

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, November 13, 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

The Clerk read the notice of hearing regarding a proposed local law which would amend Section 65.10(9) and 65.40(I) of the Water Code.

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

PUBLIC HEARING

Unanimously carried.

Trustee Brenton stated this hearing pertains to our water rates, in particular to a situation that was brought to our awareness through a leak on a private line, that is the line that runs from the main to the consumer's building, and through the recognition of the notice of leak that goes out to the consumer and the inaccuracies that were contained in that notice it was decided to look further at our entire ordinance pertaining to leaks and we found that we needed to be updated regarding this and be brought into line with what would be legally appropriate. We are by increasing the rates, the increase being based on the size of the individual lines, bringing ourselves to a point where our Water Department will not bear additional cost for these lines when they leak or for the expenses generally associated with these leaks. He then opened the public hearing for comment and questions.

AMEND WATER CODE

Re: Charges for water line leaks

Fire Chief Rick Andrews stated he doesn't understand how you can detect a leak with the rock situation we have in the Village. If it goes into the rock it doesn't get to the meter so how do you know it's leaking.

Trustee Brenton said this is one of the Village's biggest problems and probably one of the most discriminatory aspects of us not being in the Erie County Water Authority system. In many instances we don't detect it. It simply goes down into the rock and only through our normal leak detection that we carry out at certain times during the year are we able to go out and shut down segments of our system and then determine that we are losing water from that shut down segment and then try to pinpoint the leak because the majority of the time the leaks don't come to the surface the way they did on N. Ellicott, which was the situation that prompted

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this particular legislation. We understand and know that approximately 25% water is unaccounted for, or slightly less. In other words 25% of our water that is metered in from Erie County Water Authority. Before we receive revenue from our customers we lose 25% and obviously some of that is just inherent in a water system but in our instance a great deal of it is definitely responsible from leaks that are undetected. All we can do is address the leaks that we do find and through this legislation give the purchaser an incentive, so to speak, to hurry up and get their leak repaired. That's where our problem was before. We really didn't have a legal notice, a proper legal notice, to serve people and then in looking at that we found that we could come up with a better way of charging because the way it was people could have the leak and say, well, I'll get around to that in a couple of months. Well, obviously, this water is unmetered, and we lose the revenue because it hasn't reached their meter but it has gone through Erie County's meter into our system. Trustee Brenton said the Chief's point is a very good one. We've had one of the very finest leak detection service in here, Pitometer Company, and we're convinced that we have the in-house capability as a result of Pitometer's evaluation and assistance to find our leaks. However, he hopes that we will continue to pursue it because he is not happy at all with our 25% or 23% of leakage.

No one else appeared to speak.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the hearing was closed at 7:45 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, November 13, 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.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the regular meeting held October 22, 1984 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the public hearing held October 22, 1984 regarding a proposed local law to add Section 70.330(I) to the Zoning Code were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved at 7:38 PM to open the public hearing regarding a proposed local law which would amend Section 65.10(9) and 65.40(I) of the Water Code. (The hearing was closed at 7:45 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$126,574.57 were approved as follows:

Payroll Fund	W/E 10/24/84	\$ 8,931.89
	W/E 10/31/84	6,334.22
	W/E 11/7/84	<u>5,988.31</u>
Total Payroll Fund		\$ 21,254.42
General Fund	Abstract #572	45,070.47
Sewer & Water Fund	Abstract #153	30,010.44
Trust & Agency Fund	Abstract #192	7,177.67
Glen Park Jt. Activities	Abstract #92	1,912.91
Federal Revenue Sharing	Abstract #164	6,429.90
SSES C36-1244-01	Abstract #36	5,865.26

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Special Assessment Fund	Abstract #18	\$ 5,953.50
Community Development	Abstract #91	<u>2,900.00</u>
Total Vouchers		\$126,574.57

There were large vouchers to Erie County Water Authority, for the purchase of water, \$26,193.82; to Lancaster Stone for \$12,922.32; and to Rapid Disposal, our garbage collector, for \$9,166.67.

Unanimously carried.

Mayor Kuzon stated his second resolution was to authorize the Village Clerk to attend the first legislative meeting of the Conference of Mayors for this legislative session. In February he will be attending the legislative conference. This legislative committee will be reviewing proposals which will be considered by the conference in February and presented to the Legislature for action in their legislative session. Terry will be representing our Village and when the Mayor goes he will be representing not only the Village but the Erie County Village Officials Association. This is budgeted under expenses and travel in the Clerk-Treasurer's Budget.

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

RESOLVED that the Village Clerk Theresa L. Cummins, is authorized to attend the 1984 Legislative Committee Meeting in Albany on December 11 and 12, 1984 and the expenses not to exceed \$200.00 to be paid by the Village of Williamsville.

AUTHORIZATION

**T. Cummins to
attend
Legislative
meeting**

Unanimously carried.

Trustee Kibby reported that there will be a meeting of the "Conrail Property" Committee tomorrow evening here in the Village Meeting Room. The Committee has received its charge from the Board of Trustees and it will meet probably four to five times. This is open to discussion. Their first meeting will be for introduction of the members and to set the schedule for future meetings. They'll have another meeting very shortly to visit the property and then they will also have a meeting at which they will hear presentations from a couple of landscape architects and from a realtor and then they'll probably have one, two or three meetings - it's hard to say - to formulate their recommendations which will go to the Board of Trustees.

Trustee Kibby reported in relation to the Meeting House that we've had a run of bad luck he thinks in some of their plans for renovation

at the Meeting House. First off, we encountered a contractor who didn't want to hold to the bid, then we encountered a situation where we were not meeting the Davis-Bacon requirements for the prevailing wage and now a third time we've run into some problems which required us to do an evaluation of the Meeting House. We have that evaluation report returned to us from an architect and an engineer. We're going to discuss that later this evening. It's quite obvious that as a result of this report we're going to have to make some delay in our plans for renovation for the purposes of the Historical Society. There will probably be more information on that at our next meeting.

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

RESOLVED that the Village Clerk is hereby authorized to publish notice of public hearing to be held on December 10, 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 proposed local law which would amend Section 70.250(B) of the Zoning Code to include barber shops or beauty parlors.

**PUBLISH NOTICE OF
PUBLIC HEARING**

**Amend Zoning Code
Re: Barber shops
and Beauty Parlors**

Trustee Kibby said the purpose of this hearing is that traditionally we have restricted barber shops and beauty parlors to C-2 Districts but everytime there is an application to put in a barber shop or a beauty parlor it always has to be researched. We just want it explained explicitly in the C-2 section that this is where these facilities belong.

Unanimously carried.

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

RESOLVED that the relocation of fence at 5641 Main Street as recommended by the Planning Board at their meeting on November 5, 1984 is hereby approved.

**RELOCATION OF FENCE
APPROVED**

5641 Main Street

Trustee Kibby said 5641 Main Street is Ed Young's and our code requires us, whenever there is a placement or movement of fence in the commerical district, that that has to be approved by the Trustees. What Mr. Young is doing there is moving a fence from the front of their addition to the back of their addition to keep kids from congregating behind their addition.

Unanimously carried.

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

WHEREAS the Village Clerk has returned her warrent and tax roll and has delivered to the Board of Trustees an account of taxes remaining due, amount to \$10,450.50 (see attached listing) containing description of the land upon which such taxes are unpaid as the same were placed upon the tax roll, together with the amount of the tax so assessed and interest thereon, and

UNPAID TAXES

WHEREAS the said Village Clerk under oath has sworn that the taxes mentioned in such account remain unpaid, and that after diligent efforts she has been unable to collect same, and

Returned to
County

WHEREAS upon receiving such account from the Village Clerk, the Board of Trustees compared the same with the original tax roll of the Village, and

WHEREAS said Board of Trustees find such account to be true transcript and has certified to the effect that they have compared it with the original tax roll and find it to be correct,

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Village of Williamsville is hereby credited by this Board of Trustees with amount of said account in said return, and

BE IT FURTHER RESOLVED that a certificate executed by each member of the Village Board be attached to the account of unpaid taxes stating a total of unpaid taxes in the amount of \$10,450.50 and reciting that the account has been compared and found to be correct; and that the Clerk transmit said account and certificate to the appropriate officer of the County of Erie within 15 days to enforce collection pursuant to Section 1442 of the Real Property Tax Law.

Unanimously carried.

Trustee Gallagher stated he has no report tonight. With respect to his resolutions we'll dispense with the first one relating to the annual report of the Trustees mainly because there has to be some clarification of the period we're talking about with respect to calender year or fiscal year and that will be resubmitted within the next two meetings. With respect to his second resolution,

Village of Williamsville

P.O. Box 191
5583 Main Street
Williamsville, New York 14221-0191

November 13, 1984

County of Erie
Commissioner of Finance
Erie County Office Bldg.
95 Franklin Street
Buffalo, New York 14202


" We certify that the enclosed list of unpaid taxes is correct."



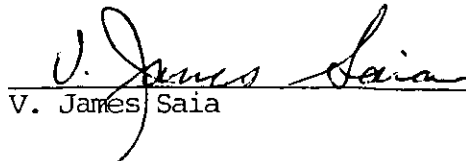
Lawrence R. Brenton



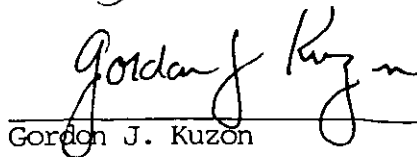
Richard J. Gallagher



Michael W. Kibby



V. James Saia



Gordon J. Kuzon

Village of Williamsville

P.O. Box 191
5583 Main Street
Williamsville, New York 14221-0191

1984 - 1985 UNPAID TAXES

<u>Account #</u>	<u>Account Address & Owner</u>	<u>Amount of Tax</u>
68.20-1-57	Donald Smith 201 N. Long St.	\$ 1.24
69.13-1-38	Thomas Dietsch 40 Chalmers St.	225.26
69.14-2-7	Esther Jacob 37 Lake Ledge Dr.	216.73
69.17-1-66	Richard Klyczek 190 Mill St.	262.25
69.17-3-26 (58 Eagle)	Theresa Leprell 52 Eagle St.	315.77
69.17-4-23	Richard Dombrowski 26 Evans St.	188.36
69.17-5-20	Gail Morgan 66 Rinewalt St.	206.03
69.17-5-30./201 (5854 Main Unit 201)	Jacqueline Michii Takako 116 Getzville Rd., Snyder 14226	208.30
80.08-1-6 (47 Reist St.)	Diane Andres 157 Bird Ave., Buffalo 14213	176.07
80.08-1-20	Richard Brown 5444 Main St.	243.48
80.08-4-36	Robert Nowak 184 California Dr.	173.83
80.08-4-40	Paul Sutter 138 California Dr.	253.75
80.08-5-42 (213 Calif. Dr.)	Jerome Hirsch 215 California Dr.	18.57
80.08-5-43	Jerome Hirsch 215 California Dr.	332.92
81.05-4-14	William Whitehead 223 Garrison Rd.	298.59

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1984-1985 UNPAID TAXES

<u>Account #</u>	<u>Account Address & Owner</u>	<u>Amount of Tax</u>
81.06-2-3.1	Russell Salvatore 5877 Main St.	5,647.55
81.06-2-8	Daniel Chase 46 Pfohl Pl.	317.09
81.06-2-17./A (84 Pfohl, Rear)	Fred Reifsteck 84 Pfohl Pl.	37.13
81.06-2-59	Marion Fraser 107 Hirschfield Dr.	72.37
81.06-3-40	William C. & Susan S. Feagans 166 Highland Dr.	159.27
81.06-3-67	James E. Smith 168 Hirschfield Dr.	165.05
81.06-4-32	Stephen J. Hanley 68 Monroe Dr.	239.93
81.09-1-1 (Wellington Ct.)	Fred Hirsch 215 California Dr.	68.07
81.10-2-53	P. Armitage 253 Hirschfield Dr.	262.82
81.14-1-14 (43 Creek Rd.)	Frederick Reifsteck 84 Pfohl Pl.	101.61
81.14-2-16	Robert Larkin 241 Cadman Dr.	258.46
		<hr/>
		\$ 10,450.50
		<hr/>

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relating to conducting meetings in accordance with Roberts Rules of Orders, it will be dispensed with because there is a general agreement that we follow those rules at our meetings.

Trustee Gallagher stated with respect to this third resolution it was going to be dispensed with originally but he has decided to take a little different direction than what he stated at the work session prior to this Board meeting. He read the resolution and then explained it.

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

RESOLVED that a public hearing be held by the Board of Trustees of the Village of Williamsville on Monday, December 10, 1984 at 7:30 p.m. in the Council Chambers of the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of discussing revision of the current corner fence code for the Village of Williamsville.

PUBLIC HEARING
PROPOSED

Corner Fence Code

Trustee Gallagher stated the reason for this is that there had been a change which he agreed to which was, in effect, that this would be presented to the Planning Board and the Traffic and Safety Committee and they would look at it on the basis that this Board would inform them of the Board's interest in changing the code. He thinks they could do that along with having the public hearing and getting input and taking that input and giving it to the Planning Board and the Traffic and Safety Committee. He thinks he may have confused this matter, somewhat, mainly from his naivete as to how you conduct public hearings opposed to how you conduct informational hearings, etc. He really thinks this will allow public input and then we can take that input and give it to the appropriate committees.

Trustee Kibby thinks this really confuses the issue. He was with Trustee Gallagher in the work session in the sense that maybe an informational meeting could prove of some benefit in the future, but the Trustees also instructed him to take this issue back to Traffic and Safety and to the Planning and Architectural Review Board, and they're going to meet before December 10th and he would presume they could discuss it and possibly come up with some concrete recommendations that could even be drafted by our Village Attorney into a code, but the way Trustee Gallagher has phrased it, it would postpone this until early and late January to discuss it. We won't be able to go into this until early February given the timing of those meetings.

Trustee Brenton stated as the Board had discussed, and the points he had brought up regarding informational hearings, it doesn't really matter what type of hearing it is. This particular instance

relates to our fence code and the need to develop more input regarding a change, or perhaps no change. As he pointed out to the Board and Trustee Gallagher, his pure sense of democracy makes him somewhat reluctant to engage in an informational hearing because the subject could be of another nature and could certainly precede this request for an informational hearing at this time and he's afraid that only one side would be heard. In other words, maybe only one side would get out to voice their opinion at an informational hearing. He's not too concerned that this might occur in this particular instance but he is concerned that by accepting this method of government that we would be, in effect, somewhat weakening a democratic process. His suggestion was that he'd be perfectly comfortable to call for a public hearing and the chain of developments at our work session was such that Trustee Kibby was instructed, or perhaps volunteered, to have the Traffic and Safety Committee and the Planning and Architectural Review Board, through the efforts of Mrs. Kresse of the Building Department, and consolidation of complaints relative to our fence code, have these two committees review these complaints and see if they couldn't come up with some suggestions which could be offered at a public hearing in the form of having public input to the results of the Traffic and Safety and Architectural Review Board input, so that we would develop through Traffic and Safety and Planning; some perhaps motivation, method, etc. for change, and then we could call for a public hearing and discuss these issues in the normal public form at a normal Village Board meeting. To call for a meeting at other than a Village Board meeting again leaves him with the fear that really there won't be anybody that will attend, and those who do attend will certainly be the vested interest groups in this particular subject, or in any other subject. He would again request that this resolution be reconsidered.

Discussion
re:

Proposed
Public
Hearing

on
Corner
Fence
Code

Trustee Gallagher stated the hearing will take place December 10th and would be prior to the regular Board meeting. It wouldn't be at another date. The second point would be that the democratic process follows a number of routes and the route he is following is to allow citizens, whether they're directly involved in this or biased or not, an opportunity to be heard and then gather that information and taking any suggestions or recommendations and presenting them to the committees within this Village and he feels this is an appropriate democratic process.

Trustee Saia said he agrees with Trustee Kibby that perhaps he is not giving the Planning Board and Traffic and Safety enough time, but then he has to agree with Trustee Gallagher that the more information we get from the public at any time, he doesn't care how it's done, if it's done legally any informational meeting that he wants to have with the public, he thinks we should try some of these informational meetings. Maybe he didn't put this across maybe the first time the way he should have done it but he is for the public being informed of what's going on and coming in with some input. Now it could also be said you could rig

these meetings, but he said he wouldn't go to a meeting for somebody that had a dog barking in the backyard and he was making a complaint. He personally wouldn't go to that meeting. But he would go to one if he had a dog and his dog was barking. So he thinks by having these informational meetings you're going to get people that either want a fence change or don't want a fence change and he sees a lot of good coming out of informational meetings, and he thinks if Trustee Gallagher wants to have an informational meeting, if he thinks he'd like to try it, he doesn't think it's ever been tried in this Village, and he applauds him for it.

Discussion
(Con't)

Trustee Brenton: said he would like to further his comment because he thinks it has been perhaps not intentionally implied that he has a fear or reluctance to have informational meetings. He wanted to make it perfectly clear that he has no problem with informational meetings but he thinks they should be conducted on the evenings of regular Village Board functions so they're given adequate publicity and so that the public that is usually here and perhaps some others would be out and they should be, in effect, called for through the normal process. This assures that all these follow-throughs will occur. He has no problem with informational meetings being conducted in our normal fashion through the public hearings.

re:
Proposed
Public

Trustee Kibby had the motion reread and then asked if it was legal to have this as a public hearing. He was under the impression from the work session that for a hearing you have to have a code change that you wish to discuss. Here we don't have a code change. What we have is a change, maybe. Mr. Troy said that every change is a maybe change. This is a proposal, an informational hearing for the purpose of hearing anybody interested for their thoughts on a proposed fence code, to amend the fence code. Now, amend the fence code in a variety of ways. The question is do we have a precise proposal in front of us? No, we do not.

Hearing
on
Corner
Fence
Code

Trustee Kibby asked if we may have a public hearing without that. and Mr. Troy said you **should** not have a public hearing without a precise proposal. Trustee Gallagher said he would amend the resolution to read informational rather than a public hearing.

ON MOTION by Trustee Kibby seconded by Trustee Gallagher, it was moved to amend the resolution so that it reads informational hearing and not public hearing.

Trustee Brenton asked if there is such a thing as an informational public hearing. Mr. Troy said there is one if you want to call it one. Is there any prohibition against an **informational** public hearing, he would say no. There is no prohibition against it. What kind of a hybrid is it, he would leave that up to the Board's judgement. It can exist. His fear is somewhat similar to Trustee Brenton's fear, that you're introducing chaos into an orderly system and the system of building legislation or changing should be an orderly system and without order you have

chaos. The democratic impulse is wonderful but the democratic impulse at the same time has to be restrained by order and he is not comfortable with it, but that's not his business. He is not comfortable with informational hearings as such, but he can find in his own mind and his own background of the law no reason to bar it, if this Board wishes to approach it in that fashion.

Trustee Saia asked Trustee Gallagher if he felt comfortable if he held this hearing, if it would help him in any way in making a determination on this fence law. Trustee Gallagher said yes, it allows people to have input. He is not worried about the order in the context that he will be chairing the meeting.

They then voted on the amendment, changing public hearing to informational hearing.

Unanimously carried.

They then voted on the following main motion:

RESOLVED that an informational hearing be held by the Board of Trustees of the Village of Williamsville on Monday, December 10, 1984 at 7:30 p.m. in the Council Chambers of the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of discussing revision of the current corner fence code for the Village of Williamsville.

INFORMATIONAL
HEARING CALLED
FOR ON

Corner Fence
Code

Trustee Brenton requested a roll call vote.

Vote on Roll Call: Trustee Kibby - Yes
Trustee Brenton - No. While he supports the intent here 100% he feels we are opening up a pandora's box as to method of arriving at a solution to this problem and he would prefer to just go through our normal procedural way, which he explained previously and thinks could have accommodated the situation. So he supports what is taking place but he is against the procedure in which it is taking place.

Trustee Saia - Yes
Trustee Gallagher - Yes
Mayor Kuzon - Yes

Yes - 4; Noes - 1.

Carried.

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

RESOLVED that the employment of Louis Friedly, Seasonal Laborer in the Department of Public Works, be extended from November 15, 1984 until December 31, 1984 at the rate of \$3.45 per hour.

EMPLOYMENT
EXTENDED
for DPW
Seasonal
Worker

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Trustee Brenton said as was discussed at the work session prior to this meeting he questioned whether or not there was a definite need to continue this part-time employee through to December 31st and he even suggested to Trustee Saia and to the Superintendent of Public Works that if they would offer to him the fact that the person assigned to the Water Department is off sick that he could support it for the duration of his absence. However, this would in effect bring - even at \$3.45 an hour which he realizes is a small amount - this employee to December 31st and would in effect perhaps create more manpower than is needed and he brought this up and Trustee Saia and Mr. Boudreau assured him that this would not occur, and in the event there was nothing for this individual to do he would not be continued until December 31st. However, Trustee Brenton feels that many municipalities, in particular the County government, always feel that they need men and right now the County of Erie obviously can't afford them, what they always thought they had to have, or at least the taxpayers in the County can't afford it. So with that thought in mind, he will vote "no" on this resolution and thus asks for a roll call.

Trustee Kibby said he was going to vote for it, not because he is overly convinced, but for a lot of reasons. One, he feels that Mr. Boudreau, our Superintendent of Public Works will not keep a man on the payroll that he really isn't using in a fruitful way. Secondly, because Mr. Boudreau is in a sense starting his second year, his second time into a winter, he really has his feet on the ground now so to speak and has a pretty good idea of what he thinks he needs and what he thinks he should be doing, more so than when he first started as anybody would be in a job their first year. He is in a sense going to go along with it because we need some changes from what we had last year in terms of snow plowing and leaf picking and in order to get some of those changes he's not so sure we're going to do things as we did in the past. He would say in voting for this he would certainly expect the leaves to be picked up, the snow to be plowed and the trash to be picked up. So far it looks as if it's going okay.

Vote on Roll Call: Trustee Kibby - Yes
Trustee Gallagher - Yes
Trustee Brenton - No
Trustee Saia - Yes
Mayor Kuzon - Yes

Yes - 4; Noes - 1.

Carried.

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

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RESOLVED that the sale of surplus Department of Public Works equipment be awarded as follows per sealed bids opened November 7, 1984:

SALE OF
SURPLUS DPW
EQUIPMENT
APPROVED

- 1) 1976 Chevrolet pickup to Ralph Burch,
East Aurora, New York for \$252.00.
- 2) 10' Anthony Dump Box to William Marfurt,
Williamsville, New York for \$300.00.

AND BE IT FURTHER RESOLVED that the bid received for the Road Grader is hereby rejected.

SALE OF ROAD
GRADER REJECTED

Trustee Saia said this is old, used equipment that has been laying around the yard. Some of it's kind of worn out and some of it we just haven't any use for. These are the highest bidders.

Mayor Kuzon said we talked about this at the time we advertised for these items, and he would like to leave it to the attorney or Superintendent Boudreau to state it would be clear to the purchasers that these are sold to them as is and that there would be no recourse for liability if something should go wrong and seriously injure anyone.

Trustee Saia asked if Mr. Troy would write something up for that and Mr. Troy said he would.

Trustee Brenton said that when we discussed the sale of surplus equipment he brought up the question due to the liability that the Village might have, which we experienced when the Fire Department sold a vehicle to a private party that was Village owned and had been in Fire Department service for many years. Shortly thereafter someone was changing a tire on that particular vehicle at an auto repair shop and the tire blew up and killed the individual that was working on the tire. So the Village through the Fire Department is now involved in litigation which he's sure the attorney feels we can defend. However, we never know about the results of these things. So at that particular time, Trustee Brenton mentioned the fact that if indeed we weren't sure of our liability regarding used pieces of equipment was it in fact appropriate to sell for \$252 something that could become a Million Dollar liability in the future. No one is more frugal with Village dollars than he is, but frankly for \$252 this vehicle might better wind up in a crusher and not in any way expose the Village to liability. So he would request, or he'll second his request, that we be given airtight assurance by the Village Attorney that we can in no way be liable resultant from this sale because to him, the seller, to have any question of liability hanging over us for \$252 is certainly not worth it.

Mr. Troy said he cannot give him that assurance. There is nothing in the world to prevent anybody starting a lawsuit against the Village for any spurious reason.

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Trustee Brenton said he is asking his legal opinion as to whether or not we can successfully defend such a suit. Mr. Troy said it is his opinion that "yes" within the reasonable parameters you can defend against such a suit. We can define the terms of the sale in such a way that we can protect ourselves but he cannot guarantee that the Village would not become subject to a lawsuit in any event. But at the same time you have to be careful that you don't paralyze the Village altogether by fear of lawsuits. You have to function and recognize the fact that these situations do lurk around corners and that there has been an upsurge in this sort of thing and he thinks we have to take steps to protect ourselves, but he cannot give any ironclad guarantees.

Trustee Brenton said he wanted to know if we could successfully defend it, and Mr. Troy said no attorney would make that guarantee. Trustee Brenton said that then his point would be, is it worth selling this for \$252, is this really a gamble that we should confront ourselves with.

Trustee Saia said we went into this with our eyes open. He presented it to the work session and it was agreed we should put them up and we got bids and here they are. The Attorney said he would write something up so that legally the Village would be protected as much as the law can protect us. Other than that, if he wants them to be junked and get \$50 and take \$450 away, then the question's got to arise what do we do when we rent out the Pavilion. Maybe we should have the Attorney draw up a legal document on that Pavilion so someone doesn't fall and get a sliver in their hand and sue the Village for a Million Dollars. We've got to come to terms with some of these things. We can't get scared of a lawsuit. If the attorney can make a document stating that that pickup is sold "as is," which he thinks was on the original bidding process then he thinks he feels secure and confident that we should be okay on this, we should collect the \$552.

Trustee Brenton said it would be \$252 as he is not concerned with the box but just the vehicle that is falling apart and is worth obviously only \$252 and the business-like mechanization of this Board, or responsibility of this Board in selling a piece of junk for \$252. That is really his concern. With respect to the Pavilion we are insured for any happening in the Pavilion. He is sure that our insurance carrier will provide us with the proper coverage. Mr. Troy said our public liability coverage would protect us on the vehicle too. Trustee Brenton said he would have no qualms about it then if that's the case. Mr. Troy said on the other vehicle they accepted our coverage and we are being defended.

Unanimously carried.

Trustee Saia then reported that we had a very successful Halloween Party for the kids down at the Post on Spring St on October 31st. He is sure everyone had a good time. This is our second year. The Youth Board has taken everything into consideration and he's sure that next year will even be much better. He thanked the Fire

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and Police Departments and everyone else who helped out on it.

Trustee Saia reported there is going to be a dedication of the Glen Park Nature Building to Eric and Elvina Noll, who did an awful lot of work on that building, on December 8th. He believes it will be at 2:00 PM and it will be in the papers shortly. There will be a plaque which was ordered today for the dedication and it will be installed inside the building.

Trustee Saia reported that in Glen Park the snow fence is still around the lift station for the motel. It will remain there until he has some assurances that everything is okay in the pump house, or something is done down there. He has asked the Superintendent to keep track of it.

Trustee Saia said that on December 20th there will be an event in Island Park, we hope. The Mayor was handed today a request for a burning permit. He has talked to the Fire chief and the police about it. If the Mayor gives them the permit and Trustee Gallagher gives them the okay to use the park, there will be a sing-along on December 20th in Island Park. There are a lot of letters going around to different organizations. He knows this has been tried before, we've had the caroling, etc. but this is a little different approach and we hope that maybe this will catch on and it's something we can do at that time in the holiday spirit. It will be at 7:00 PM. That will be in the paper if everything goes okay.

Trustee Brenton stated he had no resolutions. He reported that the Fire Department has received the Jaws of Life equipment and the second day after they had it they used it and he's very, very happy that the Chief recommended this purchase and he thinks this is probably one of the greatest things any community can have. Sometimes he differs on getting equipment with similar equipment available in nearby communities but he thinks this is something that every community should have. It could mean a life.

Regarding our sanitary sewer rehab situation, Trustee Brenton reported that we have just about wound that down. As he reported previously, there will without a doubt be areas that will have to be redressed next year regarding some of the lawns, perhaps some of the paving, etc. and they will be checked on in the spring, and the contractor will be informed of what he has to do and he's sure the contractor will fulfill his obligation.

With respect to this same subject, Trustee Brenton advised he has just sent a letter to Mr. Saniewski, Deputy Commissioner of Highways for Erie County, informing him that Evans Street between Main and Eagle has been excavated and repaired and, therefore, he would hope that they would place that area on their schedule for paving as early as possible in 1985, which will give time for the trench to settle also. It was very large. He also requested of

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Mr. Saniewski, as per his previous understanding, that permanent type lane direction arrows would be installed at the intersection of Evans Street.

Trustee Brenton reported regarding the Glenside Motel and their sanitary sewer lift station at that location, Mrs. Welte has been informed by the Building and Plumbing Inspector as to the requirements and areas of concern that have been developed by the Town. We are working jointly with the Town in order to be assured there will be an adequate method of sewage disposal at that location. She has been informed as of November 5th pertaining to this particular subject.

With respect to the Fire Hall, Trustee Brenton advised that we have received the survey from McIntosh & McIntosh today through the architect for our Fire Hall bay construction and the courthouse renovation, and the architect expressed concerns regarding some of the areas that were developed in the survey. That letter from Mr. Skowron of Sargent, Webster, Crenshaw & Folley to Trustee Brenton has been returned to McIntosh & McIntosh requesting that they further their efforts regarding that particular survey.

Trustee Brenton reported that the Board has provided the Attorney with their input regarding the contract between the Town and the Village and when the attorney has developed this input will immediately thereafter send a letter to the Town Attorney, Mr. Nesper, and this will help us to complete our proposed agreement pertaining to the equities in the Administration Building and the Courthouse through the acquisition of the Courthouse, if the Village Board determines that is the proper way to go.

Trustee Brenton advised that recently he went to Albany, New York, and talked to Mr. David Lynch, who is District Supervisor of the Bureau of Federal Property Assistance, pertaining to acquisition of federal property that we may need to acquire should we move to the other building and he would think also that the Fire Department would also have a need for it. The State of New York distributes federal property to municipalities that request it. We are on the list and they explored some of the possibilities that might be available as far as equipment and things like that are concerned. Unfortunately that program has wound down to some degree but Mr. Lynch informed Trustee Brenton that by special order and keeping an eye open for things such as typewriters, tables, desks, etc. that they can still be procured and in relatively good condition. We will continue to pursue this.

Trustee Brenton said he wanted to discuss something that is relevant to his areas of responsibility and not akin from what was discussed in the work session pertaining to Roberts Rules of Order. He has been provided with a construction proposal from the Zambito Construction Company to brick and block up the windows at the pump house. We didn't have time to discuss this in our work session and he doesn't want to forget it because he just doesn't know what is going on here because we have this proposal for \$650.00 and it's signed as approved by the Superintendent of Public Works and Mr. Saia as Trustee. What he would like to know is just what this is here and he wonders if anyone can answer that.

Trustee Saia advised that Mr. Boudreau gave him a contract from Mr. Zambito to brick in the pump house on the end of Rinewalt St. The equipment froze last year which cost this Village a good amount of money. Phil is going through the process of getting it insulated properly so we're taking the windows out. There is no reason for windows to be in that place. The kids only break them. He thinks that is what caused the freezing of the building. Phil has done a good job, he thinks, in determining what has to be done, and that's the amount of money needed to do it. And there is a lot of work involved in this. He asked if Trustee Brenton saw something wrong with this.

Trustee Brenton stated he thought he was assigned the responsibility of water at the Village reorganization. He questioned what Trustee Saia's authority is to approve a proposal that pertains to Trustee Brenton's area of responsibility. He is totally familiar with the background of that building. In fact he requested Mr. Boudreau, he thinks it was late last year, to have a bricklayer go up there and brick those windows in. He even suggested a bricklayer who could do it. He has no problem with someone else doing the job. He is totally aware that prior to last winter it was suggested that these windows be bricked in. His question is, does he have the responsibility for water or does Trustee Saia have it. If Trustee Saia would prefer to have the responsibility of water that certainly would be fine and maybe the Mayor would give it to him. But at this particular time, for a Board of Trustees that insists on doing things right, he thinks in all honesty there has been a certain amount of inflection on his areas of responsibility so that he cannot function, nor can he be responsible for his areas of responsibility if someone else is going to take them on. Frankly, he is very, very disturbed that this has occurred, that Trustee Saia feels that he has the authority to sign a proposal and not inform him, or question him, not even bring it to his attention and just go ahead and have this work done and it's not even his area of responsibility.

Trustee Gallagher suggested that this be dealt with between the Trustees. Trustee Saia said he agrees with that, that he feels this is out of order. He feels that should have been brought up at the work session. Mayor Kuzon stated this is an internal situation and can be resolved as part of our administration. There has been no change in assignments.

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Superintendent of Public Works Mr. Boudreau reported that the fall leaf collection program is now in full swing. This past week the quantity of leaves picked up was heavy and was further complicated by heavy rain. The D.P.W. crews, through extra efforts and keeping the equipment in repair, were able to keep the program in full motion and clean up Village streets. He reminded Village residents that leaf piles with branches, vines or other debris mixed in or piled on top of leaf piles cannot be picked up by our leaf vacuums. They must be separated for pickup.

With respect to winter snow plowing, Mr. Boudreau reminded everyone that effective November 1st the ordinance relative to "no parking" on Village streets is in effect from 1:00 AM to 7:00 AM to allow the D.P.W. snowplows free access to clear snow from each street.

Mr. Boudreau reported that the last regularly scheduled chipper run for brush pickup will occur on November 13th. This service will commence again in the spring. The last regularly scheduled trash run will occur on November 15th. This service will also commence again in the spring. Heavy trash pickup on an emergency basis may occur during the winter months, time, men and equipment availability permitting.

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

Unanimously carried.

Michael Borsuck, 165 Eagle Street, stated he would like to comment on Trustee Brenton's remarks related to democratic due process. He stated he has been in front of this Board and other committees for well over 18 months regarding his request for a corner fence and it has gone nowhere. He would like to "thank" the Board and Mr. Gallagher and Mr. Saia for helping him with his particular problem.

Mrs. Loretta Babin, 80 Spring Street, addressed her remarks to Trustee Kibby as he is on the Planning Board. She gave a history of the former Cobbler Shop on Spring Street. When the Cobbler Shop wanted to be a Cobbler Shop after Dr. Herman's death that was a small building. It had a garage for his car. Mrs. Herman rented out his office. He was not allowed to use the garage. After he was there awhile, we got a letter from the Planning Board asking us in the area to come to the Planning Board meeting because a business was going to be put in and they wanted our views. They were told by the Traffic Department that they didn't want them in there because there would be too much traffic. The business owner told them that he would have only one person or two coming in during the day and he would make all his pickups on Saturday so that the Village lot would be empty and there would be no problem. Then they got another notice

Questions
re:

Conversion of
Cobbler
Shop on
Spring
Street
into
Ice Cream
Shop

that this young man wanted to extend his business and use the garage area as a shoe store. The Planning Board had us come up. At the meeting that night Mrs. Herman was there and her nephew, Ray Herman. He wanted to tear out the walls, he wanted to tear out the garage door, and he wanted to make that a shoe store for men's shoes. First of all, he was denied because of the parking situation from the Traffic Committee. Secondly, because through his ignorance he went ahead and signed the building permit to come in to do this and then Mrs. Herman and her nephew were asked if they wanted this go through and Mrs. Herman said no. Then the building was empty and burnt and when she asked about the building being done and a few things that went along with the building she was told by Mrs. Kresse in the Building Department that she should not worry about that building because right now it was only in the process of having the burnt part of the building repaired. Well the burnt part of the building, if you're facing it, was in the upper right-hand corner in the upstairs but the plate glass window has now been replaced with two small windows. The doorway that was in the middle is now over at the side. The garage door is no longer there. Now we all know there was a discussion here with the Haney people to open up an ice cream shop. The building looks beautiful, better than it's ever looked. It has been taken off the Historical Preservation Board's list because they have reconstructed the building, so that has been put on the wayside. Next, they have no backyard, on the other side of the building they have no side yard, on the front of the building they have about 18" before they reach the sidewalk. Now we're going to have an ice cream shop, a beautiful little shop, it looks great, she saw the plans. We have a park behind us. We have racoons, skunks, woodchucks. She wants to know where the garbage is going to be put.

Trustee Kibby said that is a good question. He will talk to Mr. and Mrs. Haney and see what is going to be done with it. Mrs. Babin said she was told she would be dead and gone before she would have to worry about it. They are there and Mr. Haney has his garbage dumpster and she can't use it. Fine. Then maybe she should rent out her garbage container to someone. Every individual should take care of their own garbage and there should be facilities made now for that building, not after she is finished using it and some new person comes in and says well the other people didn't have to have it why do I.

Trustee Kibby said that's a good point and he doesn't think in our system of checking off what needs to be done for a building we didn't usually anticipate where a dumpster would be placed. Usually that is not a problem. In that particular location that probably is a problem. He stated he can't answer that question right now and perhaps we should now have on our check list for pieces of property that are being converted in one way or another where they're going to keep their dumpster, if they have one.

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Mrs. Babin said that will not solve our present problem, and that's a rodent problem, a Board of Health problem. Trustee Kibby said if it turns in to be that kind of a problem he's sure it will be rectified. Mrs. Babin thinks this should definitely be constructed now and not after they're in there. Then if somebody else moves in it's done. Or if she decides not to continue the ice cream business and decides to have another business in there it should be done. That would have made a darling apartment with a garage entrance. They would have been able to park, they would have had a living room, bedroom. It shouldn't be empty, definitely not. That could have been rented out as an apartment for a good amount of money. It's too bad it's going to be a problem and if they had kept the garage space they could have put their garbage there.

Fire Chief Rick Andrews said the Department of Public Works takes a lot of flack a lot of times for some of the services they perform. He said he has to thank them for their leaf pickup in the last month because he hasn't had one leaf fire and last year he was called out a lot. The way we handle these fires is that one of the Chiefs goes out and takes care of it because the kids are really just looking for a little action. But this year he hasn't had any so he wants to thank the Public Works crew. He doesn't know if they're doing it different this year or if there are less leaves but up to this point they've done a good job in getting rid of them.

Mrs. Carolyn Schlifke, 192 Evans Street, said she wanted to comment relative to the fence code, and try to clarify in her mind a few things that were said. In other words, the November 29th meeting is cancelled because it was on a Thursday and you prefer that it be on a Monday, so you're scheduling it for December 10th and you're looking for public input. Trustee Gallagher said that was correct. Mrs. Schlifke said the fence committee has been disbanded that was originally set up. She thinks that this would be a meeting that persons who are going to be placed on this new fence committee should be in attendance at rather than have the informational meeting and then appoint members to a fence committee and all they have are written notes as to what happened at that meeting. She thinks it would be a good idea if these members of the new fence committee could sit here and listen to what the public has to say. She knows the Board plans to do it the opposite way, having the meeting first and then appointing six or eight people.

Trustee Gallagher said what we're going to do is take the recommendations, suggestions or whatever and then we would refer them to the Planning Board and to the Traffic and Safety Committee and get their input and then the decision would be made by the Board without a fence committee. The input from the citizenry would be through the hearing.

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Mrs. Schlifke asked when they would be asking for the input from Traffic and Safety and the Planning Board. Would it be at their next meetings, after the 10th or before the 10th? Trustee Gallagher said it would be after the hearing, after the information is gathered. So we're talking about a January time frame.

Trustee Saia said during the past few weeks he has had the honor of being invited to several places. One place that he was at in particular he was sorry more people didn't show up at that one and that was when we had Assemblyman Sheffer. He just rambled on that night. He was supposed to be there for a half hour and he was there about an hour and he answered questions from the Williamsville North Association at one of their meetings and he thought that was one of the most informative meetings. A question was asked specifically about funds for, for instance, the railroad property. There might have been a possibility of getting funds to purchase that property, but that's over the hill because we have the property. He was led to believe at that meeting that if a genuine effort is made for funds, if the Village is hard up for some money, to keep this piece of property that maybe some funds are available. They should be addressed fairly soon. Trustee Saia said he came away from that meeting with an awful lot of notes and he's going to get back to Mr. Sheffer. He thinks we should be working closer with this man than we have in the past. There's an awful lot of things he can do for us in the form of the recreational area, parks, recreation, senior citizens, etc. He will pursue that. He is glad he went to that meeting and he's sorry a lot more people did not attend it.

Trustee Saia said that at last month's meeting Mayor Kuzon called him out of order pertaining to the railroad and under suspension of rules he would like to say what he was going to say last time. That was that he went for a tour of that railroad property. He was invited by the Committee to Keep the Railroad Property. He must say that every time he walks that piece of property down the line he sees a lot of uses for that piece of property for the Village. He knows that the Youth Board has stated repeatedly that they would like to have a swimming pool down there. He has asked them to write a letter to this Board requesting that opportunity to work on something in that line. He also knows that that salt that we have parked in our building down on Long St. should not be in that building. It's deteriorating that building and the drain. He would like to see that moved out of there and maybe that would be a spot to put it, in one of the corners next to one of those building places. There's an awful lot of uses for that property and he sure hopes that when Mike Kibby gets his committee together that each and every one of the Trustees can make some comments on that in writing of their committees and what their committees' requests are and maybe we can grant them. We can't do everything because we don't have the money to do everything, but some of this stuff if we just have this piece of property someday we might have the money. It's just going to take a lot of time. He would appreciate

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it if Mr. Kibby would send a letter to all the Trustees, or advise the Trustees that when the committee gets going to have some input from the committees they are liaisons to.

Trustee Brenton stated he wanted to speak on the expenditure of public funds and it was suggested that we save this for our work session after this meeting and this would appear to be contradictory to exactly what Trustee Saia refers to in that Trustee Brenton introduced this particular discussion during the suspension of rules. So he doesn't know where to go regarding another similar situation pertaining to installation of sidewalks on North Ellicott St. and the expenditure of \$590 for that sidewalk. Is this some type of an internal situation that you would prefer that we didn't discuss in public or would you prefer to discuss it publicly.

Mayor Kuzon said he doesn't think the rest of the Board members, including himself, are aware of the exact circumstances regarding this and he thinks it would be appropriate and totally courteous to at least let the Board members be provided with the proper background information before it is discussed in public. He asked that they discuss it in their work session after this meeting so that the Board members can be brought up to date and then further discussion can take place at a future meeting if it is necessary.

Trustee Brenton said that sounds like a reasonable way to go about this and he will defer to that and suggest that he create a memo to the Board pertaining to his feelings on this particular subject and then perhaps we'll be prepared to discuss it at our next meeting.

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

Unanimously carried.

ON MOTION by Trustee Gallagher, seconded by Mayor Kuzon, the meeting was adjourned at 8:50 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer