$50,000 and it is something that could possibly be absorbed not only by the taxpayer but possibly by the Old Home Days, Jolly Boys, etc. But it's something that the Parks Committee expressed, this Board has dealt with in the past, and it's something we will look at.

Two other items, one of which will be going to the Traffic and Safety Committee. It is that the, my concern that something needs to be done with the plaza which houses the Convenient, Creekview, Ed Youngs in respect to the parking and the traffic there. It is getting, I think, to the point where a disaster will happen. In two incidents I almost hit a boy on a bike and also coming in off Main St. I couldn't even get in. I tried to and almost got hit in the rear. Dick Hill indicated that he had talked to Ed Young on this and that Ed Young was going to have an entrance and exit sign, but I also agree with the Village Attorney that he'll look at it in respect to the legal backing that we might have as to what could be done in a plaza like that. And also the Traffic and Safety Committee should possibly address it. I really think it's gone from the sublime to the ridiculous and something should be done.

The other item of concern was in reading the Bee the last few weeks it appears that the Essjay development in that area seems to be fait accompli and that the extension of Essjay onto Evans seems to be fait accompli and I really don't think that's really the case, but I believe the public is led to believe that. I believe it's not fair to the businesses, etc. who are putting packages together to in fact think that is already in place and that is something this Village Board should be working with the Town on and their representatives either through the attorneys or members of this Board and also through the Traffic and Safety Committee and any other committee that this would impact on it and those recommendations and issues discussed with the Board in that we would be dealing with that in future sessions.

The two resolutions that I have are 1:

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

RESOLVED that Local Law #1 - 1984, which was the subject of a public hearing on May 14, 1984, entitled Senior Citizen Exemptions is hereby adopted.

LOCAL LAW #1 - 1984
Adopted

Sr. Citizen Exemption

Unanimously carried.

And the second is:

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Williamsville
~~Town~~
Village

Local Law No. 1 of the year 19 84

A local law Tax Exemption - Property Owners over 65 years of Age
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Williamsville as follows:
~~Town~~
Village

Effective December 1, 1984, a local law to amend and supercede the Village Law in relation to the granting of exemption from taxation of a variable percent of assessed valuation to those property owners 65 years of age or over, who have owned their home more than two years and whose annual income meets the following criteria:

| <u>Income Range</u> | | | <u>% of Exemption</u> |
|---------------------|---|----------|-----------------------|
| \$ -0- | - | \$10,500 | 50% |
| 10,501 | - | 11,000 | 45% |
| 11,001 | - | 11,500 | 40% |
| 11,501 | - | 12,000 | 35% |
| 12,001 | - | 12,500 | 30% |
| 12,501 | - | 13,000 | 25% |
| 13,001 | - | 13,500 | 20% |

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, May 29, 1984 at 7:33 PM

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

RESOLVED that the Village of Williamsville go on record opposing the proposed 1% increase in the County Sales Tax and that the Mayor communicate such opposition to the County Executive, and members of the County Legislature. **ERIE COUNTY SALES TAX INCREASE** **Opposition to Increase**

Trustee Kibby: I would like a roll call.

Mayor Kuzon: On the question?

Trustee Brenton: On the question, I think rather than just have the resolution, not rather than but in addition to the resolution I think it's meaningful to point out the reasons necessary for it and - if such should be the case - and my own personal feeling is - although I realize it was an erroneous figure, at least I have to assume it was erroneous - the Village of Williamsville was projected as receiving \$100,000 of the proposed and if approved 1% increase of the sales tax and I immediately thought to myself even though I know we have many pressing problems do we really need that \$100,000 and quite frankly, the way that we handle the Village and our tax rate indicate to me that again there are many pressing needs but we are gradually overcoming them, and I very sincerely mean that, because we've done a great deal in the last five years that had been undone for quite a few years and so that I felt that really to get this again erroneous \$100,000 or whatever amount it would turn out to be would be just an opportunity for this Board to find ways to spend it which is sometimes the case with any municipal form, or governmental entity. So that I would think that my own feeling that to allow this money, as badly as the County needs it, to be also plugged into communities that really might not necessarily need it and then spend it would be an unwise gesture on the part of the County and also on the part, as Trustee Gallagher's resolution indicates, of the Village to accept this. Also I have to wonder what the County government intends to do when their 1% equalizes in about two years and they'll be right back where they are now unless they get their act in order and do whatever they have to do other than sales tax because the way I interpret that is within two years they will have eaten up the effects of this tax increase if they're granted it. So that I do support this very, very strongly.

Mayor Kuzon: Anything else on the question? A roll call has been requested?

Trustee Kibby: Yes.

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

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, May 29, 1984 at 7:33 PM

Yes - 4; Noes - 1.

Carried.

Mayor Kuzon: Anything else?

Trustee Gallagher: That's the end of my report.

Mayor Kuzon: Thank you. Next is Trustee Kibby.

Trustee Kibby: For my report this evening there is a Planning Board meeting June 4th, next Monday. At this time there are two permits, or permit applications before the Planning Board, both for site plan reviews. One for 31 S. Cayuga - the construction of a garage which happens to be on commercial property, and the other one at 5933 Main Street which has to do with the altering of the face of a building for Medico Associates. There are also this week, or excuse me, in the next month or so two Board of Appeals meetings. One is this Wednesday, or tomorrow evening. That's to deal with a fence at 59 Arend Avenue. And the second one is to be held Wednesday, June 13th - both of these are at 7:30 PM in the Village Meeting Room. It has to do with an appeal by the resident at 347 Oakgrove, the appeal of the Building Inspector's denial of a permit for the addition to his house because his plans do not conform to certain sections of the code.

The Meeting House bids will be opened next Monday, the 4th and once we have determined who the contractor is I will sit down with that contractor, Mr. Andrews, and discuss the fire alarm system which you have informed me of at least 12 times and I appreciate it.

Last week sometime, I think last Tuesday, Mr. Boudreau and someone else - Mr. Laubisch from the D.P.W. - and I met down behind the, or we met down at Rock and Spring St. behind the Eagle House - that's much more recognized - to discuss some ideas for creating a boundary between Spring St. and the parking and to rearrange or reorganize the parking down there. We're in the preliminary stages of that. Mr. Boudreau and I have talked at length about the things we could do there.

For resolutions I have five resolutions. The first has to do with the appointment of people to the Traffic and Safety Committee.

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

RESOLVED that the following persons are appointed to the Traffic & Safety Committee until the end of the 1985-1986 official Village year:

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, May 29, 1984 at 7:33 PM

Henry Smith 825 Heim Road
Rita Andrews 128 S. Union Road
Caeser Zymanek 157 N. Long Street
Edwin Lavery 90 N. Cayuga Street
Dave Laubisch 263 California
Joseph Kuzon 56 S. Union

APPOINTMENTS
Traffic & Safety
Committee

Unanimously carried.

My second and third resolutions both have to do with the Board of Appeals. The first one says:

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

RESOLVED that Frederick Wood, 89 S. Ellicott Street, is appointed to the Board of Appeals until the end of the 1988-1989 official Village year.

APPOINTMENT
Board of
Appeals

Unanimously carried.

Third:

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

RESOLVED that Frederick Wood is hereby appointed Chairman of the Board of Appeals and Ed Brand is appointed Vice-Chairman for the 1984-1985 official Village year.

APPOINTMENT
Chairman and Vice
Chairman of
Board of Appeals

Unanimously carried.

The fourth one:

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

RESOLVED that the blinking light at South Cayuga and California shall be removed.

TRAFFIC
Removal of blinking
light at S. Cayuga &
California

This has been a recommendation a couple of times by the Traffic and Safety Committee. I will miss the yellow light. That's all I can say on it on a personal basis but I don't know what purpose it serves in terms of safety. Any more questions on it?

Mayor Kuzon: On the question?

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, May 29, 1984 at 7:33PM.

Trustee Kibby: Thank you. I have one more resolution. We've had a public hearing on this, discussion earlier about the changing of the street names of, Ellicott Creek Drive is to be changed to Creek Road. This resolution reads:

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

RESOLVED that the official map of the Village of Williamsville is amended as follows:

Ellicott Creek Drive is changed to Creek Road,

and

FURTHER RESOLVED that the Village Clerk is hereby directed to notify all agencies affected.

CHANGE OF
OFFICIAL MAP

ELLICOTT CREEK DR.
CHANGED TO
CREEK ROAD

Mayor Kuzon: Could I have a roll call, please.

Vote on Roll Call: Trustee Gallagher - Yes
Trustee Brenton - Yes
Trustee Saia - Yes
Trustee Kibby - Yes
Mayor Kuzon - Well I asked for the roll

call so it's obvious I'm going to vote no and my reasons for voting no are at the time of the public hearing one gentleman appeared and in addition, to that, we had a letter from some citizens over there and I'm hesitant to vote yes based on the public input that was received so I'm going to vote no.

Yes - 4; Noes - 1.

Carried.

Trustee Kibby: Okay. And that concludes my report.

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

Mr. Boudreau: For my report, under the heading of Storm Sewers - Monroe Drive (Wehrle Dr. to Brookside Dr.) - a new storm sewer project was completed this past week on Monroe Drive - Brookside northerly approximately 500 LF - and included new D.I. structures. This new storm sewer will now drain off pavement crown storm water and minimize or prevent pumping of the subbase leading to the breakdown of the road box section.

And under the heading of Trash Pick-Up by the D.P.W. - The summer trash pick-up program operated by the Department of Public Works was published in the Clerk's Office a few weeks ago. Copies are now available at the counter. In addition, a copy of the trash

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, May 29, 1984 at 7:33 PM

pick-up monthly schedule will be mailed with this year's tax bills to each household in the Village. Please read the trash pick-up rules for regularly scheduled day for each type of trash. That's the end of my report.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: Anyone in the audience? Mr. Hill.

Richard Hill, 18 Brookside Drive: A couple of things. One is I want to thank Trustee Kibby and Phil for trying to get some action back there behind the Eagle House. It's been a long time coming and I hope you can get it done.

The other thing, I also want to congratulate His Honor on his speech too. He did a real good job.

Mayor Kuzon: Thank you.

Mr. Hill: Now I'll go to Phil. Is Brookside Drive on the list to be paved this year?

Mr. Boudreau: No it's not. Not at this point in time.

Mr. Hill: You mean we've got to go another year?

Trustee Saia: Unless the Board wants to give some more money for paving.

Mr. Hill: Thank you.

Trustee Saia: Mayor Kuzon, I'd like to say something just to get it on the record on this. - I think Dick Gallagher feels the same way - about this plaza that we should probably, that it probably isn't in the best interest of this Village, but I think somebody should make some type of statement. Now it also brings a point in regards to the railroad property. It seems like eventually in the very near future we're going to be surrounded by developments. We're going to have blacktop and concrete all the way around us. I don't know if we can stop this. We can't stop the Town, I'm sure of that. But boy it sure is nice to know that this little Village is a little oasis in the midst of this concrete farm that we live in and that some consideration I think by this Board and some thought must be placed on this railroad property to increase the Village's desirability to people that want to raise families in an atmosphere like we have and I think the Board should reconsider some of the statements that have been made in the past.

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, May 29, 1984 at 7:33 PM

The other thing I'd like to say is that, and I think should be on the record, that Larry made a statement about a lateral sewer on Evans Street. What I would like to know is, I get people that call me that have problems with their lateral that's between the street and the main sewer. You know, this fellow here's sewer has been out of commission for approximately one year and I was down there when they dug it up. I made a point to go down there. And the thing was crushed that I would say it was crushed for, it looked like it was like that forever. The tile was exactly crushed. I'd like to know, you know, is there some - can some of our constituents get this thing fixed and pay, and get 75% paid by the Village? I'm asking a question now. If a person did it a certain way to get it can somebody else do it? And that's the question.

Mayor Kuzon: I think his was identified in our SSES as a lateral to be repaired. So in other words, by our sanitary evaluation survey they did identify it and that's the reason that he received, or that this would have been eligible for funding where other laterals in the Village have not been identified by this federally approved, or state approved document.

Trustee Saia: How do you get it identified? I'll ask that question.

Mayor Kuzon: It was part of our SSES which was part of our permit application.

Trustee Saia: But he hasn't had this problem only in the last year.

Trustee Brenton: Well he was called out in 1977. So I don't know if he's only had it for the last year as you allege. However, in 1977 it was identified via TW. It's in the book that you should have read by now I would assume...

Trustee Saia: I've just got on the Board two years ago.

Trustee Brenton: It's in the book. You should know the sanitary sewer book, and what your SSES is all about. Now let me give you an example. Tonight we agreed to spend \$198,000 because this happens to be one of the things and before you vote yes on it, I would familiarize myself before I would vote on it.

Trustee Saia: How does the camera find out that the lateral is no good? That's my question.

Trustee Brenton: I have no knowledge of the lateral, and as I brought out in my report that they get five feet. Did you understand me when I said five feet?

Trustee Saia: Yes.

Trustee Brenton: All right then. Why do you want to know about the lateral?

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, May 29, 1984 at 7:33 PM

Trustee Kibby: Moving back to public expression.

Trustee Brenton: I think these things should be aired.

Mayor Kuzon: Yes, sir.

A Gentleman from Wellington Court: We just moved here from another town and we bought a townhouse in Wellington Court, which we're impressed with how pretty it is, right next to this Conrail that you're talking about and, of course, abuts the Town of Amherst. One of the reasons we bought it was, and you can tell I'm a Senior Citizen, and it was close to Main St. Now a lady said you could walk to Main St. Now when I try to walk to the Village there's no sidewalks. So I wanted to sort of ask how to do this, or if you could suggest a Village committee to see what about sidewalks. Can anything be done or whose responsibility is it? Now also, Mr. Gallagher's point about the safety. It's close to that light you're talking about, that blinking light. That's where the sidewalks end. And after that down to this Conrail there's no sidewalks. So that's my question. How do you do it?

SIDEWALK

DISCUSSION

Mayor Kuzon: Okay. I think your question is how do you get sidewalks installed on either side of the street, or at least on one side. The west side of the street is in the Village. The east side is not, in that neighborhood of Cayuga between the curve and the Conrail property. Quite honestly, the Village hasn't installed sidewalks in I don't know how many years and we haven't budgeted for it in our present budget to do that. Basically I think under our code - and if I don't say this correctly, correct it - I think that the code provides sidewalks are the responsibility of the property owner and it would, therefore, then be the responsibility of that property owner and I think there's a vacant piece of property and maybe one or two homes on the west side of Cayuga between Wellington Court and where it comes into the Village there, who would be responsible for installing sidewalks.

Gentleman: Well somebody must have a legal part too because it's quite dangerous there. I'm not the only little old person that comes into the Village. Other people walk to church. It's quite dangerous with traffic. If you happen to walk with a dog it's even more dangerous. I'm not a lawyer but it seems to me the Village must have some legal responsibility in this also. Same as at the Youngs' property.

Mayor Kuzon: Let me ask Tom.

Mr. Troy: I'm checking on it.

Mayor Kuzon: Okay.

Mr. Troy: Maybe it's best if I speak to the gentleman after.

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, May 29, 1984 at 7:33 PM

Mayor Kuzon: Okay. If you'd like to do that you can see our Village Attorney after the meeting.

Gentleman: Well legally okay. But I also want to know how to start it. If we need some petitions to be signed or something I'd be glad to do it.

Mayor Kuzon: Right. That's a good question. Anybody have any suggestions?

Trustee Brenton: Generally it requires, improvements of that nature - the Attorney might correct me when he researches this a little further - require 51% of the property owners to have those improvements done, like curbs. Now where you have a street that is already partially sidewalked I don't know if you'd need 51% of the entire street or if, in fact, you would need the 51% or not. It should be pointed out that it would be the property owner that would bear the expense of the sidewalk and so, therefore, where you have a piece of property that I think you have up there maybe several hundred feet long you might be asking one person to pick up the cost of several hundred feet of sidewalk, which could be a considerable amount of money.

Gentleman: Sir, I also toured most of the Village and a good percentage of the Village is all sidewalked. A good percentage is also curbed. There's a high percentage.

Mr. Troy: The appropriate section that I think controls this situation is 50.11 of the code and it states as follows:

"The owner of real property fronting or abutting on any street shall install at the owner's own expense, and pursuant to specifications thereof approved by the Board of Trustees, concrete walks adjacent to the property owned, and such owner shall be responsible for and keep the same in repair except that the Board of Trustees may, by resolution, determine that certain concrete walks shall be constructed, reconstructed or repaired wholly at the expense of the Village, or partly at the expense of the Village and partly at the expense of the owner of the adjoining land."

In other words, the cost by and large in a routine situation would be borne by the abutting property owner. However, under special sets of circumstances undefined, the Board of Trustees may on its own motion decide that it will make contribution to this, to any sidewalk construction or repair that's undertaken either partial or whole. Basically, I would assume that you would start, your question of how you would start, I would assume that you are the owner of your property, abutting property, a concerned owner, you would present a petition or an application for a sidewalk, a building permit to Mr. Boudreau's office, the Building Office here, and they would advise you of what standards have been adopted for concrete and what type of concrete and so on and you would go ahead on that basis.

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, May 29, 1984 at 7:33 PM.

Trustee Saia: Sir, you're talking about a sidewalk not in front of your residence. You're talking about a sidewalk in the street away from your residence.

Mr. Troy: Oh, I'm sorry.

Trustee Kibby: Yeah, that's still the problem. It would take the wisdom of Solomon, or the money of Midas, or the authority of Genghis Khan because either the Village is going to have to come up with the money to pay for all these sidewalks by itself - we have the right to do that - but we don't have the money - Okay? Or secondly, it's going to have to go around to each individual owner and say you shall construct your sidewalk within such and such a number of days.

Gentleman: It seems to me you've done it for the majority of the people. That's it, it's got to be done, it's done.

Trustee Brenton: That's a misconception. The majority of the people that built or bought houses in this community the sidewalk was included. There are some instances where people built houses that they didn't want a sidewalk, they didn't have them and they weren't required apparently to install them. But I know in my own house when the house was built the sidewalk was included on what had been a vacant lot and, of course, the house commanded the price, included the sidewalk in that price. So that the Village is not, to the best of my knowledge, only in the areas of parks or, and that included a little bit beyond where I developed a grant, in Glen Park. That was a State grant to install sidewalks. But it fronted on almost all Village property that was a very small section and that was to make the park essentially safer. The grant money was there and it was paid for by the State of New York. But generally speaking the sidewalk is the responsibility of the owner and we don't fund sidewalks. If there is a hue and cry through a petition process or something of that nature I'm sure the Village Board would be willing to do it on a safety basis and probably, or not probably but we would definitely consider it. I don't know what the results would be but we, I don't think, would pay. I think that would be a step that I wouldn't want to involve myself in because there are many streets that don't have any sidewalks on at all and I'm not going to, I don't think as an individual, go and insist that someone put a sidewalk in and then let an entire street go without sidewalks. If you follow that.

Mr. Troy: I think that's the substance of it. I think in the absence of an initiative on the part of the owner it would require a directive by the Village to do it. They would simply point out owner A and say you build a sidewalk within ten days and I think, as Mr. Brenton's pointed out, there are so many areas of the Village without sidewalks I think you would create social turmoil. As a matter of fact, many people prefer, I believe, that there be no sidewalks.

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, May 29, 1984 at 7:33 PM

Gentleman: Well I would suggest you all take a look because there's a lot of people who move to this Village for exactly that reason. They walk to the Village. But you cannot walk that way with safety and something should be done.

Mayor Kuzon: Thank you. Mr. Hill.

Mr. Hill: There was talk about the Village approaching the Town or the builders on the Jacobs-Farber property about that road being cut in. If we open it up we could open up a can of worms. And I wonder if we just shouldn't let them come to us instead of us going to them.

Mayor Kuzon: I think Dick's suggestion was two approaches - right, Dick?

Trustee Gallagher: Right.

Mayor Kuzon: Okay, and Dick is saying we should just sit tight and see what the Town comes up with.

Mr. Hill: That would be my thinking, because if we approach them they may think you're ready to negotiate with them. I don't think we are.

Mayor Kuzon: Well one of the things we could approach them with is our position on the issue and I don't think I can speak for the Board at this time as to our position. Mrs. Schlifke.

Mrs. Carolyn Schlifke, 192 Evans Street: I didn't hear all of Mr. Gallagher's remarks about it, but I have been approached by two or three of my neighbors just within the last couple of weeks and I believe Mr. Kuzon has received some correspondence from one of them in particular who went so far as to write a letter to Supervisor Sharpe questioning this proposed road, as it is always stated in the medias that we read about it's always called proposed road. Yet Mr. Sharpe acknowledges the fact that the Village is the controlling factor as far as cutting across that piece of property, which is Village property, and cutting into Evans Street. I have correspondence to that effect. It states that. The thing that bothers my neighbors and myself are the fact that it is getting so much publicity and people have a tendency to accept what they read as fact, not knowing that the Village is the deciding factor, just accepting the fact that this road is going to be because they're reading about it in the Buffalo Evening News from time to time and in the Amherst Bee. Now I've been downstairs to the Town Building Department. They do have plans on file down there, which many of you gentlemen have looked at, which shows the layout of what is planned for that parcel of property. A few weeks ago, there was an article in the News which stated that a developer was going to be putting up some townhouses but it was, they had to get approval for a road.

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, May 29, 1984 at 7:33 PM

My neighbors all jumped to the conclusion that that would be the access road onto Evans Street. When I went downstairs and checked the Building Department it was not anything at all to do with that. It was a small spur which was going to run off International Drive, go back towards the Farber escarpment where the lake is and that's where the townhouses are planned. As I said, my biggest concern is that everyone is accepting this as fact without the Village making any kind of a statement at all on this. I realize, because I have spoken to many of you over the years, this has probably been in the planning at least 10 years that I've been following it, and you've all more or less given me the impression - well until they come to us it would be ridiculous for us to express an opinion on something that we haven't been approached on yet, but I think that what the Town is doing, by all these articles in the paper they are approaching us in the news and not when the time comes and the road comes right up to the boundary line then it's going to be a little bit difficult for the Village to say no, and it may go to court.

So I really would like to see the Village take some kind of a stand. I don't know what your feelings are for or against. I've heard many opinions on it. People in my neighborhood are against it. It's a very dangerous situation for an exiting road. They're talking about a signal, a signal at the bottom of a hill that ices over, as Mr. Boudreau can tell us, in the winter months. I think it's very poor planning and I think it is something that the Town is just going along with because it's what the developer wants, and developers will try to get the easiest way out always, and the cheapest where perhaps their plans could be changed.

Trustee Gallagher: That is essentially why I brought it up tonight for discussion in the work session, for us to sit down with the Town, because of the perception that I have among the other people that it's fait accompli and if that's not the case then the Village has the authority to say yes or no, but also in the context of businesses going back there they're being proposed this is the way it is then all of a sudden this isn't the way that it turns out, you know, it seems like...

Mrs. Schlifke: That's right. I think everyone is being misled. Not as far as the Town is concerned. The Town knows what they want and they are just going on the concept that they are going to get it. And I think that if there's going to be any hurdles placed in their way they should be aware of it also, because Mr. Sharpe seems to be of the opinion that the Village is the one that is going to have to say so and that they should say so one way or another. This is in the correspondence that I have seen from him and he states that the developer is the one and the Planning Board from the Town of Amherst that would like this roadway. If the Village is forced into it, because I don't know the legalities of it, perhaps Mr. Troy does, just how strong a stand we can take on a piece of property if a developer wants to cut across it. I don't know, but I do think it should be discussed and that the Village

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, May 29, 1984 at 7:33 PM

be heard from because I know a lot of people are getting the wrong impression and the concrete, if you've ever driven down Essjay, and International Drive, drive back there some day. The concrete is already heading towards Evans Street. I was down there the other day.

Mayor Kuzon: Okay. Thank you. Mrs. Woolcock.

Mrs. Marina Woolcock, 67 Hirshcfield: Could Mr. Troy look into the legalities surrounding the access because there really already is access from International onto Sheridan. Why must we provide additional access?

Mr. Troy: Well it isn't a question of our providing any access. It's a question of what the builders are going to submit and whether or not they'll be able to get a curb cut, which I understand they already might have. It's a County highway. And then the question is crossing Village land.

Mrs. Woolcock: Well, as I said, they already have access from International onto Sheridan. Whether we, or anyone, has to provide additional access is my question.

Mr. Troy: Well I don't want to make a case for the developers here. Obviously they're dissatisfied, as is everybody else apparently, with the problem that's been created by the limited access up there. And I would assume that that's the reason why they are attempting to create an additional exit point from that busy area onto Evans Street. This would seem to be what we're up against and they are looking for the cooperation of the Village and it's been my thought up to now that the Village has made itself quite clear at every encounter with the Town and the developers of this that we are not interested in cooperating.

Mrs. Woolcock: I agree with that. I think that's been a stand in the Village right along. My question is - as long as there is an access, legally no one has to provide any additional access. Is that correct?

Mr. Troy: No. In other words, you're saying are we compelled to do so. I'm going to take the position at this point - no, that we can't be compelled to do so.

Mayor Kuzon: Okay. Anyone else? If not a motion would be in order to return to the regular agenda.

Trustee Brenton: Not before I congratulate you on your excellent speech. I wanted to let Trustee Gallagher congratulate you first but having been there myself it definitely was an excellent speech and I've heard many of them and none of them impressed me as much as that one.

Mayor Kuzon: 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, May 29, 1984 at 7:33 PM

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

Unanimously carried.

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

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, the meeting was adjourned at 8:30 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer