

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, September 24, 1984 at 7:31 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Richard Gallagher

Michael Kibby

Trustees

V. James Saia

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

This hearing relates to a proposed local law which would amend Section 60.32(20) of the Village Code regarding parking on the East side of Los Robles.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to open the public hearing at 7:31 PM.

Unanimously carried.

**PUBLIC
HEARING**

Trustee Kibby stated the proposed local law reads as follows:

**PROPOSED
LOCAL LAW**

"A) Remains the same.

Present B) & C) Eliminated - replaced by new B)

B) East side between Main Street and a point 115 feet South of Main Street."

**AMEND SECTION
60.32(20)
of
Traffic Code**

Trustee Kibby said that there is no parking on the West side of Los Robles. In the past there was 30 minute parking from a point 75' South of Main Street to a point 261' South of Main Street and then there was no parking for another 85' or so and then 30 minute parking between that point about 335' South of Main Street all the way to Milton. The no parking area was there for the Post Office, which is now gone.

Under the new code the no parking area would move from 75' South of Main on the east side of Los Robles to 115' South of Main on the east side and then parking would be allowed from that point to Milton Street. The reasons for this are (1) with the Post Office gone we don't need the no parking zone there, and (2) at present with the 75', cars are parking under the trip for the signal at Los Robles and Main. By moving the no parking back 40' moving cars can go under the trip for the signal. The Department of Public Works will stripe the street to move the cars over under the trip. This is based on a recommendation by the Traffic & Safety Committee.

The hearing was then opened for public comment. No one appeared to speak.

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ON MOTION by Trustee Kibby, seconded by Trustee Saia, the hearing was closed at 7:35 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Phil Boudreau, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

This hearing relates to a proposed local law to amend Section 65.40(G) of the Water Code regarding Street Opening Permit Fees.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:35 PM.

Unanimously carried.

Mayor Kuzon advised that the proposal would change the fee structure for Street Opening Permits related to water line work. Basically, it's \$10.00 for the issuance of the permit, \$75.00 for an opening to the center of the street, and \$100.00 for extending the opening beyond the center of the street.

PUBLIC
HEARING

The hearing was opened for public comment. No one appeared to speak.

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

AMEND
SECTION
65.40(g)
of Water
Code

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Phil Boudreau, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

This hearing relates to a proposed local law which would provide no exemption, or a reduced exemption from real property taxes for veterans pursuant to Section 458-a of the Real Property Tax Law of the State of New York.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:37 PM.

**PUBLIC
HEARING**

Unanimously carried.

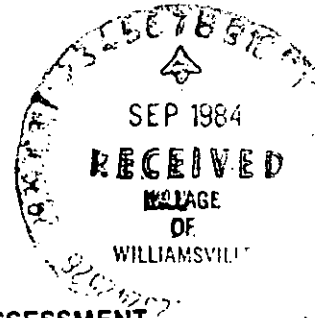
Mayor Kuzon shared with the audience a memorandum the Village received from the Division of Equalization and Assessment. A copy of this is attached to the minutes. He felt it best summarized the issues of the veterans' exemption and explains the choices and alternatives available to the veterans and the municipalities. He said that is probably the clearest explanation we have received regarding this new proposal which was only recently enacted by the State Legislature. The Village is under a definite time deadline to act on this. If we choose to do nothing we are automatically in the alternative exemption program. However, we are presented with choices and we can choose the reduced option program, or we can keep our existing exemption.

**ALTERNATIVE
VETERANS
EXEMPTION**

The hearing was then opened for public comment on exactly how the community feels about this proposal.

Mr. Keith Warner, 325 Sherbrooke, stated he is a new resident of the Village and wanted to express an opinion on this. Mayor Kuzon advised him that he is a resident of the Town of Amherst rather than the Village even though his mailing address and school may be Williamsville. Our hearing will not affect him. The Town will be holding their own hearing on this matter and he should attend that one.

Mr. Carl Daigler, 114 Garrison Road, stated he is a World War II veteran and asked if he would go under the new program. Mayor Kuzon advised him that the Village can continue the existing exemptions the veterans have right now, or if the Village chooses to go with the new program it would affect World War II veterans. It would be based on a percentage and it should be clearly understood that the new provisions are only for a 10 year period. If



DAVID GASKELL
EXECUTIVE DIRECTOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF EQUALIZATION AND ASSESSMENT

AGENCY BUILDING #4-EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

August 31, 1984

TO: Clerks, County Legislative Bodies; County Directors of Real Property Tax Services; City Mayors and Assessors; Town Supervisors; Appointed Assessors; Chairmen, Boards of Assessors; Village Clerks and Assessors

FROM: David Gaskell.

SUBJECT: Veterans' Real Property Tax Exemptions; Chapter 525, Laws of 1984

The veterans' real property tax exemption (Real Property Tax Law, Section 458) has long provided a partial exemption where property owned by a veteran or certain other persons designated in the statute has been purchased with pension, bonus or insurance monies; referred to as eligible funds. This exemption generally has a \$5,000 maximum and is applicable to general municipal taxes, but not school taxes or special district levies.

Chapter 525 of the Laws of 1984 amends the Real Property Tax Law and provides an alternative veterans' exemption. The purpose of this memorandum is to explain the new law and point out the various options the law provides to municipal corporations and veterans.

ALTERNATIVE VETERANS' EXEMPTION

The alternative veterans' exemption is based on a percentage of assessed value with certain maximum levels of exemption. This exemption is limited to the primary residence of a veteran and is available to honorably discharged veterans (or certain of their family members) who served during the Spanish-American War, the Mexican Border period, World War I, World War II, the Korean War, or the Vietnam War period.

Choices Available to You Under the New Law

Each county, city, town and village (eligible municipality) has a choice to make with respect to granting the new alternative veterans' exemption.

Choice #1: Granting the New Exemption. If the eligible municipality decides it wants to grant this new exemption, no action is required. The new exemption becomes available on assessment rolls prepared on the basis of taxable status dates occurring on or after March 31, 1985.

Where an eligible municipality grants the new alternative veterans' exemption, no new exemptions pursuant to the existing eligible funds or pro rata programs may be granted on assessment rolls based on taxable status dates occurring on or after March 2, 1986. Up to that time, in such eligible municipalities, veterans with new eligible funds can choose either type of veterans' exemption.

Choice #2: Retain the Existing Veterans' Exemption Program. If this is your choice, you must act soon and it will involve passing a local law 90 days prior to the first taxable status date occurring on or after December 31, 1984. For most towns who have a May 1 taxable status date, the local law must be passed prior to January 31, 1985. For cities and villages with a January 1, 1985 taxable status date, the local law must be passed by October 2, 1984. For counties, the controlling date is the first occurring taxable status date for any city or town within the county. Therefore, some counties must act by October 2, 1984.

Explanation of Alternative Veterans' Exemption

The following provides highlights of the new exemption program that you should read and consider before making one of the two previous choices. Like the existing veterans' exemption program, the new exemption is applicable to county, city, town and village taxes but not to school taxes or special district levies. A qualifying veteran automatically receives an exemption of 15% of the assessed value. An additional 10% exemption is available where the veteran can document service in a combat theater or zone. Both of these exemptions run for a 10-year period.

There is also an additional exemption where a veteran has received a service connected disability compensation rating from the Veterans' Administration. The percentage for this exemption is equal to 50% of the disability rating. There is no time limit on the duration of this disability exemption.

Maximum Levels of Exemption

Each county, city, town and village has the additional option of using the maximum set of exemptions for the three categories of exemptions or passing a local law to use either of two lower sets of exemptions. The exemptions are:

	<u>Statutory Maximum</u>	<u>Reduced Maximums Pursuant to Local Law</u>	
War Veteran	\$12,000	\$ 9,000	\$ 6,000
Combat Zone Veteran	8,000	6,000	4,000
Disabled Veteran	40,000	30,000	20,000

The maximum amounts must be multiplied by the latest equalization rate if the equalization rate is 100 or less for the assessing unit in order to arrive at the appropriate maximum for each assessment roll.

Attached to this memo are examples of combinations of exemptions and exemption limits. They show how the exemptions are derived.

Veterans Also Have Some Choices to Make Independent of the Municipality

Veterans also have a choice to make if the municipality grants the alternative veterans' exemption program.

Grandfather Provision

Even if a municipality chooses to grant the alternative veterans' exemption, a property owner receiving an exemption under the existing program may continue to receive such exemption on that property. If the individual veteran who is now receiving that exemption does not file a new application, he will continue to receive his exemption under the existing program.

Options for Veterans to Receive Alternative Exemption

In an eligible municipality granting the alternative veterans' exemption, a qualified veteran now receiving an eligible funds exemption may select to switch to the alternative exemption. Once that switch is made, the veteran cannot reverse the action unless the veteran moves to an eligible municipality that does not grant the alternative exemption.

A Veteran Moving to a New Property

A veteran moving to another residence in the same assessing unit can transfer his exemption and, in the case of the new alternative exemption, the exemption would remain in effect for the number of years left of the 10-year eligibility period. The exemption received by a veteran moving to another assessing unit will depend on the municipal option chosen.

AMENDMENTS TO EXISTING VETERANS' EXEMPTION

Pro Rata Exemption

Chapter 525 eliminates the distinction between court-ordered and voluntary full value revaluation municipalities and makes the provisions of that subdivision permanent. The new law gives tax districts which have had recent full

value revaluations (either court-ordered or voluntary), the option to adopt a local law on or before August 30, 1985 to grant pro rata veterans' exemptions. The issue of which full value revaluation may be subject to the granting of pro rata exemptions is currently in litigation before the Court of Appeals. For further information you may contact the Office of Legal Services at (518) 474-8821.

A veteran who has received a pro rata exemption on one parcel, and who sells that property and acquires another parcel within the same assessing unit, is entitled to receive a pro rata exemption on the replacement parcel, not to exceed the dollar amount of exemption he received on his former parcel.

EFFECTIVE DATE

In general, chapter 525 of the Laws of 1984 takes effect August 30, 1984. However, the provision authorizing eligible municipalities to opt out of the new exemption took effect July 27, 1984, while the remaining subdivisions of section 458-a take effect December 31, 1984. New section 458-a applies to assessment rolls prepared on the basis of taxable status dates occurring on or after March 31, 1985.

The State Board will distribute further information regarding chapter 525, including how to calculate the ten-year period of eligibility for the basic and war zone alternative veterans' exemption. Model local laws have been drafted on the various local options and are available on request. Questions regarding the new law may be made to the Office of Legal Services at (518) 474-8821.

Attachment

ALTERNATIVE VETERANS' EXEMPTION

(EXAMPLES)

A. Assessing Unit A is assessing at full value. It decides to grant the alternative veterans' exemption and did not pass a local law to lower the maximum exempt amounts. The latest equalization rate is 100. The maximum exempt amounts are:

	<u>Chosen Limit</u>	<u>Equal. Rate</u>	<u>Maximum Exempt Amount</u>
1. War Veteran	\$12,000 X	1.00 =	\$12,000
2. Additional Combat Zone	\$ 8,000 X	1.00 =	\$ 8,000
3. Disability	\$40,000 X	1.00 =	\$40,000

Three Sample Residential Properties

	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
Assessed Value	\$100,000	\$80,000	\$50,000
War Veteran Exemption (15%)	Max. \$12,000	Max. \$12,000	\$7,500
Additional Combat Exemption (10%)	Max. \$8,000	None	\$5,000
Disability Rating	None	None	20%*
Disability Exemption Pct.	None	None	20%* X 50% = 10%
Disability Exemption	None	None	\$5,000
Total Exemption	\$20,000	\$12,000	\$17,500

B. Assessing Unit B is assessing at a uniform percentage of value. It decides to grant the alternative veterans' exemption and did pass a local law to lower the maximum exempt amounts. The latest equalization rate is 25. The maximum exempt amounts are:

	<u>Chosen Limit</u>	<u>Equal. Rate</u>	<u>Maximum Exempt Amount</u>
1. War Veteran	\$ 9,000 X	.25 =	\$ 2,250
2. Additional Combat Zone	\$ 6,000 X	.25 =	\$ 1,500
3. Disability	\$30,000 X	.25 =	\$ 7,500

Three Sample Residential Properties

	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
Assessed Value	\$18,000	\$12,000	\$8,000
War Veteran Exemption (15%)	Max. \$ 2,250	\$1,800	\$1,200
Additional Combat Exemption (10%)	Max. \$ 1,500	\$1,200	None
Disability Rating	None	100%*	None
Disability Exemption Pct.	None	100%* X 50% = 50%	None
Disability Exemption	None	\$6,000	None
Total Exemption	\$ 3,750	\$9,000	\$1,200

*Disability rating assumed for examples.

the Village opts to go with the new program the exemptions would only be in effect for 10 years because that's the time limit the State Legislature placed on this new program. Your exemption would be based on 15% of assessed valuation for War Veterans, another 10% for Combat Zone Veterans, and then there are other percentages for disabled veterans. The Village has the option of going with the maximum statutory amount or can choose a lesser amount.

PUBLIC
HEARING

Trustee Saia said there is a grandfather clause in the new law which says the veteran may keep his present exemption if he wishes. Whatever the veteran has right now, no matter what the Village does, he still can keep what he has right now.

ALTERNATIVE
VETERANS
EXEMP-
tion

For the Town residents present Mayor Kuzon advised that the Town Board meets on the first and third Mondays in these same Council Chambers. The Town has a different deadline because their tax rolls are filed at a different time. Their hearing will probably be held around January.

(Con't)

An Amherst veteran who has a business on Main Street in the Village feels veterans should get as much of an exemption as they can.

Mrs. Carolyn Schlifke, 192 Evans Street, stated as she understands it, if the Village adopts the new plan you can go under the new plan for 10 years or keep your present exemption. She asked if anyone on the Board has looked into how this would affect the tax roll in lost tax dollars if say 90% of the people were to go with the new plan. In her case her present exemption is a small amount and it would almost double under the 10 year, 15% of assessed valuation plan. The Clerk advised her that the amount has to be multiplied by the equalization rate, which is .2005 right now, and this will bring that down. Those now under the old method would be better off keeping it that way.

Mrs. Schlifke asked why the new method should be considered then. Trustee Saia said the new law would cover Vietnam veterans who are not presently covered. Trustee Kibby stated that is the issue and the major question right there. Mrs. Schlifke stated that the tax base will not be too much affected then. The Clerk advised we don't really know because we have no way of knowing how many Korean and Vietnam veterans are homeowners here who have never applied for exemptions before. Trustee Kibby said you also have to find out if they're war veterans, combat zone veterans, or disabled. Mrs. Schlifke said then you will have to come in and fill out an application and Trustee Gallagher advised they are not yet available and won't be until after January.

Mr. Edward Andrews, 128 S. Union Road, asked what happens after the 10 years, whether it just stops. The Mayor stated there is no way to say for sure. At present it would stop after 10 years but the State Legislature could extend it for another period of time.

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, September 24, 1984 at 7:37 PM

An Amherst veteran said at present the old exemption is better, but if the County reassessment goes through and the assessed value of the property rises then the new plan would be better.

Mayor Kuzon stated he needed to point out that if the Village chooses not to go with the alternative method this evening, at a later date if there are facts and arguments persuasive enough the Village can then opt to go into the program. In saying no this evening we can still go into the program at a later date, but once we go into the program we cannot get out later. We have some flexibility if we say no tonight. From an administrative point of view, the time frame is part of the problem here. It was enacted this summer. This came to the Village only in the beginning of September. At a Conference of Mayors meeting last week all there thought it was very poorly communicated to the villages and was unfair to put the villages under the gun like this when we really do not have enough information on the proposal. There has not been a definite opinion on when the villages must act. The State correspondence says the Village must act by October 2nd but there is even some uncertainty and confusion on the part of the administrators in the County on this.

PUBLIC
HEARING

ALTERNATIVE
VETERANS
EXEMPTION
(Con't)

Mr. James Breen, 313 N. Ellicott, asked if he could get some information he could read later on this subject and also since he will be out of town for a few months when would he be able to apply for this so that he doesn't miss out on it. Mayor Kuzon stated he could give him a copy of what we have after the meeting. The Clerk stated no forms will be available until after January 1st, and our taxable status date is January 1st, so he would have all of next year to apply for the following year.

Mr. Spencer Scofield, 153 Highland, asked how long the Board's no would be in effect; could it go for 10 years, or after the County is reassessed could the Village then go into the program. Mayor Kuzon said the Village could go into the program as soon as a few weeks or as long as a few years. We could get into the program at any time.

An Amherst veteran feels the State passed something onto the localities that they should have done. He feels the Korean and Vietnam veterans should have the same benefits as other veterans. Vietnam veterans get nothing. The State should give them what they deserve and then the municipalities could act automatically as they do now with the other veterans. The Mayor stated the Conference of Mayors feels the same way. The State is not doing anything themselves for the veterans. The estimated impact on assessed valuation state-wide is in the range of \$48 Million to \$90 Million.

Mr. Ray Manno, 14 Franklin, asked what the Vietnam veteran exemption would be. Mayor Kuzon advised it would be 15% of assessed valuation for a War Veteran, plus an additional 10% for a Combat Zone Veteran, for a total of 25%, and if disabled

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there is an additional percentage. Mr. Manno said he was in combat for 11 months. He feels the Vietnam veterans should get the same benefits as other veterans, but he thinks it's wrong that the Village is put on the line this way. He thinks we need more exact data on how many veterans own homes in the area. Mayor Kuzon stated we also need to have a method to determine who is a war veteran and who served in a combat zone so percentages can be figured out. Mr. Manno said that could be determined by the units they served in.

Trustee Kibby said if there's any hesitancy on the part of the Board in rushing to adopt this law it has nothing to do with whether a Vietnam veteran should or should not get the exemption. The Board members have all said they should be getting these benefits if they are not now getting them. The trouble is we don't really know what benefits are going to be there and what are not going to be there. This doesn't take effect until 1986 so if we opt to stay where we are right now this gives us time to look into the full ramifications of this. This Board is strongly in favor of giving veterans their due, but there are so many unanswered questions and there are so many other options and all options would be closed by being pushed into this action now.

Mr. Manno asked if the Board could tell him when they would act on joining this program if they don't do so tonight. Trustee Kibby said it could be 2, 4, 6, 8 weeks or more. It depends on when we get more information as to how do you define these categories, what would be the differences between what the veteran gets now and what he could get under the new program, and the real impact on Korean and remaining categories. We don't have all that information now and we need that first. We are not stonewalling. We are trying to get more of that information.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was closed at 8:02 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, September 24, 1984 at 7:31 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Richard Gallagher

Michael Kibby Trustee

V. James Saia

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Phil Boudreau, Dept. of Public Works

Absent

Lawrence R. Brenton, Trustee

Mayor Kuzon called the meeting to order at 7:31 PM.

Mayor Kuzon advised that Trustee Brenton was not present due to the death of his father-in-law.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held September 10, 1984 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the special meeting held September 17, 1984 regarding calling for a public hearing this evening on the veterans' exemptions, which was necessitated by the time frame mandated by the law, were approved.

Unanimously carried.

Mayor Kuzon advised there were three public hearings tonight.

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, it was moved to open the public hearing at 7:31 PM regarding a proposed local law which would amend Section 60.32(20) of the Village Code relating to parking on the east side of Los Robles. (The hearing was closed at 7:35 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:35 PM regarding a proposed local law to amend Section 65.40(G) of the Water Code relating to Street Opening Permit Fees. (The hearing was closed at 7:37 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:37 PM regarding a proposed local law which would provide no exemption, or a reduced exemption from real property taxes for veterans pursuant to Section 458-a

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of the Real Propety Tax Law of the State of New York. (The hearing was closed at 8:02 PM.)

Unanimously carried.

With respect to the hearing on the veterans' exemption, Mayor Kuzon advised we normally do not act on the issue of a public hearing the same night the hearing is held, but due to the time limit we will be acting on this during the Mayor's portion of the agenda.

Mayor Kuzon stated that at our last meeting the subject of sidewalk installation and reconstruction on Union Road was raised from the floor. He advised we have written a letter to the New York State Department of Transportation requesting them to consider this on Union Road, which is a State highway, outside of the project limits of the pending rehabilitation of Union Road at Main Street. We stated the residents have requested the sidewalks for two reasons - (1) the existing walks are inadequate and (2) for safety reasons. We asked the D.O.T. to include them in the design report scheduled for the summer of 1985. The State is holding a public hearing on this project in these Council Chambers on October 11th.

A few weeks ago the Board authorized the creation of a committee to consider the abandoned Conrail property. The Mayor stated he thought he would be able to place everyone on the committee who requested to be put on it. Unfortunately, so many people requested placement on the committee that not everyone will be able to serve. He is recommending this evening a 13-member committee with Trustee Kibby as the liaison and Chair. The committee is designed in such a way that each of the standing committees in the Village will have membership on this committee and there will also be an at-large membership with two members from each election district within the Village. Trustee Kibby will be setting a date and time for their first meeting and the Clerk will be sending out notices. The members will be: Trey Measer (Planning), Phil Eyre (Environmental), William Brunskill (Parks), Carolyn Schlifke (Traffic & Safety), Edna Cope (Youth), Lois Idzak (Senior Citizens), Loretta Babin (Historic Preservation Committee), At-Large Members: Election District #1 - Dick Metz and Dick Baer; Election District #2 - Rita Andrews and Harmon Whipple; Election District #3 - C. Allen Ryan and Elroy Avery.

The Mayor reported that in 1986 the Statue of Liberty will be celebrating its Centennial and parks throughout the State and Country are eligible to be designated as a Centennial Park in honor of the Statue of Liberty celebration. He has taken the initiative to write to the Statue of Liberty Centennial Commission requesting that a park in the Village be designated by the Commission as a site for Statue of Liberty Centennial events on July 4, 1986 and they have determined that a park in the Village can be designated as such. The Board will decide which park is to be so designated.

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ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$162,521.34 were approved as follows:

Payroll Fund	W/E 9/14/84	\$ 5,752.30
	W/E 9/21/84	<u>5,608.18</u>
Total Payroll Fund		\$ 11,360.48
General Fund	Abstract #569	35,565.46
Sewer & Water Fund	Abstract #150	40,906.13
Trust & Agency Fund	Abstract #189	2,402.54
Glen Park Jt. Activities	Abstract #89	1,667.05
SSES C36-1244-01	Abstract #34	<u>70,619.68</u>
Total Vouchers		\$162,521.34

The larger vouchers went to Erie County Water Authority, M. C. Morgan, URS Company, Buffalo Crushed Stone, and Niagara Mohawk Power.

Unanimously carried.

Mayor Kuzon stated his second resolution is an appointment to the Historic Preservation Committee. The local law provides for a representative from various groups and one of these is the Planning Board and he is going to appoint Dick Baer of the Planning Board to this committee.

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

RESOLVED that Richard Baer, 50 Willowbrook Drive, is hereby appointed to the Historic Preservation Committee until the end of the 1984-1985 official Village year.

APPOINTMENT
Historical
Preservation
Committee

Unanimously carried.

Mayor Kuzon stated his third resolution relates to the subject of tonight's public hearing.

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

RESOLVED that Local law #4, 1984 is hereby adopted providing that tax exemptions granted to Veterans under the provisions of Chapter 525, New York Laws of 1984, shall not be effective in the Village of Williamsville. Section 458 of the Real Property Tax law as in effect prior to the recent amendment of 1984 shall remain in full force and effect.

LOCAL LAW #4-1984
ADOPTED
Village opts
out of
alternative
exemption

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

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

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

Local Law No. 4 of the year 19 84

A local law in relation to the alternative veterans exemption from real property taxation. (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 1. The purpose of this law is to provide that no exemption from real property taxes shall be granted pursuant to section 458-a of the Real Property Tax Law of the State of New York as enacted by Chapter 525, Laws of 1984.

Section 2. Pursuant to the provisions of subdivision 4 of section 458-a of the Real Property Tax Law of the State of New York, no exemption from real property taxes shall be granted pursuant to section 458-a of the Real Property Tax Law for purposes of real property taxes levied for the Village of Williamsville.

Section 3. This local law shall take effect immediately upon its filing with the Secretary of State.

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Mayor Kuzon stated we are not opting into the alternative exemption program this evening. We will continue with the existing program and those who receive and are eligible prior to the new laws of '84 will remain eligible and continue their exemptions. This will not preclude us from opting into the program in the future. We are seeking additional information on this issue and when we get it, if it is justified, we will take further action.

Unanimously carried.

Trustee Kibby advised the audience of the tentative agenda for the Planning Board meeting on October 1st. It includes plans for 5609 Main Street (the old Arco station next door) for a proposed office building, and a sign permit for Lakeshore Chemicals Sales Office at 5505 Main Street.

On behalf of the Traffic & Safety Committee, Trustee Kibby thanked the Department of Public Works for repairing the drain intake on Glen Avenue. They did a nice job.

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

RESOLVED that a chain link fence 4' in height at 5695 Main Street be approved as follows: approximately 10' on the west side of the property and approximately 30' on the east side of the property, per drawings submitted to the Building Department on August 23, 1984 and recommended by the Planning Board on August 30, 1984.

FENCE APPROVED

5695 Main Street

Unanimously carried.

Trustee Gallagher said he had no resolutions this evening. He reported that last Thursday the Evergreen Program had a kick-off luncheon for its 1984-1985 program at the V.F.W. Over 150 people attended. Two members of the Senior Citizens Committee - Mary Kuzon and Erma Weatherbee - were acknowledged for their efforts in putting together the luncheon and also for the fact that during the summer months they were in effect the senior citizens program. He indicated that copies of the Evergreen Program for the month of October are available in front for anyone who would like one.

Trustee Gallagher stated that at the last meeting he had indicated that he had a number of recommendations and suggestions for the Board relative to management and administration of the Village and other areas. These have been presented to the Board but unfortunately due to family illness and other factors they have not yet had a chance to address them. It will probably be a couple of weeks before they will have an opportunity to fully consider them. Hopefully as a result of these discussions some resolutions will be forthcoming in the immediate future related to those suggestions and recommendations.

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, September 24, 1984 at 7:31 PM

Trustee Saia reported that on September 29th at Island Park starting at 11:30 AM the Hutchinson Hose Company and the Amherst Police Department would like to meet the youngsters of the community. There will be demonstrations and interesting discussions taking place. Questions may be directed to the police and fire officers and there will be equipment available to inspect and touch. Children of all ages are invited to attend. It is being sponsored by the Williamsville Youth and Recreation Board.

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

RESOLVED that Wednesday, October 31st be designated "Trick or Treat" Night in the Village of Williamsville.

HALLOWEEN

**Trick or Treat
Night designated**

Unanimously carried.

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

RESOLVED that Michael Moritz is hereby appointed laborer in the Department of Public Works effective October 15, 1984 at the rate of \$5.87 per hour.

APPOINTMENT

**Full time laborer
in D.P.W.**

Trustee Kibby asked why the date was October 15th and Trustee Saia responded that the gentleman is presently working part-time to October 14th and this full time job will commence when that ends. He will be taking the place of Mr. Peacock, who has retired. It will not be an increase in the Department.

Mayor Kuzon requested a roll call vote.

Vote on Roll Call: Trustee Kibby - Yes
Trustee Gallagher - Yes
Trustee Saia - Yes
Mayor Kuzon - No. He stated he has no objections to the individual or to more employees in the D.P.W. but he feels this should wait because a lot of facts and figures have been discussed recently about the staff limits of the D.P.W. and he and Trustee Gallagher have submitted comments and recommendations to the Board and the Superintendent of Public Works has made additional recommendations on the topic of the D.P.W. and he would like to have these considered first and a comprehensive effort made to address these issues.

Yes - 3; No - 1.

Carried.

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

RESOLVED that Philip J. Boudreau, Superintendent of Public Works is hereby authorized to attend the 1984 Public Works School in Ithaca, New York from October 9-12, 1984 and the expenses, not to exceed \$350.00 to be paid by the Village of Williamsville.

AUTHORIZATION
Superintendent
of Public
Works to attend
school

Unanimously carried.

Trustee Saia advised that Tom Lucia, Chairman of the Williamsville Youth and Recreation Board is making up a list of what transpired over the summer with the Youth and Recreation Board and will give it to the Bee for publication. Everyone has told him what a terrific program this has been and this is thanks to Mr. Klebes, who has left and his donation, and the money in the Village budget and the other monies that the Youth Board has raised. This has been one of the most terrific programs we've had in quite a few years.

Mayor Kuzon presented the resolutions for Trustee Brenton. The first one authorized a bond resolution of the Village regarding acquisition of the Conrail property.

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

The Board of Trustees of the Village of Williamsville, in the County of Erie, New York, hereby resolves as follows:

AUTHORIZE
CLERK TO
PUBLISH
CONRAIL
BOND
RESOLUTION

Section 1. The bond resolution of the Village entitled: "Bond Resolution of the Village of Williamsville, New York, January 9, 1984, authorizing the acquisition of approximately 9 acres of land, for general Village purposes, within said Village, stating the estimated maximum cost thereof is \$85,000, appropriating said amount therefor, and authorizing the issuance of \$4,250 capital notes to provide the required down payment, and \$80,750 serial bonds of said Village to finance the balance of said appropriation", duly adopted by the Board of Trustees on the date therein referred to, and approved as a Proposition submitted to the qualified electors of the Village at the Annual Village Election duly called and held on March 20, 1984, has now become effective, and the Village Clerk is hereby authorized and directed to cause said bond resolution to be published, in full, in the "Amherst Bee", a newspaper published in Williamsville, New York, having a general circulation therein and hereby designated as the official

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, September 24, 1984 at 7:31 PM

newspaper of the Village for such publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

Unanimously carried.

The second resolution call for a public hearing regarding satellite dishes in the Village. The town is also considering this issue and its impact on residential neighborhoods.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on October 22, 1984 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing a local law which would amend the Village Zoning Code by adding a new section dealing with radio and television antennas and any other communications equipment.

**PUBLISH NOTICE
OF PUBLIC
HEARING**

**Communication
equipment
location**

Unanimously carried.

Mayor Kuzon said that the law will basically read: "No radio and television antennas nor any other communication equipment shall be located within the area of a lot between the front or exterior side lot line and the nearest line of any building on the lot."

Superintendent of Public Works Phil Boudreau stated he had no report tonight.

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

Unanimously carried.

Mrs. Helen Konawalski, 38 Garden Parkway, thanked the Village for putting the new fencing in as she had talked about at a previous meeting. The kids are staying off her property and there is also less noise from the woods on a Friday night.

Mrs. Betty Schueckler, 124 S. Union, presented the Board with a petition containing the signatures of 351 residents and 50 residents from outside the Village in proximity to the Conrail property. It

requests that the Village have a public referendum in the form of a question to appear on the ballot in the forthcoming Village election in March, 1985 concerning the piece of Conrail property now being purchased by the Village. They specifically request the Board to offer the following options - all park, part park or no park. Until that time, they also petition the Board to impose a moratorium on any activity regarding the use or resale of the property.

PETITION
PRESENTED

Mayor Kuzon stated we will receive the petitions and then refer it to the attorney regarding the legality of placing a referendum on the next ballot.

Re:

Conrail
Property

Mrs. Schueckler stated she thinks 200 signatures are required. Mr. Troy said he thinks the number is 250. Mr. Troy stated he had already rendered an opinion on a possible referendum six months to a year ago. It would be illegal for this purpose and the Village cannot finance it. There are provisions in the Village Law that set forth when you can have a permissive referendum. This is not an issue you can hold one on.

Mrs. Schueckler asked what would be a proper method for doing this. Mr. Troy said this referendum would not be legal. It would have no force and effect. The Attorney General and Comptroller have so ruled. The law clearly defines what issues you can hold a referendum on. Attorney Troy advised that this is not an acceptable referendum. It is not a matter on which the Village has any authority to do it. If we attempt to do it any citizen could go to court and stop us in a minute. Mrs. Schueckler asked what if they had 1,500 signatures and was advised it would make no difference. The Board makes the decision on matters like this. There are certain areas where the Board's decision may be challenged by getting a number of signatures but this is not one of them. He would say the appropriate way to handle this would be to have the Board make the decision. They are the people elected by the residents and the people vested by law with the authority to make this decision. He added he would be glad to show her the section of the law relating to referendums after the meeting. Mrs. Schueckler said the petitions are useless then. Mr. Troy said that would be his opinion, legally. They might have a moral effect on the Trustees. Mrs. Schueckler asked if there was such a thing as morally bound to have a referendum and Mr. Troy said no. You assume all these people operate on a moral basis. That we expect of them. You cannot compel them to act morally, you can only compel them to act legally.

Mayor Kuzon said the Clerk will receive the petitions and for the next step he would request the Village Attorney to render a written opinion on the legality of the situation, as well as expressing any possible alternatives. He said he understands Mrs. Schueckler's point and if this is not the correct legal way to pursue it then what are the legal alternatives that would be binding.

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, September 24, 1984 at 7:31 PM

Trustee Saia stated the petitions are not worthless in defense of their work in getting 350 signatures on the petition to state whether they prefer all park, or half park or no park. He thinks it's pretty decent of someone to get our citizens to relate to this Board what they would like to do with the land instead of the other way around. He stated he did not understand why in 1972 for Glen Park there was a referendum and now one is illegal. If it's illegal now why did they Board have one then. Mr. Troy said he has told Trustee Saia before and will repeat it now that the referendum at that time was absolutely invalid. Whether or not the Village chose to follow through on it is fine. That's a decision of the Village. A referendum like that had no meaning and no binding force and effect whatsoever and the Village was misinformed when they thought they could conduct such a referendum. Mrs. Schueckler stated she knew the referendum outcome was not legally binding but they would like the Board to know how they feel through the referendum. They just want it on the ballot. Mr. Troy said the Board may not legally participate in such a referendum. The Board must make the final decision. A permissive referendum would not be legal here.

A lady who helped circulate the petitions stated her property is in the Town near the Conrail property and she said that the referendum may perhaps be illegal but to a person those she talked to said they did not want the Village to sell that property.

Mr. Edward Andrews, 128 S. Union, asked if it was possible to go to the Planning Board and get the schematic of that property and publish it in the Bee. He thinks people have a mistaken impression of the extent of the nine acres of property and are not aware of how it is laid out. Mayor Kuzon said that could be done. The Bee did publish a drawing of the area quite awhile ago.

Trustee Saia advised there is going to be a tour of the property, not by the Village but by the committee that wants to keep the property, and everybody is invited to attend. It will probably be the first or second week in October.

Richard Hill, 18 Brookside Drive, asked if a drawing of the land could be brought to one of these meetings so they could see it. Mayor Kuzon said that would be no problem.

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

Unanimously carried.

Mayor Kuzon advised that because of the Columbus Day holiday, the next Board meeting will be on Tuesday, October 9th.

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, September 24, 1984 at 7:31 PM

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the meeting was adjourned at 8:32 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer