

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, August 27, 1984 at 7:38 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

Clerk: PLEASE TAKE NOTICE THAT the Board of Trustees of the Village of Williamsville will hold a public hearing on August 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 a proposed local law which would amend the following sections to the Village of Williamsville Sanitary Sewer Code: Section 41.20(F) - Large nongovernmental users of the Sewer System; Section 41.50 - Toxic Pollutants; and Section 41.60 - Inconsistent Agreements.

PUBLIC HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the hearing was opened at 7:38 PM.

AMEND SEWER CODE

Unanimously carried.

41.20 (F)

Mayor Kuzon: Before talking specifically about each section of the proposed amendments to our Sanitary Sewer Code, I would preface our discussion with the fact that these amendments are mandated by the State Department of Environmental Conservation. As many of you know, we have been involved in a Sanitary Sewer Rehabilitation Program. We're presently in the second, or third stage of it and that program is federally and state funded and as part of accepting those dollars there are certain requirements which a municipality has to live up to and as I said, the State DEC has mandated, suggested strongly that the Village adopt these portions and add them to our code and by doing so they will send us our already approved reimbursement of over \$200,000 for sewer work which has previously been done. Basically, as the Clerk stated, one section of the code talks about nongovernmental users and classifying them as industrial or commercial users. That section reads that - "Any nongovernmental user of the Village Sanitary Sewer System which discharges more than 25,000 gpd of sanitary waste, or a volume of process waste, or combined process and sanitary waste, having a weight or BOD or suspended solids equivalent to that weight found in 25,000 gpd...shall be classified as an industrial/commercial user." It goes on to say that "Each such user shall pay its proportionate share" towards the total cost of the waste water processing, and so on. Right now we don't have anyone in the Village - industrial/commercial - which would fall into this category.

41.50
41.60

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Section 41.50 talks about Toxic Pollutants and says - "Any user which discharges any toxic pollutants that result in an increase in the cost of managing the effluent or the sludge of the local treatment works shall be classified as an industrial/commercial user, and be required to pay the amount of such increased costs". Once again, we do not have anyone in the Village that would fall into this classification.

Section 41.60 - Inconsistent Agreements - it basically is a legal clause which says that the adoption of these two sections of the code would take precedence over any other agreements which are presently in effect in the Village, and so on.

As many of you may know, the local treatment works is the Town of Amherst Sewage Treatment Plant out on Tonawanda Creek Road. Any questions or comments on this proposal? If not...

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was closed at 7:43 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, August 27, 1984 at 7:37 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 7:37 PM.

Mayor Kuzon: The next item of business is the approval of minutes.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held July 23, 1984 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the public hearing held July 23, 1984 regarding the proposed Fire Limits Law were approved.

Unanimously carried.

Mayor Kuzon: Our next item of business this evening is a public hearing regarding a proposed local law which would add Sections 41.20(F), 41.50 and 41.60 to the Sanitary Sewer Code.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the hearing was opened at 7:38 PM. (The hearing was closed at 7:43 PM.)

Unanimously carried.

Mayor Kuzon: Moving next to my portion of the agenda I have a number of items I'd like to report this evening. The first is that at our last meeting we established a committee, a task force to investigate the situation on corner lot fences. The first meeting of this committee has been scheduled for September 18th at 7:30 PM in the Village Conference Room. The members of the committee are the Village Attorney; our Building Department Administrator; a representative from the Planning Board, the Board of Appeals, Traffic and Safety Committee; myself; and Trustee Gallagher will be the liaison. In addition we have citizen representation on this committee in Mr. Borsuck and Mr. Dominiak. Both of these gentlemen have a particular familiarity with corner lot fences since both of them live on a corner lot.

I'd also like to report that the Village has been awarded by the Automobile Club of America and the Buffalo Chapter the 1984 AAA Pedestrian Protection Program Award, and I think this is probably

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at least about seven or eight years consecutively which we've received this award.

I also bring to your attention that I received notice today in the mail that the NFTA is holding scoping meetings for the Northern Corridors Refinement Committee. The meeting for the Amherst Corridor will be held on Thursday, September 6th at 7:30 PM in the Sweet Home Junior High School at 4150 Maple Road. At these meetings the NFTA will present the draft scope work including the prospective alternatives to be analyzed in detail and it's open to all concerned agencies and persons as well as the general public. The study work has been organized to provide for an early decision on which corridor merits priority over the other. And there is also a meeting being held in the Town of Tonawanda the evening before if anyone is interested in that.

One other thing I'd like to report this evening, as I said as part of the public hearing we do have a Sanitary Sewer Rehabilitation Program established and it has been continuing for a number of years now. On August 20th we received approval of the final plan of our operation for our rehab program from the State Department of Environmental Conservation and our program is progressing with the appropriate approval.

One other thing I'd like to report is that at our last meeting there was some discussion on the Superintendent of Public Works' report regarding our snowfighting capability. After that meeting I had an opportunity to talk to the Town Highway Superintendent. We discussed the situation and he stated that in the event of need that he upon request would provide the additional trucks from the Town to help us out and I have written a letter to him confirming that discussion, and of course that's a two-way street - excuse the pun - and of course the Village would be more than happy and willing to help the Town plow their streets if they're in need. But we do have now an understanding, an agreement between the Town and Village Highway Departments that in the event of a severe storm, or equipment breakdown, or whatever else if we request it the Town will come in and help us plow the snow on our streets and in turn if the Town has similar problems we're more than willing to help them plow the snow on their streets, in the neighboring areas. And that's the end of my report.

I have a number of resolutions. The first two resolutions are for vouchers. The first one is for vouchers in the amount of \$61,959.28. These vouchers cover the period from the 24th of July to the 13th of August.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$61,959.28 were approved as follows:

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Payroll Fund	W/E 7/27/84	\$ 9,399.98
	W/E 8/3/84	5,894.61
	W/E 8/10/84	<u>5,800.26</u>
Total Payroll Fund		\$21,094.85
General Fund	Abstract #566	27,957.48
Sewer & Water Fund	Abstract #147	1,253.73
Trust & Agency Fund	Abstract #186	5,853.39
Glen Park Jt. Activities	Abstract #86	2,249.35
Federal Revenue Sharing	Abstract #159	75.00
Community Development Fund	Abstract #89	3,411.00
Capital Fund	Abstract #136	<u>64.48</u>
Total Vouchers		\$61,959.28

We had large vouchers to Rapid Disposal, Niagara Mohawk and Samcost Construction.

Unanimously carried.

My second resolution is also for vouchers. These vouchers cover the period from the 14th of August to the 27th of August. These vouchers total \$143,595.22.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, vouchers in the sum of \$143,595.22 were approved as follows:

Payroll Fund	W/E 8/17/84	\$ 6,228.40
	W/E 8/24/84	<u>5,112.26</u>
Total Payroll Fund		\$ 12,340.66
General Fund	Abstract #567	37,251.26
Sewer & Water Fund	Abstract #148	28,399.04
Trust & Agency Fund	Abstract #137	453.05
Glen Park Jt. Activities	Abstract #87	74.32
Federal Revenue Sharing	Abstract #160	2,384.60
SSES C36-1244-01	Abstract #33	62,092.29
Capital Fund	Abstract #137	<u>600.00</u>
Total Vouchers		\$143,595.22

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Larger vouchers went to M..C. Morgan, Erie County Water and Britting-Gelia, our insurance carrier.

Unanimously carried.

At our meeting in July we held a public hearing on the subject of Fire Limits in the Village which you heard us approve the minutes for earlier. My next resolution would adopt that local law establishing Fire Limits in the Village. All those areas in the Village zoned commercial or manufacturing would be located in the Fire Limits. Trying to explain simply what Fire Limits is, is not an easy task. It's a rather complicated and complex issue. It is contained within the New York State Uniform Building and Fire Prevention Code, which the Building Inspector and our Fire Inspector use regularly in approving building permits. But basically what it means is that all buildings in a C or M zone that would be built in the future would have to be built with fire retardant protective material. Primarily we're prohibiting wood frame construction in our commercial and manufacturing zones and this would establish Fire Limits. As I said previously Fire Limits is something which we put a lot of time into and I'd like to thank the people who were on the committee - our attorney; our Building Inspector; our Fire Chief, Rick Andrews; our Fire Inspector, Evor Williams; Trey Measer from the Planning Board; Fred Wood from the Board of Appeals. These gentlemen met over a period of six months and seriously considered the issue and brought us to this point, and I would read the resolution.

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

RESOLVED that Local Law #2, 1984, Fire Limits, which was the subject of a public hearing on July 23, 1984 is hereby adopted. (Copy of local law attached)

LOCAL LAW
ADOPTED

#2-1984
Fire Limits

Mayor Kuzon: On the question?

Trustee Saia: On the question, Mayor, our Fire Chief is in the audience and I'd like to know if he is agreeable with this Fire Limits Law.

Mayor Kuzon: Rick, anything to say?

Fire Chief Rick Andrews: As I stated earlier, Fire Limits A is set aside for more congested type construction like you see in Buffalo or New York City. More or less set up for our type of situation in the Village, Fire Limits B. When you say they would not be allowed to put up wood frame construction, they would be in certain circumstances, but it would have to meet the code, basically come down to B-1 or A-1 buildings, which are multiple residences or homes. So some people are in C like those in Garden Parkway but they're homes so they don't have to worry about having to build a concrete addition to their house.

Mayor Kuzon: yes, that's right. We found out in the committee:

(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.

~~XXXXXX~~
~~XXXX~~ of Williamsville
~~XXXXXX~~
Village
Local Law No. 2 of the year 19 84

A local law Section 7.31 Building Code (Fire Limits)
(Insert title)

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

~~XXXXXX~~
~~XXXXXX~~ of Williamsville as follows:
~~XXXXXX~~
Village

SECTION 7.31 DESIGNATION OF FIRE LIMITS

Any area of the Village designated a commercial district (C-1, C-2, C-3), or a light manufacturing district (M-1) on the zoning map of the Village of Williamsville now in effect, or as said map be hereafter amended, shall be within the fire limits and subject to the standards for the areas within fire limits "B" as established by the New York State Uniform Fire Prevention and Building Code. A building of which more than one-third (1/3) of its area is within fire limits shall be deemed to be located within the fire limits.

This local law shall take effect immediately upon filing with the Secretary of State.

(If additional space is needed, please attach sheets of the same size as this and number each)

that it comes out to a percentage of the value of their addition to their house which would then require them to come under Fire Limits.

Chief Andrews: So it still leaves those people free to build wood frame construction. But other than that I would say try it, give it a chance, see how it works and I'm willing to go along with it.

Mayor Kuzon: Okay. Thank you.

Unanimously carried.

Mayor Kuzon: My fourth resolution is a procedure which is a requirement of the Federal Revenue Sharing Act. Basically Federal Revenue Sharing dollars are dollars which are returned to the Village from the federal government and we received in the neighborhood of \$31,000. It changes annually based on formulas and our population and other statistics. But their procedure is that recipients receiving Federal Revenue Sharing Funds greater than \$25,000 must establish a grievance procedure by October 17th, 1984 and that grievance procedure should provide for the resolution of complaints. Specifically what we're talking about are grievances and complaints regarding disabilities and discrimination of the handicapped. And our grievance procedure we're proposing to adopt has been drafted and recommended by the New York State Conference of Mayors. The Village of Kenmore has adopted the same procedure and I'm sure that there will be many other Villages across New York State also adopting it. And it reads:

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

RESOLVED that a Grievance Procedure as set out in Section 504 of the Rehabilitation Act of 1973 Title 31 Code of Federal Regulations Section 51.44(d) is hereby adopted to assure that all persons with any handicap are made aware of the mechanism governing the enforcement of their rights and remedies provided under the 504 Regulations and to provide for an expeditious investigation, hearing and equitable resolution of any complaints alleging any action prohibited under subpart A of the 504 regulations.

FEDERAL REVENUE SHARING

Grievance Procedure Established

Unanimously carried.

Part of that procedure is not only establishing a grievance procedure but also to do an evaluation of Village owned property to insure that it is accessible to the handicapped, which we are in the process of doing and many of our buildings are already accessible and some are not.

Grievance Procedure

Section 504 of the Rehabilitation Act of 1973 Title 31
Code of Federal Regulations Section 51.55(d)

A. Introduction

This grievance procedure is being adopted pursuant to Federal regulation 31 CFR 51.55(d), regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, in order to resolve allegations of unlawful discrimination because of handicap. The purpose of this procedure is to assure that all persons with any handicap are made aware of the mechanism governing the enforcement of the rights and remedies provided under the 504 regulations and to provide for an expeditious investigation, hearing and equitable resolution of any complaints alleging any action prohibited under subpart A of the 504 Regulations. Therefore, the following provisions shall be applicable to the due process standards and grievance procedures for such complaints.

B. General Provisions

1. Applicability - This procedure relates to any allegations of violation of the regulations implementing Section 504 except for:

- a. Complaints pertaining to admission to post-secondary (i. e., college and university) educational institutions.
- b. Complaints from applicants for employment.

2. Statute of Limitations - Grievances must be filed under this procedure within one year of the day following the alleged discriminatory act or the date on which the grievant first knew or reasonably should have known of such act if that date is later.

3. Publication - The Village of Williamsville shall publicize the fact that a grievance based on an allegation of discrimination due to handicap may be brought to Theresa L. Cummins for resolution.

4. Notice of Rights - At the time of receipt of the initial grievance, the officer designated by the Village to receive such grievance shall advise the grievant that he or she may utilize the efforts of Village to attempt to effect an equitable resolution of the grievance and of the right to file the grievance directly with some other appropriate outside jurisdiction. Compliance with these notification provisions shall be made by submitting to the grievant a pre-printed form with a space for the grievant to sign. The grievance officer shall retain a copy of the signed notice. The text of said notice is set forth in Exhibit A.

5. Election of Remedies - The 504 grievance procedure does not replace an existing grievance procedure nor does it provide for concurrent jurisdiction or hearings. Therefore, outside enforcement agencies such as the New York State Division of Human Rights, the Office for Civil Rights in the U. S. Departments of Health and Human Services and Education, and Federal or State courts, retain their jurisdiction, which grievants may involve if they so choose.

An election by the grievant to invoke the jurisdiction of any outside enforcement agency shall bar such grievant from instituting or continuing proceedings under this procedure during the pendency of such other proceeding or if such other proceeding has been determined adversely against the grievant.

6. Special Aids - The Village shall provide special assistance to enable the grievant to understand the proceedings and grievance procedures and to participate in them if the grievant is unable to do so (e. g., sign language interpreters for deaf people who communicate only in that way or a reader or braille copies for blind persons). In addition, facilities used for the purpose of hearings and discussion shall be accessible to the grievant.

7. Representation - The grievant shall be advised by the grievance officer at the time of the receipt of the complaint that such grievant shall have the right to engage and have present a representative at any stage of the grievance procedure.

8. Form for Filing Grievance - Grievances filed under this procedure must be submitted in writing on the form attached as Exhibit A.

9. Application of Other Laws - Nothing contained herein shall obviate or supersede any rights or procedural safeguards contained in other Federal or State laws for handicapped persons if such rights or procedural safeguards are greater in scope than those contained herein.

C. Village of Williamsville Grievance Procedure

1. The Village of Williamsville is adopting this 504 grievance procedure and structuring it to operate in concert with similar procedures under other civil rights or affirmative action programs. This procedure will be available as the first means of redress for those individuals desiring to utilize it.

2. The grievance procedure will be under the managerial supervision of Theresa L. Cummins, known as the grievance officer.

3. In the event a grievant elects to present a grievance for consideration and resolution to the grievance officer, the grievance

officer shall comply with the following.

- a. Notify the grievant of his or her rights to proceed before the Division of Human Rights, the Office for Civil Rights of the U. S. Departments of Health and Human Services and Education, or the right to proceed in the courts as a private cause of action on the basis of such grievance and furnish the grievant with the notice form for signature (Exhibit A).
- b. If the complainant elects to proceed with the grievance under this procedure, the grievance officer shall receive any complaint of alleged discrimination, shall assist the grievant in defining the charge, shall assist the grievant in filling out the appropriate form (Exhibit A) and shall sign and date the completed form. A copy shall be given to the grievant.
- c. Notify the grievant, at the time of the receipt of the complaint, that such grievant shall have the right to engage and have present a representative at any stage of the grievance procedure.

4. The grievance officer shall then confer with the (department head or officer) where the grievance arose and obtain a statement as to the facts and as to the reason for the policy or practice against which the grievance was directed. Opportunity should be given to permit the grievant and (the officer or department head) to rebut contentions of fact and to answer arguments made by the other. The parties should try to resolve the matter by mutual agreement within 15 working days.

- a. In those instances where grievances are referred to individual officers or department heads, at the conclusion of the 15 day period, whether or not agreement has been reached, the matter must be referred to the grievance officer for review and final decision. This step must be completed within an additional 15 working days.
- b. If a settlement is reached between the officer or department head and the grievant, the agreement should be reduced to writing, signed by the grievant and the officer, and the case closed.

5. In instances where agreement is not reached within the initial 15 working days (or 30 working days when an officer or department head is involved), the grievance officer shall, within an additional 5 working days, forward a report of the unresolved grievance to the aggrieved individual).

6. The grievance officer shall keep a record of all grievances, the status and determination of same. Such records may be inspected by the State Advocate for the Disabled. (Exhibit A)

**Section 504 Of The Rehabilitation Act Of 1973
Title 45 CFR Section 84.7(B)
Grievance Procedure**

This form is to be used to file a charge of discrimination based on handicap for any violation of the regulations implementing Section 504 of the Rehabilitation Act of 1973 (Title 31 CFR Part 51) except for complaints relating to post-secondary educational institutions, and complaints from applicants for employment.

This grievance procedure does not replace any existing procedure. It in no way deprives a person of the right to file with the New York State Division of Human Rights, the Office for Civil Rights in the U.S. Departments of Health and Human Services and Education or the Federal or State courts. An election by the grievant to invoke the jurisdiction of an outside enforcement agency shall bar such grievant from instituting or continuing proceedings under this procedure during the pendency of such other proceeding, or if such other proceeding has been determined adversely against the grievant.

(PLEASE PRINT OR TYPE)

1. Your Name _____ Phone No. _____
 Address _____
 City _____ State _____ Zip Code _____

2. Town Name _____ Officer or Department _____
 Address _____
 City _____ State _____ Zip Code _____

3. (a) Have you filed this charge with a Federal, State or local government agency?
 Yes [] When _____ Where _____ No []
 Month - Day - Year

(b) Have you instituted a suit or court action on this charge?
 Yes [] When _____ Where _____ No []
 Month - Day - Year

4. Alleged discrimination took place on or about
 Month _____ Day _____ Year _____
 Check here if alleged discrimination is continuing _____

5. Describe briefly the act which occurred and your reason for concluding that it was discriminatory. (Use extra sheet if necessary.)

6. I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date _____

 (sign your Name)

Date _____

 (Signature of Grievance Officer)

My fifth resolution - as you know, the Town Court is building a new facility adjacent to the police station in Audubon. It's difficult to say when that facility will be completed but they had an original target date sometime in December and that means that the Town Court will be moving out of the Village building, or out of the Village to Audubon and as such their court personnel will also be moving with them. As a result the Village, which has shared personnel with the Town over the years that the Town and Village Court have been in the same building, the Village will have to employ a Court Clerk and this evening we're creating that position. I would add that this is a non-competitive Civil Service position which we're creating. It is in compliance with the Civil Service regulations for this type of duty. We do have a job description of the Clerk to the Village Justice and in the near future, hopefully no later than September we will be hiring an individual to fill this position, and as I said this evening we're just creating the position.

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

PERSONNEL

RESOLVED that the position of "Clerk to the Village Justice" be created in the Village Court.

Clerk to Village Justice position created

Unanimously carried.

My sixth resolution authorizes our Court Clerk - there's a difference there. The Clerk to the Villae Justice is primarily the clerical help. The Court Clerk is the Clerk to the Justice. If you can follow that. I'm not sure I can follow that. But our Court Clerk is Frank Grillo. He has served as Village Court Clerk, as well as Town Court Clerk for a number of years. My sixth resolution will authorize him to attend the annual Magistrates Conference in Ellenville. This is a budgeted expense and is something that Mr. Grillo and also our Village Justice have attended in the past, and it reads:

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

AUTHORIZATION

RESOLVED that Frank V. Grillo, Jr., Court Clerk, is hereby authorized to attend the N.Y.S. Association of Magistrates/Court Clerks Justice Conference in Ellenville, New York from October 7-10, 1984 and the costs not to exceed \$300.00 to be paid by the Village of Willaimsville.

Court Clerk to attend Magistrates conference

Unanimously carried.

I would add that the Clerk to the Village Justice, the position that we created, will be a full time position, whereas the Court Clerk, Mr. Grillo's position, is a part-time position.

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My seventh resolution this evening authorizes our Village Attorney to draw up a quit claim deed for a piece of property, which I understand is referred to as a "gore", but it basically by description is a very thin pie-shaped piece of property. This pie-shaped piece of property is on N. Long Street, between 198 and 202 N. Long Street. At the street it has no frontage and at the rear it has some width of 9.31 feet. I guess this has come up through discussion with the property owner. He has been paying taxes on this portion which is in the Village and as our Attorney has advised us the property is of no value to anyone but this individual. Part of his driveway is already located on it and the quit claim deed will authorize him to take ownership of it and all the costs would be the responsibility of the property owner. The resolution reads:

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

WHEREAS there exists a pie-shaped "gore" 9.31 feet in width at the rear lot line diminishing to zero feet width at the street line, 193.34 feet in length, on North Long Street between the properties at 198 North Long Street and 202 North Long Street, and

REAL PROPERTY

Mayor to sign "Quit-Claim" deed for pie shaped gore between 198 and 202 N. Long St.

WHEREAS this parcel with SBL #68.20-1-58 has heretofore regularly been assessed by the Village of Williamsville to owners of the premises at 202 North Long Street, and

WHEREAS the Village of Williamsville has no knowledge of any adverse or conflicting claims by any other persons to said parcel,

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Village of Williamsville be, and he hereby is, authorized to execute a quit claim deed to said parcel to James Sanders, owner of premises at 202 North Long Street on the condition that all costs attendant upon preparation, execution and recording of said deed be borne by the grantee.

Unanimously carried.

My eighth resolution this evening is a resolution regarding the Conrail property. The proposal is that the Village establish a plan of action to address the issue of the property. I know that many of you are here this evening to talk about it. Our rules of procedure do permit the audience to talk on the resolution after we have received a second. So if you'll allow us to read the resolution and get a proper second we'll allow for public input at that time. You do not have to wait until the end of the agenda

for suspension of rules. Hopefully that way when we do get to the public participation portion of the agenda I'm sure there are other people in the audience who have other issues to bring to the Village Board and we'll save that portion of the agenda for those other issues. The resolution reads:

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

WHEREAS Village voters approved a referendum to purchase for \$85,000 ±9 acres of abandoned Conrail property in the Village and adjacent Town, and

**CONRAIL PROPERTY
DEVELOPMENT
PLAN**

WHEREAS voters knowingly approved the purchase of the abandoned Conrail property for general Village purposes, and

WHEREAS the Village Board held a public hearing on the purchase of the property and publicly stated the general intent of Village ownership was for public use, area improvement and orderly development, and

WHEREAS the Village of Williamsville has a once in a lifetime opportunity to preserve open space for public use and establish a "blueprint" for improvement for property that has been neglected and is an eyesore, and

WHEREAS preserving portions of the property as public open space will enhance surrounding property values and selling other portions of the property, thus returning it to the tax roll, will be a financial benefit to the entire Village,

NOW, THEREFORE, BE IT RESOLVED that the Village of Williamsville Board of Trustees after completion of the legal transfer of the property to the Village adopts the following action plan for Conrail property:

1. Rezone to a more restrictive use the abandoned Conrail property owned by the Village in the Village of Williamsville.
2. Preserve a portion of the abandoned Conrail property as public open space, develop a bicycle and jogging path and exercise course park.
3. Seek federal, state and private sector funding for the planning and development of the public open space.

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4. Establish the public open space as a continuous buffer from South Union Road to South Cayuga Street separating existing manufacturing areas from the existing residential areas.
5. Publicly offer to residents and businesses the sale at fair market value of other portions of the property.
 - a. Sales would be contingent upon:
 - (1) Fair market value
 - (2) Deed restrictions and covenants regarding maintenance and development of the property
 - (3) Adequate buffer and appropriate buffer material whether that be trees, berms or fences
 - (4) Improvement and enhancement of the property and area, and

BE IT FURTHER RESOLVED that the Board of Trustees will hereafter hold public hearings when deemed necessary or desirable and regularly report to the public on the implementation of the action plan.

CONRAIL
PROPERTY

Discussion

Mayor Kuzon: Before we let the audience participate I think it would be appropriate if the Trustees had the opportunity to speak first. Trustee Saia.

Trustee Saia: On the question, Mayor, and on the resolution I do believe your resolution represents the wishes - does not represent the wishes of the Village residents. In fact, it contradicts your own statement in the April 24th edition of the Amherst Bee that a committee be formed to study Conrail land use. Therefore, I could not vote yes in good conscience on this resolution. My reasons also are that on March 20th the Village residents voted decisively 510 to 374 votes to purchase the Conrail property for Village use. The vast majority contacting me do not interpret Village use as selling a major portion of the land. Further they believe the highest and best use is for a public park. Village residents have been largely shut out of the decision-making process. I believe every resident should be given an opportunity to make his wishes known. There is a public be damned attitude here that greatly disturbs me. The decision of the Mayor and his deputy to push a major land sale resolution shows poor judgement. The property is an excellent buy and payments could largely be covered by land leases. We as elected officials would be acting irresponsibly to throw away this once in a lifetime opportunity for recreational land. It is an ideal location for senior citizens, the handicapped and youth recreational facilities. I resent the economic scare tactics that have been used here. When I was on the Glen Park Committee we were told that we could only afford a strip park because of major expenditures facing the Village. If we purchased the entire park, sewer expenses would bankrupt us, and so forth. Federal funds were obtained for

the sewers and we obtained federal funds for Glen Park and the cost was minimal to the Village residents. I believe a Conrail recreation area should be given top priority and I believe the majority of Village residents back me. Unlike the other purchases mentioned it will not be an economic drain far into the future. In fact it will financially benefit the Village and upgrade the quality of life in the entire area. A decision to sell without conducting any studies and without citizen committee input, without a thorough investigation of all sources of funding, is putting the cart before the horse. A sale should only be considered as a last, not a first resort. Until a more restrictive zoning is imposed let us immediately enforce the Village ordinances and clean up the site and I'm sure that Village volunteers would be glad to help. I'd like to propose that a study be started immediately on the entire parcel, open at all times to citizen input, using funds from the State planning grant and others. The study should include land use showing recreational possibilities, area impact, cost figures and funding sources. Upon completion I propose that a referendum be held during the March election, to save money, to allow residents to vote for the recreational plan they prefer, or a Village-wide survey could also be done. Leadership is not taking people where they do not want to go. According to a congressman of our area, it is picking out where they want to go and then finding a way to get them there. I happen to believe we can accomplish our goal if we are willing to work hard enough and at this time, Mr. Mayor, I would suggest that the rules be suspended so you can listen to these people.

CONRAIL
PROPERTY

Discussion
(Con't)

Mayor Kuzon: Okay. I intend to have public participation, but before we get to that point and before any Trustee has anything to say I'd just like to clarify the point that you made in your statement, Jim, and I believe it is an inaccurate statement that this proposal is not to sell a major portion of the property. Okay. That is not fact. The fact is that these things have been stated in what I believe to be a sequential order and the fifth thing that I propose is that we publicly offer for sale. To me that's not to say we are going to sell. It is contingent upon a number of things. Let me go through this list again and let me make sure that I can explain it. Well if you're sitting there and thinking that the Village Board wants to sell a majority of the property that's not correct. The Village Board wants to develop, or what I'm proposing to the Village Board is that we develop a bike path, a jogging path. But once again I have heard misinformation that yeah, you're going to develop a bike path and you're going to sell off everything else after that. That again is not the fact and it's not true. We're talking about developing a bike path and, of course, the Village Board is going to maintain property outside the limits of a bike path. We're not going to keep an eighteen foot strip of property running from Union to Cayuga Road. There will be property on either side. Now an important point, I think, that's part of this discussion is that the first priority is we're going to rezone the property once we have ownership. Second priority is we're going to look

to develop a bike path, jogging path, and what I'd like to see is an exercise course because I think it would make the area unique in this portion of the Town, an exercise course such as those that are called "par" courses. There's one around Lake LaSalle over at U.B. But that's our priority, to preserve a portion and develop it as a bike path and maintain property on either side. Now that doesn't mean we're going to subdivide the property, or that doesn't mean I'm hoping we subdivide the property and auction it off. If, for instance, someone was interested in buying a portion of the property and it infringes upon our bike path I can say with confidence that I know I, myself, will not support that portion for sale and I'm sure the rest of the Board won't. Okay? Our, or my proposal is that we offer it for sale. We had an offer at the time of the public hearing. It was withdrawn. There may be other people who are interested in buying property. But again, please be clear that we're not subdividing, we're not offering for sale a vast majority of the property. We're going to retain the property to develop a proper bike path with the necessary land on either side and if someone proposes to buy a portion and it infringes upon our plans we're not going to sell it. Anyone else?

CONRAIL
PROPERTY

Discussion
(Con't)

Trustee Kibby: Yes. I take exception with Trustee Saia's use of the word major portion. I'm the one kind of in the middle on this and I have been in the past. I think you've got these in the right order, Mr. Mayor. Five comes last. It may not come at all. It seems to me the two things that will definitely come are (1) a rezoning. Even if the land were turned into a marsh and sit there for 40 years it will be rezoned. I have no doubt of that. (2) is number three on the list, that I'm sure will happen and that is planning and development, planning for development. If it turns out after the property is rezoned and the planning calls for - at least as far as I'm concerned - and I can only speak for myself - if the planning for a bike path, an exercise area and a - and if you see me somewhat scrunched up it's because I've been biking on bike paths all over the country for the last 8, 10, 12 days, I've probably bicycled 400 miles on bike paths, so I know a little bit about bike paths and I've seen some beautiful ones - If it turns out that the space required to build a bike path takes up 98% of the space that is there then that's the amount of space that will be used. If it turns out the amount of space to build a bike path and the other sorts of things takes up 12% then we have some left over land. What we're going to do with that - maybe we'll sell it, maybe we'll develop something else. It depends on what comes out of the planning. So I don't see this as a major portion. The Trustees at no time have ever said well we're going to set aside a certain piece of property and that is going to be sold, that's sacrosanct, that's carved in stone. It is the exact reverse. What's set in stone, so to speak, is that there's going to be a buffer zone, there's going to be open space, and there's going to be recreational space. Exactly what it's like I'm not sure yet. We have to do some planning on that. I don't think I have anything else to say from my point of view.

Mayor Kuzon: Okay. Any other Trustees?

Trustee Brenton: Yes. When I was originally assigned the task of attempting to purchase this property from the Consolidated Rail Corporation and through that time that I was involved in it, my original thrust was to develop this in some recreational type of way, that we could use it in some active type of way. I never dreamt of an exercise station type of way. However, this has now evolved to be a viable possibility, and I think something that in particular I have to say many of the younger people who are now moving into the community would find interesting and perhaps even some of the older ones, and I would classify myself as one of the older ones, and I'm not quite sure that I want to get into exercising any more. But these are some things that really I had in mind when I wrote the original letter to the New York State Department of Transportation, that I felt this property could be a great asset to the Village. And I do feel also that there are fiscal restraints and I will be discussing a proposal that I have received for use of some of that property on my portion of the agenda and I can see the cost of just a minor amount of this property that will be developed into recreational type of activity. So then to project it into larger segments I do feel that it is necessary for us to be able to, as the Mayor has included here on his own initiative, the possibility and certainly the intent of the Village to recoup some of the cost that we will pay for the purchase of the property, development of some recreational use for some other portions of the property and the bonded indebtedness cost, interest, etc. that will be naturally associated with these endeavors. Therefore, I do feel that we definitely will have to sell certain portions of this property and I've gone on record from day 1 as feeling and believing that as a Trustee in the Village of Williamsville this is my honest opinion of how we have to look at the future. I would love, if I could, to have this entire area green space and thus have the type of atmosphere that I'm sure we all want. But to me it appears to be something that may not be possible, and whether or not there are federal funds available I really don't know, but I know that the County of Erie within the last few days has determined that they can no longer continue their park system in the manner that it is and indeed they may have to curtail use of one whole park. And we all know the crises that the County of Erie is now undergoing. We can sit here in Williamsville and say well we can afford it, we know that today we can afford it. But we have to wonder about tomorrow and we have to wonder whether in all their deliberations and all their good conscience previous Erie County Boards of Legislators have considered tomorrow because they've gotten to tomorrow today and they're finding a great deal of fiscal difficulty in continuing the services and the type of government that Erie County has been accustomed to. So that I really, deep down inside, feel that this is the way that we have to go. That we can have a compromise type of situation here. We can develop an eyesore. We can rezone an area which I have had several complaints on, have personally acted on those complaints over the years, to have the areas cleaned up and then

CONRAIL
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Discussion
(Con't)

fall back the way they were. We could do everything if everyone would agree that we have to compromise, that we have to understand all of our obligations, not only to ourselves but to the future generations. So that that would basically be it, and I would point out that this railroad property - and I had a discussion with one of the members of the audience here yesterday - this railroad property is only 100 feet wide, almost throughout its entire length so that it is not really a wide piece of property, which might come as a surprise to some of you although many of you are probably very familiar with it. So that it is not a really, really wide piece of property for the type of park that you might think of.

**CONRAIL
PROPERTY**

Mayor Kuzon: Okay. Anyone else on the Board? If not if there are people in the audience who would like to speak on the resolution we would ask that you state your name and address for our minutes, please. Is there anyone? Yes, sir.

**Discussion
(Con't)**

Mr. John Zeder, 28 Garden Parkway: I think the important thing here is when we voted on this thing originally it was not to put bike paths in necessarily, not to put walking paths, none of the recreation stuff, we voted for one purpose only and that was to clean up that area around S. Long Street. Now it is getting worse, and worse, and worse. Larry was over with me a few days ago and we looked it all over again. If you can guarantee us that you will clean up, get them out of there, we don't care who you sell it to as long as it's like office buildings or maybe something like that, no manufacturing, no big storage of all that junk and rusty stuff and big trucks around. If you can guarantee us that I'm sure that these people would go along with what you want to do. You can sell as much as you want to. We don't care, but get rid of the dirt that's in there now, and the people who called our area a ghetto - that's exactly what they said, this is a ghetto so what do you expect. I talked to International Chimney and she said we've done a lot of work around here, we've put landscaping in. I said look at your backyard, it's filthy. She said you take care of your backyard and I'll take care of mine, don't bother me with it. This is what we're fighting for, right there. Get them out of there and I don't think we really care what you're going to do with it from that point on. We'll back you up on it. Thank you.

Mayor Kuzon: Thank you.

Mrs. L. Konowalski, 38 Garden Parkway: That fence should not be there. It was in better shape than it is now. My son used to clean it up all the time. I've paid a lot of money to keep my grass green and you've made a mess out of it. You fenced that empty lot and all the children are destroying my property. There are four different ornamental shrubs that I had on the borderline that are destroyed. I put in stones in there. They walk over the stones, they come with their bikes, they walk there and I'm not going to keep them out of there all the time because I'm afraid they might do some damage. But they're walking through my property and I can't restrict them.

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You better take that fence out or do something because it's getting a mess. It's a mess that we never had before. You don't find any dirt in there. Mr. Zeder and myself, and Mrs. Wheeler, Mrs. Wheeler especially has cleaned the woods from all the trash and bottles and everything else that you don't have to come there and clean it up. Mrs. Wheeler does it. She picks up all the empty bottles and takes them over, and she's eighty years old and she cleans out that back all the time. The kids are building tree houses up there and we can't keep them away from there. You should do something. It's worse than ever. That fence is a detriment to me because the children are crossing my property. Now the fifty feet of my property from the street I paid last year about \$135 to have the grass reseeded and it's all gone. I can't do anything with it because the kids are trampling over it with bicycles and motorcycles around our area. Our area is just as important as your area. We pay taxes.

CONRAIL
PROPERTY

Mayor Kuzon: Would a fence separating the vacant lot from your property help your property? Because I think the fence now is just across the front of the property.

Discussion
(Con't)

Mrs. Konowalski: It is.

Mayor Kuzon: If there was a fence that ran the side property line would that help keep the kids...

Mrs. Konowalski: I don't know. But it's an awful mess. They're crossing all the time.

Trustee Brenton: Can I ask Mrs. Konowalski something?

Mayor Kuzon: Sure.

Trustee Brenton: Mrs. Konowalski, when I talked with Mr. Zeder the other day he expressed the opinion that the Village would be better served if we sold the lot and I assume that he and Mrs. Zeder still share that view. If so, would you share that view? Would you rather have a house on that lot than the condition that it is?

Mrs. Konowalski: I don't want that lot, I don't need it. But I suppose that would be acceptable, yes.

Trustee Brenton: You think it would be acceptable to both you people, being the adjacent property owners?

Mrs. Konowalski: Yes.

Trustee Brenton: I frankly over the years that I have been involved, that lot has been a continuous problem to Mrs. Konowalski and Mr. Zeder and I'm sure that some of the other residents immediately involved in that particular area have problems too. And I'm almost to the point with talking to Mr. Zeder the other day to recommend that that lot be sold for residential purposes. We really never thought about it to be honest with you.

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Mrs. Konowalski: You never had to take care of that lot. My son always used to do it, to keep it clean and we never threw any trash or anything. The lot has been kept clean by Mr. Zeder and myself and we did not allow any children to throw anything in there. Now it's a mess.

Mayor Kuzon: Okay. Thank you. Mr. Zeder, we're going to go to the people that haven't spoken yet and then if there's time we'll come back to the people who have already spoken.

Mary Lindow, 22 Garden Parkway: The reason the Village bought that lot was to get to the woods and now that they own the Conrail property they no longer need the lot and it's large enough for a nice house. The problem with the fence and everything that has happened in our whole neighborhood is because of the motorcycles and because of International Chimney. If it weren't for those two things there wouldn't be anybody sitting here tonight. And as far as buying the property that's what we voted for. To make that property recreational all you have to do is take a snowplow and plow away the stones so that people can walk. It is beautiful the way it is. Nobody has to do a thing to it. If they got rid of those big stones where you can't walk the kids could even ride their bicycles down there but you've got to get rid of the motorcycles. Today I stopped two kids back there and they came from Maple Road and they told me they had never been back there before and the police came and the policeman told me he cannot arrest them or confiscate their motorcycles because they were on private property and they were not on the roadway. They have no license plates on their bike and they were 13 to 14 years old and they were coming all the way from Maple Road and they said the people around Maple Road never complained because all the kids had motorcycles. Now I think the Town of Amherst and the Village should get together and pass a law to not allow those kids to be riding...they think it's legal to ride as long as they're not on the street, so they go down the sidewalk. That's why the fence was up, because the motorcycles were going through there.

CONRAIL
PROPERTY

Discussion
(Con't)

Mrs. Konowalski: And now they're going through my property.

Mrs. Lindow: If the Village owns this Conrail property now the first thing they've got to do is put a chain across both ways with a sign that says anybody on a motorcycle will be arrested and fined \$250 or \$500 and the kids won't come through. And another couple of weeks ago, I stopped some people - two boys on one motorcycle, no license plate on it, the kid has blood dripping down his leg and they were from Cheektowaga and they had ridden their bicycle through the woods. And these kids cause so much disturbance, half the people here tonight are because of the noise from the motorcycles. So that's what you have to do - get rid of International Chimney and get rid of the motorcycles and we'll be happy.

Mayor Kuzon: Okay. Yes, sir.

Robert Bindert, 39 Garden Parkway: Again, I'd like to attack International Chimney as a neighbor. In all honesty, I have two small children. One is 3½ and the other's 5. My five year old plays with other small children in the yard, not in the yard but across the street and they have a tendency to go into the woods and from there it's over onto the railroad tracks. Okay? It'd be great as he gets older - 6, 7, 8, 9 - if it was just left wild. All right? I don't care if you want to throw in a bike path. That doesn't do my kid any good. All I want is that area cleaned up. International Chimney as a neighbor is one of the worst things I've ever seen. They have jagged metal, scaffolding right out by S. Long, okay? And it wasn't there for a week, it wasn't there for a month, it must have been there for 4, 5, or 6 months, just sitting there jagged. Any seven or eight year old can go and play on that. They could do serious damage to themselves by just falling. Okay? The other day I happened to walk by with my little girl and there were some kids climbing on those huge tanks. There's no fence there. There's no nothing. Kids just get in there, they play, and there's all kinds of stuff in there that they shouldn't even be touching. You can cut through there yourself. Take a walk back through there. It's murder. Okay? And there's no fence, there's no nothing. They have a complete disregard for the neighbors in the area. I've also heard stories that they sandblast in the area. You know, sandblasting should be in a certain restricted area, where they have to sandblast a concrete building it's done there. But they have a tendency to sandblast. That gets into the air, you know into your lungs. It's dirt. It's adding pollution to the air. They are rotten neighbors. They really are.

CONRAIL
PROPERTY

Discussion
(Con't)

Mayor Kuzon: Mr. Sandburg.

Douglas Sandburg, 81 Mill Street: I think as far as cleaning up the property and rezoning the property there is not a person in this room that's not for that. A number of people, 510 people pulled a lever last March saying yes, buy the property for Village purposes. At that time I don't think there was anything in that that in any way indicated the Village was thinking of selling it. You point out to us now in the resolution that you put forward, Mr. Mayor, that the important ones are one through four and the public sale, number 5, is, well, just in there. Well if it's just in there, why not just withdraw it? Is there something wrong with just allowing the property to be cleaned up at this time so it is not a blight upon the neighborhood? Is there anything wrong then of going to the citizens before you have the authority - and I say before because this gives you the authority no matter what you want to lead people to believe, this would give you, the Village Board, the authority then to sell any parcel of that land that you wanted. But if you're really serious, Mr. Mayor, in telling us that you believe it ought to be adequately developed then it ought to be well planned, then it ought to be something that is good for the entire Village, then take it out and allow a plan to be drawn

up for the entire parcel, not sell off a little chunk here - oh, but we shouldn't have sold it because now it would have been nice to use. And I think, Mr. Brenton, if you would please not say this only a 100'. If you get down near S. Long, where there is the extra switching tracks in there, I think it's somewhere around 160' in that area. That area there might be used for much greater things than just maybe a bike path, maybe an indoor pool - that was brought up one month ago. You, Mr. Mayor, I believe at that time thought it was an excellent idea. So what's wrong with leaving it and exploring that. I happen to have seen the plan that Mr. Brenton is thinking of bringing up tonight and it has a cost figure to it, of using 18', in other words less than 30% of the property if you would use 18' of it for a bike trail or what have you. But what is wrong, I haven't found a logical reason in anything that's been said this evening so far, or in past discussions with any of you, of why you have to have that authority; why you won't allow your citizenry an opportunity to have input on a total plan for that property. I wish you would please reconsider.

CONRAIL
PROPERTY

Discussion
(Con't)

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

Mrs. Gail Delbridge, 114 Garden Parkway: We are not technically in the Village, however, our property faces Village property. We live at one of the widest sections, easily 200' from the back of our yard to the fence on the other side of the property. We're naturally concerned as to what happens behind our home and what affects our property value. We would like to know specifically, when you say that you would like to sell off possibly a portion, what portions have you in mind. The only usable portions are the large stretches such as where we live. We're very concerned. We don't want apartments back there for example. We think a bike path or public facilities would be great because it would enhance our property. But we're hearing things that there will be public storage areas back there. I don't want to walk in my backyard and see someone's public storage back there. So we are naturally concerned and we'd like to know further what portions you have in mind for future sale. What type of rezoning are you considering?

Mayor Kuzon: Those are good questions. First of all we're not considering public storage. I don't think anyone on the Board would support that. But you're right, the first thing we need to do is rezone the property before we even consider selling it and that zoning would have a dramatic influence on what type of development may take place on the portion which may be sold. Now we can't be specific and say we want to sell off, you know, so many feet from Cayuga Street and so many feet from Union Road because we're not to that point yet. We're at the point, and this is what this resolution is, is putting together some type of conceptual plan so that the Village Board can have a plan on the table for it to follow and the citizens can be informed of the Board's intended action, and for the public to know what our intentions are on the

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piece of property, and I know it's a vague answer to say to you this evening that we don't know what portion of the property we might sell, but we don't because we're only at a conceptual point and I think maybe that's a good jumping off point for me to say to your comment that that's the intent of this resolution. Okay? So much has been said about the Village and the Conrail property and much of what has been said has not been always accurate or correct information. So part of the intent of this resolution is to let the residents know exactly what we plan or hope to do with that piece of property.

CONRAIL
PROPERTY

Mrs. Delbridge: Well that's exactly why I asked for more specific information. Personally, I agree with the people who have been stating that it's beautiful as it is. I walk in the woods, my daughter walks, my husband walks in the woods and we appreciate the beauty of it as it is right now. If it were cleaned up on the other end where International Chimney people are I would be pleased to see it remain one last tiny portion of Williamsville that can maybe remain natural and I recommend that that would be best for everyone, keep it as a nature trail. Thank you.

Discussion
(Con't)

Mayor Kuzon: Okay.

Trustee Kibby: I would just, and I'm not offering this as a strategy, what I'm trying to get across is that this is just a concept. We're just beginning to talk about what we want to do. This is just a concrete version of something that is still a concept. It could very well be that if the idea of purchasing property remains in this particular bag of thinking that we've been working with for several months, it could very well be that the property that's sold is to each of the individual owners along the streets along there and the bike path goes on the other side, or whatever recreational plan is developed goes on the other side, on the International Chimney side. Everyone has the idea we're going to sell off - and I'm speaking to you and I don't mean to, I want to speak to everyone - is that we're going to sell these 2, 3, 4, 5 chunks of land, that we've already got buyers lined up. That's not the case. The only buyer that was ever around has said now he's gone. Okay? My point is that we want to keep this as an option - yes, we could sell some of this property at a fair market value - but it also has to be, as the Mayor's pointed out, that the zoning is going to go down - from Manufacturing down significantly. Whether it's C-1, C-2 or C-3, right now it's still in the conceptual stage, but it's going to go down significantly, or upward depending on where your standing.

Mrs. Delbridge: If there is any proposal at any future point to sell any portion of the property, why don't you include in this resolution now in the planning stage the possibility of allowing the neighbors who are concerned and who live in that area the first option for all of our neighbors. And I mean on our side of the railroad property as well as on the other side. I think that that would be the most equitable solution if you consider selling any portion that put into the resolution that you give the people in the area the first option.

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Trustee Kibby: As a matter of fact, when we first discussed this - it must be about 400 years ago I think - when we first discussed this when anything was said about selling any of it that was the first thing that came out. - probably the residents are going to want to buy it. That is not what is being distributed. That is not what is being said. Everyone seems to think we're going to put another factory down there, a 40' wide factory down between Cayuga and S. Long.

Mrs. Delbridge: Perhaps that's my concern. What assurance can you, the Town Board, give us that we will not someday look out our backyard at our property line and see a commercial development back there?

Trustee Kibby: I think probably the best way we can tell you you should be comfortable with that, with us in doing that is the fact that we did put forth the resolution to the public as to whether or not they wanted us to go ahead and buy this land. It would have been very simple for us to just simply have said two years ago we're not interested, let somebody else buy it, and there are other buyers who probably would love to buy it and develop it in a manufacturing area. The Village in a sense took the bull by the horns and as you probably know has gone through inordinate hours on this particular issue and I can see a lot more coming. That I think is your assurance that the Village Trustees are concerned not only with the residents in the future but also have taken into account the financial aspects.

CONRAIL
PROPERTY

Discussion
(Con't)

Mrs. Delbridge: I'd like to point out again that since we have no assurance and you can't at this stage in your plans give us that assurance then I propose that you take that resolution of potential sale out and put it under further study, and that will satisfy us.

Mayor Kuzon: Thank you. Yes, ma'am.

Mrs. L. Petrie, 70 Garden Parkway: I have no real say in this except as a neighbor of the Village, but I would like to know what the status of the International Chimney Company is. Do they own that property? Do they have a 99 year lease, or do they just rent the property?

Mayor Kuzon: Okay. They own the station and they lease approximately 10,000 sq. ft. of the old spur. They only lease part of it, they own some of it.

Mrs. Petrie: In other words, that's the part east of Long St., that is what they lease.

Mayor Kuzon: North of the railroad tracks.

Mrs. Petrie: And they lease that from Conrail?

Mayor Kuzon: Yes.

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Mrs. Petrie: Conrail still owns that?

Mayor Kuzon: Well, Conrail only still owns it because the transfer is not yet complete.

CONRAIL
PROPERTY

Mrs. Petrie: The Village will not own that?

Mayor Kuzon: Oh, yes, we will.

Mrs. Petrie: They will. In other words...

Discussion
(Con't)

Mayor Kuzon: The Village will own the property but not the building and International Chimney will then be leasing from the Village.

Trustee Brenton: I might add that that is when the broom will start to sweep clean.

Mrs. Petrie: I hope so.

Mayor Kuzon: Tom, how long is the lease?

Mr. Troy: I think the longest one is five to seven years. I don't have the file with me.

Mayor Kuzon: Anywhere from five to seven years. We don't know which tenant has the longest lease without looking at the file. Mr. Ryan, your hand was up?

Mr. C. Allen Ryan, 51 Evans Street: Many years ago I was on the Village Board and the way I got there was that I was there because Paul Atkinson and I and a couple of other people felt we ought to have a Glen Park and I didn't stay on the Village Board to see that completed. I didn't see any of the plans that were near and dear to me ever really come to light except (1) there's no parking ramp there, there's no high rise that was also recommended, and all these things have to be talked out. There isn't even the parking lot that some of the original plans that were drawn up had that meant a lot to me and I thought they were good. I even liked my plan better than what's there now. But the one thing that can't be contradicted is that there's nothing there that is objectionable, there is everything there that is valuable, and it will be inherently valuable 100 years from now when it doesn't make any difference to me. And I really think this is the time to look at this as a total concept of open property, be committed to it, return to the old values of the Village Party and the American flag, and all the rest of it, but to do it purposely because the other issues can always be decided at a later time. Put the first things first, take the resolution away the option you want to give yourself to allow this to be developed otherwise, because you can always do that at a later time. Now there are a lot of people here tonight who feel very strongly about it and I think it's important to sit down and consider it as something that is going to be meaningful to every person here, including the residents who have a very,

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very realistic opportunity to get that area cleaned up and go on with public vision for open space. This can never be recovered once it's sold. I think it's time to be committed to this and what we're asking for is just your commitment to that basic thing, for the entire Village Board.

CONRAIL
PROPERTY

Mayor Kuzon: Thank you. Mr. Hill.

Richard Hill, 18 Brookside Drive: I'd like to ask a couple of questions. First, one of the very first instances that took place in the purchase of this Conrail, even before it was really started, was the correspondence between Trustee Brenton and International Chimney about would they be willing to buy. I don't know which came first, whether they made an offer or we asked them first. So way back then International Chimney was into the picture and even though they've thrown it out now they're still there and they still need the property and I very strongly believe that they're very much interested in obtaining the property on the east side of Long St. You said you've spent several hours studying this issue. I have been trying since we first got the bond issue to find out the size, shape and what concept, what you're thinking about. All I've gotten was you're going to sell some of it. Now all of a sudden up comes this resolution. I can't help wondering why now? You haven't even owned the property yet, you haven't even produced any picture on the run of that property, you haven't ever told us how much percentage wise you're going to sell and how much you're going to keep. None of this things have been brought out to the public. It's all been behind that desk in the little room and I'm wondering why if you've done all this studying why we haven't been getting more information from you. Saturday morning I found out that - URS I think it was - was hired, or required to make a study of the area up there for a bikeway only and the bikeway was \$79,000, or somewhere around there. I just had a chance to glance at it but I believe the price is around \$79,000, \$80,000 to do it. Now why can't we sit down first before you - I know this is asking a lot because an awful lot of minds are made up up there - why not before you put the resolution to sell part of it, why not pull it out, sit down and let the public and you work together and find out what we can do with it. Maybe we will - again, I'm not, I don't know if we should sell part of it. Maybe we should. But until you show me what you're going to sell, what's going to be left, I won't commit myself one way or another. Under those conditions I don't want any of it sold until I know what's going to be sold. Trustee Kibby said a fair market price. I heard a statement a little while ago that you're expecting a lot more than the market price for the property that you're going to sell. Some investigation must have been made on selling it if you have a feeling that you're going to get more than the fair market price. I'd like some of these questions answered before you pass the resolution.

Discussion
(Con't)

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Mayor Kuzon: Well, first of all, Dick, the URS correspondence was only a proposal. That was not an approved contract, or anything like that. They were following our actions in the paper. They wrote us a letter saying that this is what is happening in other municipalities in bike paths and they suggested what they thought was a reasonable cost estimate. And it was just a proposal on their part. Engineering firms and architectural firms are calling us all the time. In fact I have one firm that calls me just about every year and asks if there are any projects on the table.

CONRAIL
PROPERTY

Mr. Hill: They said this is what it's going to cost if you do this with it?

Mayor Kuzon: They may have studied it on their own time but not at any Village expense.

Discussion
(Con't)

Mr. Hill: Well, all right. They may have spent their own time on it. They just did it and they shouldn't know too much about it, but when I see something like that I say hey, what's going on here.

Trustee Saia: Mayor Kuzon, I might be able to answer that. I received a copy of that URS - that's what I showed you - July - sorry, August 22nd. I think all the Trustees received a copy August 22nd. We had sat in the back room and discussed that URS who does a lot of work for us, we do pay them quite a bit of money for their studies in the past, and we had - Larry Brenton had asked that maybe we should ask them to make a study. As you know, at the last meeting I questioned whether this was Brentonville or Williamsville. This letter is addressed to Mr. Brenton and it kind of says that the discussion that Mr. Brenton and URS had and if you go right through it then it shows you a 10' bike path and \$79,000, or whatever it is. Now, I want you to know that this letter was received in the Village July 27th and I feel kind of bad that I did not receive it thereabouts after that. It's stamped received by the Village of Williamsville. Now I don't know what's wrong in our office that when you get an important piece of mail, especially when I've been asking every day for a survey on that property so we can conduct a tour down there and we haven't gotten the survey, you would think that when an important piece of material came - I mean I'm as interested in the Conrail property as Larry Brenton or the Mayor or anybody else on this Board. This piece of material should have been given to me at the time that it was received.

Mayor Kuzon: There were other people in the audience and let's move on so that other people have an opportunity to speak. Mr. Hansen.

Mr. Walter Hansen, 42 California Drive: These people that live at one end of the Village, I live at this end, that end of the Village, I think everybody in the whole Village should be concerned about open space and I'm for open space, but at this point I think these people have some very real concerns

that live on Garden Parkway and in that section and I think the third part of your resolution is excellent where you say that you'd like to seek federal, state and local funding and there are some monies available with matching funds to study what to do with this property. Have a committee to see that something's done and some of these people that live adjacent to this should be on this committee and other people throughout the Village should be on this committee and I think that's excellent that we do a study on what to do with this entire thing. Some people expressed desires they want this, or they want it all natural, leave it the way it is. I'm not sure how it should be but I think a committee should be formed to decide how it should be and I think that makes number 5, or anything that you say as far as a bike path or going to offer for sale to residents and businesses portions of this property that I think should be done after number 3 is done and this committee is formed and the committee has studied it and has come up with some conclusions on what they feel should be done and I think it's putting the cart before the horse, I don't think you can say on number 5 that you're going to offer for sale because I think that's the job of number 3, the committee that would be formed by the residents of this community to study what to do with the property.

CONRAIL
PROPERTY

Mayor Kuzon; Nancy.

Discussion
(Con't)

Mrs. Nancy Drost, 40 Park Drive: Well I think that anybody who knows me knows that I'm for open space and still am but, and at the risk of sounding political I have looked over these Village Party principles which all of the Trustees, except one, and the Mayor of our Board are currently Village Party members that have been elected, or have been helped by the Village Party members to be elected. Now some of the principles, that maybe some of you have forgotten in your busy schedules, of the Village Party are first of all, to champion Village government potential to be the finest form of government, government that is closest to the people governs best, to be the voice of the people and not an obstacle to their wishes, to seek and use citizen input in all possible ways. Now we went through this 10, 12 years ago and at first I was sitting here questioning, you know, perhaps your good judgement from my point of view in handling this, but I'm beginning to question my judgement in working hard to get you people in office and I vaguely feel like I did 12 years ago when we were fighting for Glen Park. Is this the Village Party that supposedly went hand in hand with the people at the same time that wanted open space and Glen Park. I sometimes forget. The faces are different, the year is different, the economy is different, but I almost see the Civic Pride Party up there that many of us worked so hard to change because of our commitment to open space, and in particular Glen Park at that time, and the principles of our party. And somewhere along the line I don't see the principles and the procedures being utilized and I can't possibly understand how proposals are being set up when there is no real study

that anybody has come up with with any facts or figures, when the people themselves were asked in resolution to purchase the property, and they okayed it, and nothing else has been done to find out their wishes. What is so impossible about having a citizens' committee, or a survey, or a referendum, or a resolution. We went through this all 10, 12 years ago and we turned out successful. Many of the people that were dead set against Glen Park, or all park, I see them walking through the park, enjoying it, talking about it, as well as other people. I just can't understand - can you give me a reason why we can't form a citizens' committee? I'm sure you'd get people right here from all different sections. I mean I don't feel we should have all park people, just as we did with Glen Park. What is the problem? I would really like an answer. I really don't understand it.

CONRAIL
PROPERTY

Mayor Kuzon: Well it's not a problem but if there is a committee it needs something to study and everybody's talked about let's form a committee and study it. Well they're going to come to their first meeting and sit down at the table and look at each other and say what are we to study. They will know they're to study the Conrail property, what's wrong with presenting this plan to the committee for their consideration if the Board decides to create a committee, including number 4.

Discussion
(Con't)

Mrs. Drost: When you get a committee you get people to do the work. That's the committee. I mean when we form committees in our citizen group we didn't just sit there and expect somebody else to do the work. We're not asking for figureheads, or people with names. We want people to work.

Mayor Kuzon: What's wrong with working with the proposal I presented this evening? What's wrong with considering all the options? I hear people say we want a committee but nobody wants to consider all the options. One of the options, I think, has to be consideration of sale. I'm not saying you have to recommend sale, I'm not saying the Village Board has to sell it. You know, everybody sits out there shaking their heads no to even considering selling the property, but yet you want a committee to consider it? To consider what? You know, I've seen closed minds on the fact of studying every option that may be available. This is one of the options.

Richard Sweeney, 325 Mill Street: Excuse me, I'd really like to pick up on a couple of points that had been made before by Al Ryan and at the same time go back and say what I feel is wrong with the resolution and why the resolution does not in any way represent nearly the total number of possibilities. Certainly I think the Board of Trustees needs to come to some financial decision as well as an intent on what is desirable. I see nothing in here about lots of possibilities for leasing or renting, or continuing to rent parts of the property. The thing I'm concerned with and why I object to the resolution as it's worded is it's simply limiting, as you say, the realm of options. You're talking about preserving a portion and selling something. I think what everyone here is interested in is

cleaning it up, rezoning it, seeking some aid so we know what the financial possibilities are, maintain a continuous buffer. But I think we have to keep that parcel intact and the only way we're going to do that is exclude from this resolution, and exclude from our minds those limits that say only part can be recreation, only part should be a bike path, or only parts should be sold. I think we need a committee and we need some professional advice as well as citizen opinion on what to do with the entire parcel, rather than proposing several options that are usually contradictory.

CONRAIL
PROPERTY

Mayor Kuzon: Okay, thank you. Let's see if there's anyone else who hasn't spoken yet and then come back to those who have.
Mrs. Andrews.

Discussion
(Con't)

Mrs. Rita Andrews, 128 S. Union: I just want to say something about the property as it is right now. There's a man here, I think Mr. Brand, he lives on the corner of the railroad track and I want to compliment him for cutting that grass. People all complain about it but I haven't heard one of the people who live there say how nice the property looks where he lives because he keeps that grass cut. If it wasn't for him it would look like the ghetto.

Sharon Graham, 96 S. Long Street: I live right next to it and I'll tell you the reason he does keep it cut is one morning we got up and some strangers, a young 19 and 20 year old guy and a girl had a tent right next to our yard and we figured if they could be there in a tent so could anybody else. We keep ours cut so nobody else can be next to our house.

Mayor Kuzon: Just one moment. I think there were other people. Is there someone in the back? Yes, ma'am.

Mrs. Margery Kaepfel, 225 N. Autumn: I just wondered if anyone knew how the rest of the area perceives us. They had a party on Grand Island a month ago and the editor of the Grand Island News said that Amherst was a joke. He said in 10 years we'll put them in the dust. He said they're going to get two new bike paths, a new pool, we've got Beaver Island. We will be the new elite area outside of Williamsville, outside of Buffalo because Williamsville has no foresight and they haggle over tiny bits, they're letting all their land slip through their fingers and we are going to be in. He said just give us 10 years and all the people on Grand Island were there and they all clapped and they said - yeah, those guys in Williamsville don't know which end is up and we're going to put them in the dust. So just consider fellows that other people are always watching us.

Trustee Saia: Mayor Kuzon, I'd like to read a letter that I have brought up and I don't think anyone - I did not find the letter, I just found it yesterday, but I think I mentioned it and I don't think I got too much reaction on this. But this

letter was written by Mr. Sharpe. "In regards to your letter of August 11, 1982 concerning abandoned railroad property on the so-called Williamsville branch in Erie County I'm writing to express the intent of the Town of Amherst to reserve all its preferential rights in this matter and exercise them at the proper time. The property in the Town of Amherst directly connects with the Village of Williamsville's portion of the captioned property and I understand they have expressed similar desires to you. The Town would utilize this property as part of a proposed cross-town bike trailway that would also utilize the rest of the railroad line that continues to Tonawanda. The Town understands that this right-of-way will also be available at a later date and has already stated an interest in acquiring it as well. This whole project has been coordinated with the Village of Williamsville and the Town of Tonawanda as well."

CONRAIL
PROPERTY

Discussion
(Con't)

What I'm trying to say here is that this did not happen the way the letter reads because I think the State acquired it, but the Town now has the right, I believe, or has asked to take over that rail line in the Town of Amherst even though the State has purchased it. Now the reason I read this letter is that someone, and I think Mr. Sharpe, is looking ahead to the future of that railroad line and what it can bring in. I don't think we are, in passing something, or we're jumping into something especially if we don't even own the property, we don't have a survey. We don't know even if there's a legal - I got a letter from the attorney the other day. There's a problem there with a suit for some \$200,000 I think it is and the attorney is questioning that at this time. But there are other problems. I really hope that the Mayor will withdraw his resolution and present it at a later date and consider what I consider the people that are worried about what's going to happen to this property, are interested in what happens to this property that are sitting in the audience. I would now like to hear some of the people that are opposed to it to get up and say something.

Mayor Kuzon: Let's continue the public portion.

Mrs. Nancy Benzing, 38 Pasadena Place: I've listened to a lot of conversation tonight. One thing seems quite evident to me that just about everybody in this room really is against it, the fifth part of that resolution. It seems to be pretty unanimous, and there must be some basis to feel like that and I certainly hope you will take it into consideration and honor their wishes.

Mr. Bindert: One of the reasons that we're all here in strength is quite frankly that we voted on a referendum at the election and that was passed. All right? All of a sudden you gentlemen get together and have a few precursory studies, so to speak, and the next thing you know we read in the newspaper that you have an option to sell. Okay? We feel bamboozled. Okay? We feel hoodwinked. Okay? We don't like it. All right?

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And we're not asking you really to go out and spend hundreds of thousands of dollars putting in pools, elaborations or anything like that this very year. You can go slow. Okay? But basically we would love to have you withdraw that fifth resolution, that part that says we have an option to sell if you think that we should do that. Because we want you to run the gauntlet when that comes up quite frankly because with it we won't have a say. Thank you.

CONRAIL
PROPERTY

Mayor Kuzon: Anyone else? I think this is kind of 'unusual' at this point but I'm going to make a motion, and we do have a motion and a second on this resolution, and I'm not exactly sure, Tom, what the exact parliamentary procedure to do this would be, but I think we've received sufficient public input this evening and what I'd like to do right now is to take a few minute recess for the caucus and discuss this resolution in particular, and see what the discussion results in. What's the correct parliamentary procedure?

Discussion
(Con't)

Mr. Troy: You simply move for a recess.

Mayor Kuzon: Even though we have a motion?

Mr. Troy: Yes, for purposes of further deliberation on the motion.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, it was moved to take a five minute recess at 9:00 PM.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the meeting was reconvened at 9:30 PM.

Unanimously carried.

Mayor Kuzon: I'd like to thank all of you for your patience. Hopefully it will be worth your while. We have a motion and a second on the resolution.

Trustee Kibby: I'd like to make a motion to amend the resolution. The thrust, you'll have to bear with me because I know about reading but my writing is hard to read, so you'll have to bear with me. The thrust of this amendment is two-fold. One it will reserve to the Board without input from a committee, but with input from public hearings of course - because that's necessary - will reserve to the Board the process for rezoning the property. That is something that we are definitely going to do and that is already open, that process of rezoning is already open to public hearings. We would not, and we cannot anyway, rezone property without public hearings.

The second thrust of this is to create an advisory committee to be appointed by the Mayor that will study five things. That's kind an overview of what this particular amendment will do. This will be an advisory committee. All committees in the Village with the exception of two have advisory functions. That is, that's why they're developed, for advice, advice to the Board of Trustees.

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

RESOLVED that paragraphs number 1, 2, 3, 4, 5 and 6 and subsection number 1 of the original resolution are not changed, followed by:

CONRAIL
PROPERTY

Revision to
original
resolution

proposed

2. Appoint an advisory committee to study and make written recommendations to the Board of Trustees regarding:

- A. The preservation of a portion of the abandoned Conrail property as public open space or recreational area.
- B. Procedures for seeking federal, state and private sector funding for the planning and development of this property.
- C. Establishing this space as a continuous buffer from S. Union to S. Cayuga Street thus separating existing manufacturing areas from existing residential areas.
- D. On publicly offering to residents and businesses the sale or lease at fair market value of other portions of the property deemed not necessary for open or recreational purposes.
 - (1) Sales or leases would be contingent upon:
 - (a) Fair market value.
 - (b) Deed restrictions and covenants regarding maintenance and development.
 - (c) Adequate buffer and appropriate buffer material.
 - (d) Improvement and enhancement of the property and area.

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- E. On procedures for general rehabilitation and improvement of the visual and safety aspects of the property.

BE IT FURTHER RESOLVED that the Board of Trustees will hereafter hold public hearings when deemed necessary or desirable and regularly report to the public on the implementation of the action plan.

Mayor Kuzon: On the amendment?

Trustee Saia: On the amendment, Mayor Kuzon, I'd like to ask you to withdraw this resolution for the simple purpose that I don't have a copy; number 1. I do not know if the attorney has studied that proposal and feels indeed that it's perfectly legal and I think that we've kind of passed a resolution and agreed to it that we would have our material on Wednesdays in order to come on a Monday to a meeting. You're making a big change here and whether I like it or not, I don't know whether I approve of it or not, to make my vote I can't say.

CONRAIL
PROPERTY

Discussion
(Con't)

Mayor Kuzon: Was that a motion to table?

Trustee Saia made a motion to table the resolution. There was no second and the motion failed.

Mayor Kuzon: We come back then to the motion to amend. You've all come out this evening and it would be little bit unfair to everybody's that come out for you to go home and not know any more than when you came.

Trustee Saia: Well they don't know anything now, Mayor.

Mayor Kuzon: Trustee Kibby just read it. Well, the motion to table has failed for lack of a second. We come back to the amendment. Okay? We do have a second. So is there anything else on the question? Anyone? In the audience? Is there anyone? We'll open it up once again. Mr. Zeder.

Mr. Zeder: It seems to me what you people have done is just - you say you'll appoint a committee but you say the only thing you can do on this committee is exactly what we tell you to do. That's exactly what you're saying there. You've got to consider this and this and this. We can't use our own minds. We can't use our own thoughts on this stuff. If you approve of what we want to do, fine, but you're going to tell us what we want to do. We don't want that. I won't go along with the whole damned thing at all. I want no part of that.

Trustee Kibby: Every committee that's been appointed in this Village has a charge. I would be no part of the formation of any committee that did not have a charge. The charge of this committee is (a) consider developing park and open land, (b) consider cleaning it up for safety and visual aspects, (c) consider

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keeping a buffer zone between the residents and the manufacturing, and one of the other things is consider selling or leasing part of the property. I don't know what else to put in there for them to consider. Those are all the things we asked them to consider. We do not want to leave any stone unturned.

Trustee Saia: Trustee Kibby, I believe your statement, but I have not - these people do have in their hands this resolution proposed by Mayor Kuzon. They do not have your change in there. They have not read it. Your changes might be perfectly okay, but I can't see how I could actually vote on something that - I don't know - Mr. Troy, do you approve of this resolution? Is it legal?

Mr. Troy: Of course it's legal, Jimmy. This Board has the authority to do exactly what Mike has recommended and I explained that to you ten minutes ago in the other room.

CONRAIL
PROPERTY

Trustee Saia: Is it legal to change an amendment in a meeting after people have a copy of it and then ask this Board to okay something that we don't know if the people approve?

Mr. Troy: Yes. The agenda can be amended. You amend the agenda without any problem.

Mayor Kuzon: Yes?

Mrs. Lindow: I think most of the people here just want you to take that one little bit out talking about selling it. That's what we voted on for you to buy it and we don't even have our name on the dotted line and you want to sell it. If you took that out and two years down the road you want to sell it well then have another referendum. But right now we're not worried about anything but you taking that one little bit out about selling a portion of it. We voted to buy it. That's what we're all sitting here for. We don't care what you do with it for Village use, if you put a bicycle path or leave it a nature trail just as long as you don't cut any trees down. We don't care what you do as long as you don't put that thing in about selling it. That's why we all ran to the voting booth so that you wouldn't sell that to International Chimney and everybody's got that in the back of their mind that if you have that in there you're going to be selling part of that property on Long Street. Take that out and we'll all be happy.

Discussion
(Con't)

Trustee Kibby: So you don't want the committee to consider it?

Mrs. Lindow: We don't want you to consider it. Two years from now you can. But we don't even own it yet and you're talking about selling it. That's what we're all so worked up about.

Mr. Zeder: I second her motion.

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Mr. Troy: As I'm the only non-elected person sitting here unlike the people at the far right, I think the Board may be a little timid about saying this. My recollection is quite clear that from the very beginning the majority of this Board, I believe even before the referendum, made it quite clear, that there was the potential for sale of this property. That's exactly why the referendum was worded as it was. There was a suggestion that that referendum before it was even voted on, and this was publicly discussed at Village Board meetings, there was a suggestion that the words for park purposes be used. Instead the Board rejected that and selected the words for general Village purposes and they selected those words only after a very, very lengthy public hearing. Now, and it was published in the Bee. It seems to me that all of sudden the shock and surprise on the part of a group of the Village residents that the Board had contemplated selling part of this to alleviate the revenue problem candidly appalls me. I've sat through meeting after meeting after meeting on this. There's been nothing secret. It's all been aboveboard and no one has tried to hide anything from the public.

CONRAIL
PROPERTY

Discussion
(Con't)

Mayor Kuzon: Okay. Mr. Sandburg.

Mr. Sandburg: Thank you, Mr. Mayor. And I hope you are the Mayor.

Mayor Kuzon: Excuse me, Mr. Sandburg. Those comments detract from your presentation. They do nothing to further your case. When you make statements like that you only prejudice your statements before you begin. Now I don't know what you meant by that and I'd appreciate it if you'd begin by explaining what you meant.

Mr. Sandburg: All right. Thank you, Mr. Mayor. What I meant by that was very simply that I've sat and I've watched sometimes our Village Attorney have to explain for the rest of the Village Board and I don't think that's really necessary. I think we have five elected officials up there that are quite capable of putting forward their views. And if that is how you would like to put your information out is through a non-elected official I don't think that's being the part of the Mayor.

Mayor Kuzon: It was not an orchestrated statement on the part of the Board.

Mr. Sandburg: I know he was trying to make clarity for the Board. I don't know if that's really necessary. I just hope at this time it's very obvious that even if the majority of the Board felt at the time when they put it out, the resolution or referendum to the Village, that really they were thinking, or planning, or there was a possibility of sale that's fine. That happens to be in the past. Today is the present. The present is there seems to be a number of people

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in this Village that prefer not to see a portion of that property sold. They don't want to see a directive put forth that allows a portion of that property to be sold until maybe we come back to another hearing. It's been very obvious that people have spoken here tonight asking that favor. I think people have asked the Board a number of times, they've commented to the Board a number of times, so I should hope maybe the Board would listen and please, please the will of the people because that's who you represent. Your offices come from the people. It's not something automatically that once you're voted in that you don't represent somebody. Hopefully you represent all of us, not just a portion, but all of us. And, therefore, I don't know where the opposition is. Maybe there is tremendous opposition to keeping any of the property. Maybe the Village wants to sell a majority of it. I don't know. I have not heard that. And I say that very honestly, not just from the people that set in this room but in speaking with other people in the Village. People when they pulled that lever on election day pulled it with the thought of keeping the property. That's what they've been trying to say, that's what they're asking you to abide by, please.

CONRAIL
PROPERTY

Discussion
(Con't)

Mayor Kuzon: Thank you. Mrs. Schueckler, your hand was up?

Mrs. Betty Schueckler, 124 S. Union: Well, I don't know, Gordon. I'm just so thoroughly disgusted. I've sat here and I've listened to this whole thing and I've heard exactly what everybody's said. I've heard what this gentleman now said. When you came back from a caucus you presented an amendment almost identical, the same thing except that you added a committee. Well you insulted my intelligence and quite frankly I'm a little disgusted with all of you. I don't want to hear Mr. Troy's views. I want to hear your views. I want to know why we can't take this out just as she does. I've got it right here. It said for general Village purposes. It does not state we want to sell part of it, now, or in the future. Maybe we will, I don't know. She said that. But this thing says for general Village purposes. Nothing about selling. Am I wrong, am I misreading it?

Mayor Kuzon: No, but general Village purposes was worded that way so that it was wide open so that many things could take place.

Mrs. Schueckler: I went in and pulled that lever and when it said general Village purposes I thought it meant general Village purposes. It doesn't say in there we may sell part of this. If it had said that I would have voted no. If I thought that's what it meant I would have voted no. You just don't seem to understand what we want out here and I'm not going to say another word on it and I'm almost tempted to walk out of this place. In fact, I think I will.

Mayor Kuzon: Mr. Hill.

Mr. Hill: When you first came back I was going to ask you one question, but we've got a statement here that we had a long discussion on the use of that property before the bond issue was voted on. I've sat through those discussions and if you remember I made a statement to you, Mr. Mayor, that I had to vote for it to protect the interests of the people here but nobody told me what you were going to use it for. So don't tell me there was a long discussion about it. Also, the statement was made that nothing was done behind our backs. I've come to meetings here and every meeting I've asked you what about the Conrail property, what is being done with the Conrail property. Each time I've been told well we haven't bought it yet, we haven't made any decisions on it. All of sudden up comes a resolution saying you're going to sell part of it, giving you permission to go out there now and sell it. Another plan for a bike path for \$79,000. Now don't tell me that this was all done between Wednesday and today. Now that's my question. You tell me out in the open, I don't believe it. Now what I was going to ask you when you first came back and Jimmy lost the second to table this is, what is your hurry? What is so imperative that you pass this resolution today? It makes me suspicious of why. You're going to meet in two weeks, right? You can go back and discuss it, and you can come back here with the resolution written out so everybody has a chance to look at it and vote on it. What is the rush to do it tonight, to put this through tonight? Have you got a buyer standing outside the door waiting for you to sign a contract to sell it to them. I don't know. Unless you tell me a good reason why it has to be rushed through tonight I'm going to suspect something's being done. What's the reason it has to be rushed through tonight?

CONRAIL
PROPERTY

Discussion
(Con't)

Trustee Brenton: You are questioning our integrity, is that what you're saying? You're questioning our integrity? I want to be certain. Well then I guess I never should have worked as hard as I have worked for this Village to be implicated in public here and have my integrity questioned.

Mayor Kuzon: Let's not get into a shouting match here.

Mr. Hill: Why does it have to be rushed through tonight, that's all I'm asking.

Trustee Kibby: It doesn't have to be rushed through tonight, Mr. Hill. The reason that I did not second the motion to table was simply because we've discussed this, the concept is down here, the ideas are down here, and the people that have brought about some of these changes are here. I thought it would be an insult to them to go ahead and table it. That's why. You may not like it, Mr. Hill, but that's it.

Mr. Hill: You have permission to sell it, you can go out and sell it tomorrow.

Trustee Kibby: Well I kind of resent, Dick, the implications being made, especially since one of the things that has been above there for a number of months is the idea of a committee, an advisory committee, which our discussions and our listening to a public hearing, or to what went on here which was like a public hearing, brought about a change. What you want us to do, and what others want us to do is to not have an open agenda on that change. You want the committee, but you don't want them to study all the options, you only want them to study one option. Ladies and gentlemen, we don't need a committee to build just a park. We don't need a committee just to run a plow down the middle of it and put gravel, fine gravel instead of heavy gravel - and I've tried to jog that thing and you can't jog on that gravel, you're right. We don't need a committee to do that. If you've got a committee, that's going to act intelligently and study all the options, which is what we want then they have to have all the options there. That's why.

CONRAIL
PROPERTY

Discussion
(Con't)

Mr. Hill: You're asking me why I'm angry. I have asked the same thing time and time again, will you appoint a committee. At no time was a commitment made on that that you would do it. At no time did you say yes, we will have a committee. We will have discussions, we will have open meetings, and the only reason you're having an open meeting tonight is that this came out and we got people here. You didn't intend to have an open meeting. You intended to push this through without anyone noticing it.

Trustee Kibby: That's why we did it at an open meeting. Right, Dick?

Trustee Saia: Mike, we're really tossing barbs. We hashed all this before. We've brought up the request for a committee. We have been denied the request for a committee up to now. But the thing I wanted to say is that right from the start - I firmly believe that we should have a committee now. This Board evidently is not in favor of having committees. In our discussions in the back room somehow there's a taboo about committees. I guess, they don't know what the heck they're doing so why establish a committee. That's what it seems. Now it would seem also to me that we have one of the greatest resources in the Village of Williamsville for manpower and for people that are in the know-how to do things like these people are recommending, to clean it up and make it a nice area out of it. We've got the people. We've also got a high percentage of senior citizens, we've also got youth that could use this area and Larry did a statement of the County shutting down their parks because they're short of funds. Well that means one less park that you have to go to. Isn't it nice to have one in your backyard? No cross streets. Your children could be safe there. If it's done properly your children will be safe there. Somebody has mentioned the motorcycles. I'm sorry that we do not own that property yet, but the day that

I find out that we own it that's the day the police will put a clamp on those kids coming across there. I don't think we've got any control on that property right now, on the clean up or anything else. I don't know if you people are aware of it but there's been boy scouts, or eagle scouts in your area. I don't know if you've seen them. They've hung birdhouses. Those eagle scouts are coming back and they're going to clean the trash out of that two acre park. Mr. Brenton is the one that refinished the one little slice we're talking about. He's the one that refurbished that area and I hope to do something with that to make it look presentable. But all of this takes time, number one, and it takes money. I haven't heard anybody say that they're not willing for the \$3.00 a year that we're spending for this railroad per household, I haven't heard anybody in this audience say I don't want to spend the \$3.00, but then again I don't know what the Board is worried about, if they're worried about the funds, if you're not worried about spending \$3.00 a year each. Myself, I moved here, I don't mind spending those extra few dollars to get something like Glen Park and Island Park and some of the other parks. I'd rather have them than International Chimney or Darling, or anybody in my backyard and I bought that property also and most of you people know me from calling on you in that area. I'm sure most of you people know me. And I do own property in that area myself, and that's beside the point. But when this first came up I'll tell you I thought we were going to sell it to Mr. Lohr for \$40,000 and you wouldn't have had a word to say on it when this first started. And some of the Board members here were hesitant on doing it, I've got to say that. And I appreciate what they're going to do on changing the zoning, that you will not have somebody like International Chimney with that garbage there. That will not happen if they change the zoning to a less restrictive use. Now, we might have to eat it until their lease runs out, but I think we can do something to let them hide that catastrophe. I don't know what else to say and I'll tell you what. I've beaten my head against a brick wall now for probably a year and the only other thing that I think I should say at this time is that it seems to me like right from the start when we got this piece of property, and Larry did a nice job in purchasing it, but I would ask the Mayor to relieve him of the duty of proceeding any further with this property and give it to another Trustee. And that's all I want to say.

CONRAIL
PROPERTY

Discussion
(Con't)

Mayor Kuzon: Well no Trustee has it right now. I think that's partly the reason for, you know, the motion that was originally presented this evening, to get something started on this. Trustee Brenton's responsibility ended when the purchase price was agreed to and he has not been the liaison to the Conrail property in any sense.

Trustee Saia: Then tell me why the study was made with URS initiated by Mr. Brenton.

Mayor Kuzon: I'll let Larry answer that.

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Trustee Brenton: Well, I really should answer it during the time of my report, but I'm afraid that the people are going to get bored here and leave before I have my report. But at any rate, I have been, it had been presented to me many times by members of the Village Party to seek funding, to seek funding, to seek funding. I am not parks and recreation, as I've told many of the people that sit in this audience. That is not my responsibility. I am negotiating to purchase the property. I travelled to Syracuse, lost my primary source of income, I did what I could do to arrive at a good price. And all I heard was seek funding, seek funding, seek funding, because probably I have been successful in getting many state and federal funds for various projects in this Village. But very honestly, with my work week of some 50 hours, 12 of which I put in today, and other responsibilities that I have, I don't have time to do things that perhaps other Trustees should be doing. However, I did go to URS....

CONRAIL
PROPERTY

Trustee Saia: I want to get this straight. Is it my job to produce the funding on a piece of property we don't even own yet?

Discussion
(Con't)

Mayor Kuzon: Let's let him finish.

Trustee Brenton: There are other Trustees that have responsibilities and could have done this. Now I have gone and tried to find an area source of funding, i.e., that will come out in my time on the agenda and this firm has presented a proposal that they can go and seek funding for this bike path whereby 75%, if the funding is available, will be paid for by the federal government. This is just something that I have done. I can't see where there's any implication of wrongdoing. It's perhaps something that other people should have done, but I have done it. I have gone to the trouble to try to do it, I have discussed it with the engineer in charge, and the ability to possibly consummate something like this appears somewhat towards the plus side, although federal funds in the Reagan administration are very difficult to come by. So this is how we got to my seeking a proposal from URS for federal assistance for the purpose of the bike path. I don't see where this is something that I did wrong.

Mayor Kuzon: Okay. Let's get back to the motion because it's getting late and we have a long agenda ahead of us after this. Call the question. I'd like a roll call please.

The Trustees then voted on the amendment to the resolution which was moved by Trustee Kibby and seconded by Trustee Brenton.

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

Yes - 4; Noes - 1.

Carried.

Trustee Saia: Can I ask, Mayor, what is the resolution. I heard Mr. Kibby read it, but what is it. You people stand up here and vote on something that I don't know if you had to repeat what was in that resolution you would know what was on it but you passed it.

Mayor Kuzon: Now on the motion.

The Trustees then voted on the resolution as amended which had originally been moved by Mayor Kuzon and seconded by Trustee Kibby as follows:

WHEREAS Village voters approved a referendum to purchase for \$85,000 ±9 acres of abandoned Conrail property in the Village and adjacent Town, and

CONRAIL
PROPERTY

WHEREAS voters knowingly approved the purchase of the abandoned Conrail property for general Village purposes, and

Resolution
as
amended
adopted

WHEREAS the Village Board held a public hearing on the purchase of the property and publicly stated the general intent of Village ownership was for public use, area improvement and orderly development, and

WHEREAS the Village of Williamsville has a once in a lifetime opportunity to preserve open space for public use and establish a "blueprint" for improvement for property that has been neglected and is an eyesore, and

WHEREAS preserving portions of the property as public open space will enhance surrounding property values and selling other portions of the property, thus returning it to the tax roll, will be a financial benefit to the entire Village,

NOW, THEREFORE, BE IT RESOLVED that the Village of Williamsville Board of Trustees after completion of the legal transfer of the property to the Village adopts the following action plan for the Conrail property:

1. Rezone to a more restrictive use the abandoned Conrail property owned by the Village in the Village of Williamsville.

2. Appoint an advisory committee to study and make written recommendations to the Board of

Trustees regarding:

- A. The preservation of a portion of the abandoned Conrail property as public open space or recreational area.
- B. Procedures for seeking federal, state and private sector funding for the planning and development of this property.
- C. Establishing this space as a continuous buffer from S. Union to S. Cayuga Street thus separating existing manufacturing areas from existing residential areas.
- D. On publicly offering to residents and businesses the sale or lease at fair market value of other portions of the property deemed not necessary for open or recreational purposes.
 - (1) Sales or leases would be contingent upon:
 - (a) Fair market value.
 - (b) Deed restrictions and covenants regarding maintenance and development.
 - (c) Adequate buffer and appropriate buffer material.
 - (d) Improvement and enhancement of the property and area.
- E. On procedures for general rehabilitation and improvement of the visual and safety aspects of the property.

CONRAIL PROPERTY

Resolution as amended adopted

BE IT FURTHER RESOLVED that the Board of Trustees will hereafter hold public hearings when deemed necessary or desirable and regularly report to the public on the implementation of the action plan.

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

Yes - 4; Noes - 1.

Carried.

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Mayor Kuzon: That concludes my portion of the agenda. Next is Trustee Kibby.

Trustee Kibby: Yes, I have one thing to report. The Planning Board, or the Planning and Architectural Review Board had a meeting next Monday, on Labor Day. Instead they will be meeting this Thursday at 7:30 PM in the Village meeting hall. The items on the agenda as of this moment include the sign permit for the Mobil Station at 5775 Main Street, the sign permit for Sench Jewelers at 5890 Main, a storage addition for Ed Youngs Hardware, an attached garage at 5754 Main, a conversion of residence to office space, a site plan for the parking at that space at 25 S. Cayuga which will be of interest to you, and two other items are for them to discuss are the recommendations on the rezoning of Conrail and the election of a Chairman.

Mayor Kuzon: Okay, thank you. Next is Trustee Saia.

Trustee Saia: I have a few resolutions here for appointments.

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

RESOLVED that Brian Wicks and Peter Wurz, 6350 Main Street, are hereby appointed part-time laborers in the Department of Public Works from August 20, 1984 to August 31, 1984 at a rate of \$3.35 per hour.

APPOINTMENTS

**Part-time
laborers in
DPW**

This is a continuation of their summer employment.

Unanimously carried.

Mayor Kuzon: Jim, why don't you just add that those guys are Gateway residents...

Trustee Saia: They're Gateway residents and they worked here in the summer and we kept them on for an extra two weeks.

Mayor Kuzon: They were employed as part of the Summer Youth Employment Program and they did such a fine job on the job themselves that their Supervisor Doug and Phil and Jimmy recommended that they be continued for two more weeks beyond the end of the Summer Youth Program. So I think we can point to the failure of certain systems and here's two individual places where it has been somewhat successful.

Trustee Saia: Thanks for bringing that up. The second resolution is:

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

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RESOLVED that Louis Friedly, 54 South Cayuga is hereby appointed Seasonal Laborer in the Department of Public Works from August 6, 1984 until November 16, 1984 at a rate of \$3.50 per hour.

APPOINTMENT

**Seasonal laborer
in DPW**

Now, we have a retirement and part of these people are training so had this extra fellow. It's still within the budget. We haven't hired anybody and gone over the budget. We're still within the budget.

Unanimously carried.

The third resolution:

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

RESOLVED that Martha Anne Oswald and Ann Marie Bucholtz are appointed Seasonal Planter Caretakers from June 25, 1984 until August 31, 1984 at a rate of \$2.50 per hour.

APPOINTMENTS

**Seasonal Planter
Caretakers**

Now these two girls have been the flower girls on Main Street for the summer and we probably should have had them here at the last meeting but it was overlooked and they take care of those planters and this fund is taken out of the Williamsville Youth and Recreation budget.

Unanimously carried.

Number four is:

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

RESOLVED that the Mayor is hereby authorized to sign State Aid Waiver for Youth Service and Youth Recreation in the amount of \$5,803.31 to be claimed by the Town of Amherst.

AUTHORIZATION

**Mayor to sign
State Aid Waiver**

Unanimously carried.

I've got to say something on this one too. We get this every year, we pay this every year, but I'll tell you we really got our money's worth this year. The program - it's not done yet. I think it was done today, but I'll have a report on it - and it was one of the best, ambitious programs that this Village has had in conjunction with the Town of Amherst's Youth Bureau and it was a fine program and you'll probably hear a lot about it at our next session.

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Number 5:

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

RESOLVED that Mrs. Thomas Dietsch, 40 Chalmers is hereby appointed to the Youth & Recreation Committee until the end of the 1984-1985 official Village year.

APPOINTMENT
Youth &
Recreation
Committee

Unanimously carried.

Number 6:

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

RESOLVED that Bradley Archdeacon, 307 Mill Street, is hereby appointed to the Environmental Council until the end of the 1984-1985 official Village year.

APPOINTMENT
Environmental
Council

Unanimously carried.

I have no other reports tonight.

Mayor Kuzon: Okay, thank you. Next is Trustee Gallagher.

Trustee Gallagher: I have just one resolution.

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

RESOLVED that Charlotte Jurek, 81 Evans Street is hereby appointed Senior Citizen Coordinator, effective August 20, 1984 at a salary of \$2,385.00 per year.

APPOINTMENT
Senior Citizen
Coordinator

Unanimously carried.

I have just a brief report and that is -more information will come out in a separate press release - but that on September 20th at the V.F.W. the Evergreen Program will have a kick-off luncheon and at that luncheon the volunteers who participate in the Nice Neighbor Program will be recognized for what they do for the elderly within the Village.

The other item is, again we all look forward to working with Charlotte in her new position, and I would like to take this opportunity to acknowledge, commend, or whatever the work that Mary Kuzon and Erma Weatherbee put in the last few months as far as for all practical purposes substituting for the coordinator. It was them that kept the program going and had

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a successful luncheon at the conclusion of the Evergreen Program in June and allows us to continue the momentum into September and I just think that should be acknowledged.

Mayor Kuzon: Thank you. Next is Trustee Brenton.

Trustee Brenton: Thank you. Last things first, and in that vein I'll go back to the minutes of the meeting of July 23rd at which I was absent as we were away on our annual vacation and, therefore, I wasn't here. During the course of that meeting as indicated in the minutes and as Trustee Saia again alluded to tonight, why he questioned whether or not this was Williamsville or Brentonville, and I've given that a great deal of thought. Really that would be shorter and maybe that would be a good idea. But at any rate, if you'll allow me that little pun, what apparently bothered Trustee Saia was the fact that in our previous meeting on July 23rd I made the statement, and I'm quoting from the minutes of July 23rd that I was going to "be meeting with the architect in charge, Sargent, Webster, Crenshaw & Folley", who is our design engineering firm for the purpose of the fire hall truck bays, and whatever renovations are necessary on the court-house building and I said that I would be meeting myself in order "to be sure that we have our basic thrust in the right direction." Now, Trustee Saia did take exception to that earlier statement that I made and this when he wondered whether or not it was Brentonville or Williamsville, and really I'm sorry that I wasn't at this meeting to allay Trustee Saia's fears. I did meet with the architects for the purpose of trying to determine whether or not we could perhaps get some federal funding and assistance, or federal help in the form of lower interest rates. We also discussed the necessary hardware items.- I have the minutes of that meeting here in front of me, i.e., did he think we needed test borings on the site to determine whether or not the type of construction was feasible, the cost of that construction, we needed a survey of the site. This was told to me by the architect and these were the types of things that I alluded to in order to get our thrust, that is our direction, and I would assume that the rest of the Board understood what I had said earlier and had no problem with it. We also had to have an approval from the Fire Department as was indicated to me by Mr. Skowron, the architect. In other words, we are requested of the Fire Department that they approve the site plans, the program as had been presented to date so that there would be no later confusion as to, no, we thought this should go this way and that should go that way. The Fire Department did provide me with approval and some other suggestions which have been turned over to the architectural firm. So that basically is what the gist of the meeting was. It was just to try to make sure we were headed in the right direction and it was similar to the many, many, many meetings that I have had already myself with this architect in order to assure and to prepare for the next step, or steps, or whatever might transpire. So that will take care of that as far as that's concerned.

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And also in the course of the July 23rd meeting, I do feel that I have to indicate that I do have some displeasure here, because it's indicated that I was responsible for the rubber blades that were utilized by the Department of Public Works for, I think, three years. I was not responsible. This was a suggestion made by the then General Foreman. They were used and they were used successfully and the Village Board in effect adopted that concept. It's also indicated that the concept of deicing whereby the Board of Trustees publicly discussed at this very Board meeting, indicated and Trustee Murray, who I hoped might be here this weekend because she and I were most vehement on this, that we did not really see the need for this heavy use of salt throughout the Village due to the fact that this has a run-off effect and it has been pointed out, she pointed out rather at that particular time that this is damaging to the environment. So that before the Trustees, and again this was on the recommendation of Mr. Way, who was then the General Foreman who had come back with the suggestion from the Superintendent of Public Works School where he picked it up, and the Board accepted that and it was public. It wasn't, you know I did not in fact totally support it to the tune of solely the environment. I also supported it to the economic impact. And so it's not a decision of mine. It was not my doing. So that should set that record straight.

Then the other thing I would say is that a statement was made by Trustee Saia during the course of this July 23rd meeting that we, at one time, had 15 men at the Department of Public Works. There has been an indication that this Board has cut the number of people in the Department of Public Works. In a cursory way I have gone over our past employment records and we stand almost identical, we have had a resignation or retirement recently in the form of Mr. Peacock, so that we stand almost identical to what we had within the last 10 years from what I can see. But in that regard I would request the Mayor to direct the Clerk to develop our number of personnel for the last 10 years, or at a minimum five years, the time that we have sat here as a Board to determine whether or not we have cut, because I don't believe we have cut and I know that we haven't cut. We stand about the same as we did. However, we do not pave our own streets, nor do we pick up the volume of trash that we used to because we used to have a regular weekly trash run and we don't do that any more. The trash that we used to pick up as the Village of Williamsville, I in particular, developed into the total contract specs for garbage pickup and everything is, in theory, that can be is being picked up by the garbage contractor. He picks up the trash and he'll even pick up your leaves if they're in a container, etc. And this was a cost effective situation that I felt necessary and saved considerable amounts of money on it. But the point to be made is we no longer have our men engaged on a weekly basis doing this. So that in effect by not paving our streets through the cooperative effort that I engaged in with the Town of Amherst and by not picking up this heavy amount of trash that used to take us a day and a half or two days every week we have lessened the demands on our manpower. So that I would, though, like to have some actual statistical record of how many men we have employed so that

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it can be presented at a later date to determine whether in fact we are cutting.

Also at the July 23rd meeting a statement was made by Mr. Hill that we have cut and cut and cut our funds. He asked the question, how much have we budgeted for highway replacement and I feel that in that I was not at that meeting that I don't want to belabor these issues but I do feel that I have to set the record straight because the implication was - in fact I think it was a direct statement by Mr. Hill - that we are not providing the necessary dollars to upkeep our streets. Now when we came on as the Board in 1979 there was budgeted \$8,000 for street resurfacing, stone and oil, street resurfacing. These figures are what have been developed through the Village Clerk and they are available for your perusal, or anyone's perusal in the audience to go and look. This year we have budgeted \$37,000. This is a 363% increase, which divided over the five years comes to about 66% increase, and that includes the inflationary impact. It's greater than that without effective inflation. So that every year we have gone up as a Board of Trustees, we have greatly increased, we have increased by 363% in five years and we have gone from \$8,000 to \$37,000 budgeted this fiscal year to repair our streets. So that I don't think that it's an accurate or fair statement to implicate the Board by saying that we're not, that we are in fact cutting back - in fact, that was the term, cut, cut, cut. And we haven't cut, cut. We have sat here and we have worked and we have tried to spend your money in a meaningful way and tried to accomplish what we can accomplish within our limited means and keep a good tax rate. That essentially, for this time, will include anything that I have of misgivings pertaining to this July 23rd meeting at which I was not here to in effect answer some of these questions. And with that I'll move directly to my report for tonight.

The first thing that I do have on the agenda with regards to a report is the fact that I do have a proposal from the engineer at URS, and that's Mr. Kapsiak, and it regards recreational development of the Conrail property. Briefly this proposal was sent to me because I requested it while I was on vacation, and I happen to have had meetings, discussions with this gentleman plus the fact that I had to in effect assure myself that this was a worthy venture to present to the Board and in essence what it indicates - and I'm sure that this is probably superficial now as to the previous transpiration - but nonetheless it indicates that this type of situation, a bike path, could possibly be funded by a federal or state agency, or local agency and that this type of project is anticipated would cost \$79,440, without going into a great deal of detail, of which that includes 25% engineering costs, so that's a total of \$79,440. And this would also include active exercise stations and, quite frankly, I think it would be a very nice thing. However, if the people don't want this type of activity that will remain to be seen.

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Further on; our submission for CHIPS, which is Consolidated Highway Improvement Funds has been approved by the New York State Department of Transportation. Of major impact within that proposal submission would be a right-hand turn lane at Mill and Main Street so that there would be sufficient room for someone who is going straight through or making a left-hand turn, and also that would not activate the signal and that there obviously would be room for a person to go up and make his right-hand turn without having to wait an inordinate time to activate the signal. Also the concrete approaches would be improved. I've talked to the present owners at that location. They are enthusiastic about it. It would give them an opportunity to improve the present barriers that they have or to eliminate them, as a result and, it would also work in conjunction with what I would say is a proposal by the Department of Transportation to reconfigure our signal system, in fact I think the signal system from the Youngmann Highway through Williamsville and to provide for a smoother flow of traffic. So that this proposal will fit nicely in with what the State might do. I think it's in 1985, and at that time we could have State assistance on perhaps a more sophisticated type of deduction detector at that location. That is the detector that trips the light. This is a very expensive proposition. It is not really included in this proposal. I think the State could pick up the cost of that.

I have also forwarded to the Town of Amherst a complaint made by Mr. Schueckler, who has since left the meeting regarding the need for sidewalks in the area of the Williamsville Nursing Home on Union Road, and that was sent to Mr. Barton. Mr. Barton as of June 27th, 1984 had referred it to the Chairman of the Amherst Traffic Safety Board and I have received no response on that.

Basically I think that concludes my report and I'll move directly to my resolutions. Resolution number 1 deals with the agreement that the Mayor will sign to survey 5565 Main Street. That's the present courthouse. This is the low bid firm on this particular subject and they are recommended as being accepted by the architect in charge, again Mr. Skowron of Sargent, Webster, Crenshaw and Folley, and this is necessary to determine the exact locations of the truck bays upon our acquisition of that property. It reads as follows:

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

RESOLVED that the Mayor is authorized to sign agreement with McIntosh & McIntosh, Lockport, New York for survey work at 5565 Main Street for the sum of \$1,100.00.

AUTHORIZATION

Mayor to sign with McIntosh & McIntosh for survey at Courthouse

Mayor Kuzon: On the question?

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Trustee Saia: On the question, Mayor, I call for a vote on that. My reason being we have no word from the Town as of my mail today that the Town is going to sell us this building and I feel, and I have refused to vote on past expenses - as far as I know they're about \$10,000 but I don't know if there's any more, and there probably is - about \$10,000 so far and I've refused to vote on it for the simple reason I don't know if the Town is going to give us this place. We went through this once before. The agreement with Sargent, Webster, Crenshaw & Folley was in 1980 so I wasn't on the Board at the time. But since I've got on Board we've explored other locations for fire halls which leads me to believe we're not going to move there. Until I find out something from the Town that says they're in agreement on selling us this piece of property I'm going to vote no on all these resolutions.

Vote on Roll Call: Trustee Kibby - Yes
Trustee Gallagher - Yes
Trustee Brenton - These necessary steps

in the construction of these fire hall truck bays don't have to be done snap, snap, but you have to set the procedure in motion. In other words we have to be prepared to go ahead and do these things. There is no question, although there is no concrete proof, that the Town will sell us the present courthouse. This will definitely take place, but we have to be ready to go and do these things in order to have the firemen in their location when it's time. And I just wanted to say that before I vote yes on it.

Trustee Saia - No
Mayor Kuzon - Yes

Yes - 4; Noes - 1.

Carried.

Trustee Brenton: Resolution number 2 is similar to this previous resolution in that we need soil testing, in other words rock formation determination and three firms have submitted proposals to the Village. At my request they have been forwarded to Sargent, Webster, Crenshaw & Folley, and it's the advice of Mr. Skowron that this Empire Soil Investigations be employed for this particular project. They are the low bidder.

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

RESOLVED that the Mayor is authorized to sign agreement with Empire Soil Investigations, Inc. for Subsurface explorations at 5565 Main Street for a sum of \$1,600.00.

AUTHORIZATION
Mayor to sign
re: subsurface
testing at
Courthouse

Mayor Kuzon: Roll Call please.

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Trustee Saia: On the question, Mr. Mayor, again I must vote no. I'm listening to Mr. Brenton here, but Mr. Brenton came up to us about a year and a half ago and offered to build a fire hall someplace else. In fact we had drawings made to put a fire hall someplace else. Now this does not make sense. If this thing is denied by the Town and we do not get this piece of property, who eats this money but the taxpayers. So I think we should have an assurance from the Town of Amherst that there is some assurance that we've got this piece of property and that the price is right. Otherwise, I think we're throwing good money after bad if we don't receive this property.

Mayor Kuzon: Roll Call please.

Vote on Roll Call: Trustee Kibby = Yes
Trustee Gallagher - Yes
Trustee Saia - No
Trustee Brenton - Again, we have to move in a positive direction and there is no question of the fact that we are going to be able to purchase the courthouse property and at a very, very good price. Therefore, my vote would be - Yes
Mayor Kuzon - Yes

Yes - 4; Noes - 1.

Carried.

Trustee Brenton: Resolution number 4 deals with the public hearing that was conducted by Mayor Kuzon earlier. It normally is not the policy of the Village Board to pass on a public hearing on the night of the public hearing. However, these are such procedural matters that we feel that we should do this, in particular because of the fact that the New York State DEC is holding up \$260,000 of our money unless we procedurally hurry up and comply with what they feel we have to have in our code. So that this resolution by its wording does adopt these sections to our Sanitary Sewer Code. I'll read it.

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

RESOLVED that Local law #3, 1984 adding Sections 41.20(F), 41.50, and 41.60 to the Village of Williamsville Sewer Code is hereby adopted. (Copy of the local law attached).

LOCAL LAW #3-1984
Adopted

Amend Sewer Code

Unanimously carried.

I skipped number 3, I'm sorry about that. I apologize for that, especially in that Sargent, Webster, Crenshaw & Folley has waited a long time for this because they approached us with a letter for renewal of their agreement on, I think approximately a year ago and somehow in the shuffle we never acted on it and so they have been working without a contract and they would please like us to sign an agreement with them, which is identical to

(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.

~~X County~~
~~X City~~ of Williamsville
~~X Town~~
Village
Local Law No. 3 of the year 19 84

A local law Add Sections 41.20(F), 41.50 & 41.60 to Sanitary Sewer Code
(Insert title)

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

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

Section 41.20 SANITARY SEWER RENTS (Cont.)

F. Any nongovernmental user of the Village Sanitary Sewer System which discharges more than 25,000 gpd of sanitary waste, or a volume of process waste, or combined process and sanitary waste, having a weight of BOD or suspended solids equivalent to that weight found in 25,000 gpd of sanitary waste, shall be classified as an industrial/commercial user. Each such user shall pay its proportionate share of operation and maintenance costs of the Village Sanitary Sewer System based upon its proportionate contribution to the total wastewater loading from all classes of users. Such contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.

Section 41.50 TOXIC POLLUTANTS

Any user which discharges any toxic pollutants that result in an increase in the cost of managing the effluent or the sludge of the local treatment works shall be classified as an industrial/commercial user, and be required to pay the amount of such increased costs.

Section 41.60 INCONSISTENT AGREEMENTS

In the case of any possible preexisting agreements which address: (1) the reservation of capacity in the local treatment works, or (2) the charges to be collected by the Village of Williamsville in providing wastewater treatment services or reserving capacity, the system outlined herein for the establishment and collection of sanitary sewer rents shall take precedence over any terms or conditions of agreements or contracts between the grantee and users (including industrial users, special districts, other municipalities, or Federal agencies or installations) which are inconsistent with the requirements of Section 204 (b) (1) (A) of the Clean Water Act of 1977 and the rules and regulations contained in 40CFR Part 35 Subpart E (Grants for Construction of Treatment Works - Clean Water Act).

This local law will take effect immediately upon filing with the Secretary of State.

(If additional space is needed, please attach sheets of the same size as this and number each)

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their previous agreement and, therefore, the resolution reads as follows:

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

RESOLVED that the Mayor is authorized to sign update of Contract with Sargent, Webster, Crenshaw & Folley, Architects per their letter dated June 29, 1984.

AUTHORIZATION

Mayor to sign
with Sargent,
Webster,
Crenshaw &
Folley

Mayor Kuzon: On the question?

Trustee Saia: On the question, for the same reasons as one and two, I still feel that we have to have more information if we're going to get this piece of property.

Mayor Kuzon: Roll call, please.

Vote on Roll Call: Trustee Gallagher - Yes
Trustee Kibby - Yes
Trustee Brenton - I would say this is - since

Trustee Saia has not voted yet, I will try to influence him - this is not exactly the same because we do owe these people. They have engaged in services for us and in one way or another we owe them for those services. We can terminate their service through the procedures of the contract but we do owe these people for what they have done to date and so that I would ask that you reconsider your statement and vote yes.

Trustee Kibby: Excuse me, this isn't really even an approval of funds. It's just to keep things going as our architects whether it's to do the courthouse, which Jimmy is against, or whether it's to repair the maintenance shed but with a contract. That's all it is, retaining them, is it not?

Trustee Brenton: Exactly.

Trustee Saia: I'm sorry, the letter I have says "regarding the fire department dealing for Hutchinson Hose Company"; and I beg to differ you Mr. Kibby I have gone through this, so somebody's wrong. But as far as Mr. Brenton - the county by the way is holding off paying people and I hope we're not doing the same thing, the county is going to hold back payment on some of these people and gee I hope we don't do that - and I hope we're not passing a resolution because we owe money for work that was done in the past.

Trustee Brenton: That's not the idea. We owe them - I'm sure the professionals in the audience are familiar with this type of thing - we owe them the decency of a contract which we neglected to provide.

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Trustee Saia: Again, because this is regarding the Fire Department addition for Hutchinson Hose Company, and because Hutchinson Hose Company, or the Village has not been promised this piece of property, or have made any deals to buy this piece of property yet, we don't have it, I vote no.

Mayor Kuzon: Did you vote?

Trustee Brenton: No, I didn't. I vote yes.

Trustee Saia: No.

Mayor Kuzon: Yes.

Yes - 4; Noes -1.

Carried.

Trustee Brenton: So that I now have fulfilled my resolutions and I would just say, to correct the statement that Trustee Saia made earlier that I was going to build a fire hall at North Ellicott and Main Street, that's the farthest thing from the truth. It was accepted as another alternative by the Fire Department. It was their choice at that particular time and it did in effect achieve a purpose and I think those members of the Fire Department, if you don't understand, do understand exactly what that purpose was.

Mayor Kuzon: Thank you. Okay. We'll move to Mr. Boudreau, our Superintendent of Public Works.

Mr. Boudreau: Paving Village Streets - Lake Ledge Drive: During the week of August 20th cold milling and profiling of the existing road surface was completed. The D.P.W. also installed a new hot binder course of asphalt concrete. Finish paving or installation of the final wearing surface will take place in the middle of September. Monroe Drive (Wehrle to Brookside): During the week of August 20th cold milling and profiling of the existing road surface was also completed on this road. The D.P.W. will also be installing a new binder course. (That was finished today!) Finish paving of this road will also take place in the middle of September. Road Cuts, Intersections and Potholes: During the month of August a number of large road cuts were hot paved by the D.P.W. In addition a large number of potholes, delaminations, and general pavement failure were hot patched with our Bomag recycler.

Under the heading of Storm Sewers - N. Cayuga at Spring St.: A new precast concrete manhole was installed on this existing 15" VTP storm sewer. A large quantity of rock was excavated with our backhoe causing delays. The new manhole including a large paving strip was completed this past week. 94 Cadman Dr.: A new storm sewer and drainage receivers were installed on Cadman Drive this past month to permit the storm drainage of

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six rear yards on this street. This project included the complete stake-out, site grades and construction process by the D.P.W.

Under the heading of Trash Collection: This month's heavy trash collection run was reorganized and coordinated as follows: Trash routes were set up by sections in the Village to minimize doubling back over streets. Some trash loads were selectively collected such as concrete and hard fill for use at the Town of Amherst dump site. (No charge for dumping as at the Lancaster Land Fill.) All other heavy trash was taken to the Town of Amherst grinder machine. A price per c.y. for processing our trash is currently being worked out. Fifty-five heavy trash stops were cleaned up in one day. Brush and metal pick-up still occur on the second and fourth Tuesdays of each month. Records indicate a large increase this past month in the amount of brush being collected on Village streets.

Under the heading of Tree Trimming: Tree trimming on Village streets is being pursued when time and personnel availability permit. District one is approximately 90% complete. It is anticipated that a tree trimming crew will move into District four next.

And finally under the heading of Parks : Our parks will close September 4, 1984. The pools will be shut down and decommissioned and the park buildings will be locked up. And that's the end of my report.

Mayor Kuzon: Thank you.

Trustee Saia: Mayor Kuzon, I think that I'd like to get something on the record at this meeting. I will have a statement for Mr. Brenton's figures at the next meeting to make it short, but as far as the rubber blade concept, the plowing of the streets, the salting, sanding and the garbage pick-up, it seems to me that I am now the liaison to the Highway Department and I think if a very good job was done last year, and the people were happy I don't think you'd put anybody else in there. I think Mr. Brenton would remain in the same position.

Mayor Kuzon: That wasn't the reason for reorganizing and I think you know that that wasn't the reason.

Trustee Saia: But I'm led to believe that's what it was.

Mayor Kuzon: All right, it's getting late and there's still people here who might have other things to talk about so let's go to public participation.

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

Unanimously carried.

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Mayor Kuzon: We ask that you state your name and address.
Mr. Hill.

Mr. Hill: I'd like to speak to Larry Brenton. I'm sorry you weren't here when I made that remark, but I got the statement from you two years in a row when I asked you how come you haven't paved Cadman up here near Wehrle Drive, Brookside, they're all torn up, and have been since the sewer and each time, one time you told me they're on the schedule, and then at the end of the year you told me they ran out of money and couldn't do it, and last year you told me the money's not budgeted, and this year it's not budgeted, so I'm saying you're not budgeting enough money. I don't know whether you cut it down or increased it, but there's three streets up there that are in terrible shape and I'm taking it on the neck every day, my neighbors yelling at me why don't they do something with the streets. You go up there and drive Cadman, and drive Columbia from Wehrle Drive to Brookside and you drive Brookside to Wehrle Drive and you'll see what I mean.

Trustee Saia: Dick, Phil Boudreau of the Department of Public Works has made a list of all the streets and they started with priority streets, the ones that they had to do that were on as a priority. Now I was allotted through my budget a certain amount of money. Phil is using that exact amount of money to do these certain streets. Now until the Board approves more money to do more streets, it does cost a lot more than it did last year or the year before to do these streets. Now, in order to save some money this year the Department of Public Works has done some of the work. Now Larry said about the Town doing the paving. I think our Department of Public Works has done a good 60% to 70% or better - I'm guessing - of the work of the paving and still the two streets that we're doing are costing us a considerable amount and they're very expensive to do, and our streets are not in the best shape. They're like our sewers were 30 years ago. They've degenerated over the years and they're in lousy shape and you can't use a cosmetic treatment on them and just put a little thin coating of lipstick over the top of them. They've got to be dug out and that costs money.

Mr. Hill: Jim, that's just what I'm saying. We left the sewers go for years and years and then it cost us a fortune.

Trustee Saia: That's right.

Mr. Hill: We're doing the same thing with the streets now.

Trustee Saia: That's correct.

Mr. Hill: Until you've got to redo them all together.

Trustee Brenton: I don't see how we're doing the same thing though, Dick, because as I pointed out to you we've increased the budget

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you know really significantly since we sat here, as - at least Gordon and I are the remainders of the initial Board that was elected in 1979, and we have significantly increased our budget. You didn't pose a question about how much money was being spent, I don't think. You directed your question, as I find it in the minutes, directly at the cuts in manpower and I have indicated to you, but I have asked the Mayor to develop just what our manpower situation was, and I think that's who will develop it, or have the Clerk provide us with this information to determine just what our manpower was. Now as to the situation as to what streets are being paved, or when or why, this, as Jimmy has said, is at the direction of the Superintendent of Public Works who takes a survey of the streets and determines those that are in most need and then they're paved. I think again that I have indicated to you that we have increased our expenditures terrifically on a percentage basis.

Mr. Hill: Okay, maybe you increased the money, but maybe there's something else in this. Did you every sit down and figure out how many miles of streets we're paving today and what we paved before. It's probably double the price to pave a road.

Trustee Brenton: Well I included inflation in there.

Trustee Saia: I think you're right, Dick. The price has gone up and I honestly don't think that Larry is aware of what the price has gone up. But we'll discuss that at the next meeting. I don't have any time now to find out.

Mayor Kuzon: Mr. Sandburg:

Mr. Sandburg: Thank you. Trustee Brenton, I believe you're looking at last month's meeting. I had a couple of questions that I asked the Mayor and one was in regard to the projected cost, capital cost of acquiring the courthouse, and also the the projected operating cost might be. In addition I asked when it might be going out for a referendum so the voters might speak on it - if they think the Village facilities should move from the Municipal Building here over to the courthouse and that would become Village Hall. I was wondering, you know, when the Village was going to be able to speak on that. The reason I ask you is that you seem to be the person that's doing the negotiations, you seem to be the person with the ideas for it and the figures and so forth, and that's the reason I asked you, and I thought maybe you'd answer that due to the fact that you were going through answering questions that you weren't able to answer then.

Mayor Kuzon: Well, Larry wasn't here and I think you addressed it to the Board so I took the responsibility. The anticipated construction cost of the truck bays are in the neighborhood of \$700,000. We don't have a figure yet on renovating the upstairs of the courthouse for Village use and when we do that it will be

combined with the \$700,000. In terms of building operation and maintenance we do have some figures on that. Over the last five years or so the total combined budgeted expense for Village Hall and Fire Hall has ranged from \$31,000 to \$44,000, with the actual expenditures being in the neighborhood of \$35,000 to \$40,000. That includes utilities, shared time costs and so on and so forth. In terms of what it costs the Town to maintain the court building, this would be maintenance and utilities and things associated with that, it roughly costs them - we'll round it off - \$28,000 and we only have one year's actual figures on that, and that's not our fault. The Town takes a little bit longer to put their figures together than we do. They have much more to do and more records to search. So if you just look at those figures very casually you can see that it's less expensive to operate - and it sounds kind of obvious - but less expensive to operate the one building than it is for the Village to maintain two buildings.

Mr. Sandburg: Was that the total cost of the Fire Hall, so actually we didn't...

Mayor Kuzon: The \$700,000?

Mr. Sandburg: No, no. Operational cost for the Fire Hall. I think that up here we're paying less than \$20,000. Is that correct?

Mayor Kuzon: Over the years we've paid any where from - this year we've got budgeted \$12,500 because we anticipate moving. Over the years we've budgeted any where from - I think last meeting's figure was around \$20,000 and that's pretty accurate - from \$19,000 to \$23,000 - as our share of expense in this building.

Mr. Sandburg: And you're giving a \$35,000 to \$40,000 figure, is that the total cost on the Fire Hall?

Mayor Kuzon: That's combined cost, Village Hall and Fire Hall right now.

Mr. Sandburg: And actually the Town picks of half of the Fire Hall cost, correct? So what is our cost?

Mayor Kuzon: What is our cost? It would be the same. We have a fire protection contract with the Town and it's based on assessed valuation. The area outside the Village represents approximately 51% to 52% of the assessed value of the fire protection areas served by the municipal fire department. So the Village's percentage of fire expenditures fire department expenditures is in the neighborhood of 47% to 50% and that would be true whether it's - I don't know the address - but the building across the street or whether Hutchinson Hose is in the courthouse.

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Mr. Sandburg: You'll have additional facilities added on by that time so that the figures you're giving now is the estimated cost to run that building may not be correct because you've added all those bays on.

Mayor Kuzon: That's right and that's why I told you that.

Mr. Sandburg: At this point here we probably aren't near a solid figure.

Mayor Kuzon: Well we could ask our architect. I think I made reference to that at our last meeting that no, we don't have a solid figure on what it's going to cost to heat and maintain the truck bays which are proposed to be built and at this point we can probably only get a best guess from an architect or an engineer that would have background and figures.

Mr. Sandburg: And at that point we as a Village have not asked an architect or an engineering firm.

Mayor Kuzon; Not that I know of.

Mr. Sandburg: The last portion of my question, would you be planning to have it on a referendum, take it to the voters in March on a referendum? On the capital bonding of this.

Mayor Kuzon: Tom has a legal point.

Mr. Troy: A referendum to approve capital acquisition costs, or bonding funds would not be permitted. It would not be a legal referendum other than that. If the Village wishes to bond then that could be subjected to a permissive referendum, but the mere invitation to the citizens to comment through a referendum would be an illegal referendum. It would not be permitted under New York State Village Law.

Mayor Kuzon; Then your question would be when are we going to take the bond and indebtedness to a referendum, right?

Mr. Sandburg: Did you or didn't you before you went to buy the railroad property, what did you do there? You went to the Village voters and asked them about \$80,000 and another \$5,000 for work, so it was bonded for \$85,000. And this time here you're talking about a cost much greater than that and I think you're figuring some where around \$300,000 plus the other renovation costs, so I don't know what they're going to be, but obviously they're a lot greater than the amounts taken to the Village before. So I'm wondering why don't we do the same thing here.

Mayor Kuzon: Trustee Kibby has a response.

Trustee Kibby: For the same reason that the night we bought the fire truck, which happens to be the same night that we passed the

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motion to allow a public referendum on the purchase of the property. The fire truck was \$127,000 - was that correct? All right. And we didn't take that to the public because the purchase of this particular property called Conrail we felt was discretionary and the purchase of the fire truck we did not feel was necessarily discretionary. We don't feel the purchase of this particular property is discretionary in the sense that our present fire house is not suitable and we need a new facility.

Mr. Sandburg: Well, I agree with you Mr. Kibby. I agree entirely with you. My question here is is it necessary for our Village offices to be moved there. We might be better off if we had the fire department completely buy that structure over there, operate it and in turn maybe we could rent from them, or in turn they could rent to anybody they wanted. We certainly might be a lot better financially off as a Village. You know you worry about dollars and cents but this move here doesn't sound like you're worrying about dollars and cents.

Trustee Gallagher: I disagree 100%. I haven't said anything all night and it's 11:00 PM and I'm not going to say anything now.

Mayor Kuzon: Okay. Anyone else? Mr. Hill.

Mr. Hill: I just thought of something. I'm wondering whether it's legal or not. When you present a resolution that changes your original resolution - those five points - then when you called for the vote you voted yes on the resolution and then you called for the vote on the original resolution and you voted yes on that. Did you vote yes on both of them?

Trustee Kibby: We voted first, Mr. Hill, on the amendment which was accepted and then we voted on the main motion which was the motion that had been amended.

Mr. Hill: But the words were said vote on the original...

Trustee Kibby: No, sir, I used the word main motion and I used it absolutely.

Mr. Hill: I don't know. I just thought maybe something slipped through here and there might be a little trouble later on. It's up to Mr. Troy. I don't know.

Trustee Kibby: No, I did not say original resolution, I said main motion.

Mayor Kuzon: Okay. If there's no one else then...

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

Unanimously carried.

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Mayor Kuzon: And if there's no further business...

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the meeting was adjourned at 10:56 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer