

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, January 28, 1985 at 7:32 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 local law which would amend Local Law #4 - 1984 by providing an 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 Gallagher, the public hearing was opened at 7:32 PM.

**PUBLIC
HEARING**

Unanimously carried.

**VETERANS
EXEMPTION**

Trustee Gallagher provided some background on the issue. The Veterans Real Property Tax Exemption has long provided a partial exemption for property owned by a veteran, or certain other persons designated in the statute, purchased with pension, bonus or insurance money referred to as eligible funds. This exemption generally has a \$5,000 maximum and it 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 to establish an alternative real property tax exemption for veterans. The new law allows a veteran to continue his present exemption based on eligible funds or to elect to receive an exemption under the new plan. The new law provides a 10-year real property tax exemption of 15% of assessed value, not to exceed \$12,000 to veterans who served during wartime. It provides an additional 10%, not to exceed \$8,000, to veterans who served in a combat zone, also for a ten-year period. In addition, it provides an additional exemption to disabled veterans equal to 50% of their disability rating, not to exceed \$40,000. This exemption is not limited to a specified period.

**Alternate
Method**

Who is eligible? Any veterans who served in the Spanish-American War, Mexican Border period, World War I or II, or during the Korean or Vietnam era, and who were honorably discharged from service. These individuals are eligible for the exemption. In addition, the unremarried surviving spouse of a veteran is also eligible.

Trustee Gallagher said that as he indicated two weeks ago at the Board meeting he has provided a fact sheet responding to some of the questions and issues surrounding this issue. On November 19th

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, January 28, 1985 at 7:32 PM

The Town of Amherst adopted this full option. The impact on the Village is the following. Currently, under the present law, there are 423 individuals eligible. They are from World War I and II. Of those, 210 have an exemption. According to figures from the Erie County Regional Planning Board and through the assistance of the Town Planning Department we have arrived at the figure of 791 eligible individuals residing in the Village. If one-half of those individuals would apply, which would be consistent with the 50% that now have the exemption, and if we approve the maximum amount as provided by the Legislature and as the town did on November 19th, the average assessment reduction would be \$3,000, and the impact would be \$.89 per \$1,000.

**PUBLIC
HEARING
(Con't)**

**Alternate
Veterans
Exemption**

Trustee Gallagher said the Village opted against this a few months ago, primarily because we were constrained on a time basis and when we opted out we knew that we had the ability to bring this up again when we had a better idea of the figures, such as the ones we're presenting tonight. Trustee Gallagher then opened the hearing for public comment.

Henry Smith, Commander of Amherst Township Post 416, presented the Board with a resolution which he read to the Board. The resolution petitioned the Board to show equal concern for all veterans within our community by endorsing and approving without modification the new law.

ON MOTION by Trustee Gallagher, seconded by Trustee Kibby, the hearing was closed at 7:38 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, January 28, 1985 at 7:30 PM

Roll Call

Present

Gordon J. 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 7:30 PM.

Mayor Kuzon advised that the Proclamation listed on the agenda would be handled at our first meeting in February instead.

ON MOTION by Mayor Kuzon, seconded by Trustee Saia, the minutes of the regular meeting held January 14, 1985 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, it was moved at 7:32 PM to open the public hearing regarding a local law which would amend Local Law #4 - 1984 by providing an exemption from real property taxes for veterans pursuant to Section 458-a of the Real Property Tax Law of the State of New York. (The hearing was closed at 7:38 PM.)

Unanimously carried.

Trustee Gallagher advised after the hearing that the Board will be acting on this proposed local law at the next Board meeting.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, vouchers in the sum of \$33,555.09 were approved as follows:

Payroll Fund	W/E 1/18/85	\$ 5,997.75
	W/E 1/25/85	<u>10,291.60</u>
Total Payroll Fund		\$16,289.35
General Fund	Abstract #577	9,965.91
Sewer & Water Fund	Abstract #158	937.79
Trust & Agency Fund	Abstract #197	6,156.06
Glen Park Jt. Activities	Abstract #97	<u>205.98</u>
Total Vouchers		\$33,555.09

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, January 28, 1985 at 7:30 PM

The larger of the vouchers were to: Morton Salt, New York Social Security and New York State Withholding.

Unanimously carried.

Mayor Kuzon said his next four resolutions dealt with the upcoming registration and election.

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

WHEREAS the next general Village election for officers will be held on March 19, 1985, and

1985
VILLAGE
ELECTIONS

WHEREAS no person shall be entitled to vote at any Village election whose name does not appear on the register of the Election District in which he claims to be entitled to vote, and

Set
Registration
Day

WHEREAS it is the duty of inspectors of election to prepare such register of qualified voters for the district for which they are appointed, and

WHEREAS Section 15-118 (3a, b and c) of the Election Law of the State of New York requires that every Village hold a registration day for each general Village election.

First: The inspectors of election shall meet on the 9th day of March, 1985 at the Village Clerk's Office beginning at 12:00 Noon and ending at 9:00 p.m. to commence the preparation of the register for the forthcoming Village election.

Second: Registration day for the Village shall be held on Saturday the 9th day of March, 1985.

Third: Such registration shall be held at the Village Clerk's Office in the Municipal Building, 5583 Main Street, Williamsville, New York 14221 from 12:00 Noon to 9:00 p.m.

Fourth: At least ten days prior to the registration day set in this resolution a copy shall be posted in at least one conspicuous public place in each election district.

Fifth: This resolution shall take effect immediately.

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, January 28, 1985 at 7:30 PM

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

RESOLVED that the Board of Trustees of the Village of Williamsville determines that more than one-half of the voters qualified to vote at the forthcoming election for the Village officers were registered at the last preceding general election; that taking registration for the forthcoming election will be accomplished more efficiently and economically at a single place and by a single board of inspectors of registration; and it hereby appoints Marian Garono, Elizabeth Schueckler and Ethel Henning as a single Board of Inspectors to conduct registration for such forthcoming election for each of the three Village election districts.

The compensation of inspectors shall be \$3.50 per hour and Ethel Henning shall be Chairman of Registration. Registration for the forthcoming election shall be conducted on March 9, 1985 from Noon until nine o'clock in the evening at the Office of the Village Clerk, 5583 Main Street, Williamsville, New York.

Unanimously carried.

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

WHEREAS the Annual Village Election of the Village of Williamsville is to be held Tuesday, March 19, 1985,

NOW, THEREFORE, BE IT RESOLVED that said Village shall be divided into three election districts and the places of holding such election shall be as follows:

District #1 - At the Williamsville Methodist Church, 5681 Main Street. District #1 includes the entire area east of Ellicott Creek, South of Main Street.

District #2 - At the Williamsville Fire Hall, 5570 Main Street. District #2 includes the entire area west of Ellicott Creek, both sides of Main Street.

District #3 - At the Village Meeting House, 5658 Main Street. District #3 includes the entire area east of Ellicott Creek, North of Main Street.

1985 VILLAGE
ELECTION

Name
Registration
Inspectors

1985
VILLAGE ELECTION

Designate
Districts
and
Polling
Places

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, January 28, 1985 at 7:30 PM

AND BE IT FURTHER RESOLVED that the offices to be filled shall be two (2) Trustees for a term of four (4) years each, and one (1) Village Justice for a term of two (2) years.

Unanimously carried.

Mayor Kuzon said the Village Justice will be filling out the balance of Justice Rath's term. Election Day will be Tuesday, March 19th.

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

1985 VILLAGE
ELECTION

Appoint
Inspectors

RESOLVED that the following be and they hereby are appointed inspectors of election and alternates for the Annual Election of the Village of Williamsville to be held March 19, 1985 to be paid a fee of \$30.00 each.

District #1 - Inspectors: Richard Hill, Marie Eyre, Harriet Rowles, Janet Mathews
District #2 - Inspectors: Ethel Henning, Marian Garono, Betty Schueckler, Peggy Andrews
District #3 - Inspectors: Mary Ann Piazza, Joyce Troy, Henry Moore, Charles Mathews

BE IT FURTHER RESOLVED that the following are appointed alternate inspectors: Fran Daigler, Diane Klein, Leonard Schallmo, Mary Wetzler, and

BE IT FURTHER RESOLVED that Ethel Henning is Chairman of the Election Inspectors, and

BE IT FURTHER RESOLVED that in the event of absence or inability of any of the above to serve, the Mayor is hereby authorized and empowered to appoint a substitute.

Unanimously carried.

Trustee Kibby gave the tentative agenda for the Planning Board meeting on Monday, February 4th. There are 7 or 8 items on the tentative agenda of which 2 or 3 are sign permits. There is site plan approval, architectural review and a sign permit for Joseph Bank Clothiers at 5501 Main Street. At 5742 Main Street, Lamancuso's place there is a petition to change the use from storage to retail. At 5629 Main Street, the Creekview, there is site plan approval and architectural review for an addition. Scipar of W. Spring Street has asked for an extension of Planning Board approval that is beyond the time limit. There is also the proposed

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, January 28, 1985 at 7:30 PM

Wellington Court Townhouses preliminary site plan review. It will be a fairly busy meeting. The possible changes for the corner fence code will be coming back again to the Planning Board and most likely to Traffic and Safety and the Board of Appeals. The Satellite Dish Code is also on the agenda. This was on the agenda at the last Enforcement meeting and is being revised by Attorney Troy and will come back through the Planning Board.

Trustee Kibby said his resolution tonight calls for a public hearing regarding a local law that would regulate the plowing of snow in the Village on private property by tow truck, snowplow operators. The law affects people who are in the snow plowing business and are plowing property other than their own. The law would require three things. 1) A permit, the purpose being to regulate who operates and how they operate plow trucks in the Village, not to exact a toll. 2) It would state that plow trucks may not plow snow onto a street or onto a neighbor's property. They may not cross the right-of-way. The snow plowed must stay on the property belonging to the person that hired the plow. 3) The law requires that the snow may not be left on the sidewalk. When the plow goes across the driveway, when it crosses the sidewalk, they cannot leave left-over snow on the sidewalk. This would be enforced by the D.P.W. Superintendent, but it will more likely be enforced by the police. One useful thing in this law is that neighbors are not going to be required to discuss this with their neighbors. They can simply register a complaint. After seeing the tailend of such a discussion the other night he can see the need for this law.

ON MOTION by Trustee Kibby, seconded by Trustee Saia, 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 February 11, 1985 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 regulate the plowing of snow on private property within the Village of Williamsville.

**PUBLISH NOTICE OF
PUBLIC HEARING**

**Local Law -
Snow plowing on
private property**

Trustee Brenton said there is some historical background to what is taking place. He said that Trustee Kibby indicated that the Superintendent of Public Works would be responsible for enforcing that. The Amherst Police Department would be responsible. Primarily the Superintendent, he thinks, would be aware of these situations through his normal performance of duty so if he found what would be an infraction he would

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, January 28, 1985 at 7:30 PM

notify the Amherst Police and if necessary provide detailed information to the police, such as the nature of the vehicle, etc. Trustee Brenton said they would be discussing the enforcement aspect of this.

Trustee Kibby said there is a fine for not following the procedures outlined by the code.

Unanimously carried.

Trustee Gallagher said he had no resolutions but wanted to advise that he had drafted a revision of the corner fence code. It will be distributed to the Board members and other interested parties and then another draft will take place and be submitted to the Planning Board.

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

RESOLVED that the Mayor is hereby authorized to sign "Mutual Aid Agreement" among the Municipalities of Erie County, New York and to be amended as follows: Section 10 should read that the final request of equipment and personnel, or the loaning of equipment and personnel shall be accomplished only with the authority of the Board of Trustees.

AUTHORIZATION

**Mayor to sign
"Mutual Aid
Agreement"**

Trustee Kibby said he had asked for that amendment because our Department of Public Works may get the actual calls that result in complaints that something's not quite right, the flack. The brunt of the responsibility is the Trustees' so he feels the loaning or requesting should be the Trustees'.

Trustee Saia said this is a concept of a mutual aid plan. It's been in the works for an awful long time and he's glad we're putting it up for a vote.

Trustee Brenton asked if he understood correctly that this is a conceptual plan and Trustee Saia said he believes it is. Trustee Brenton said as Trustee Kibby elaborated on to some degree that it has been changed to the Board of Trustees, that is they would have the final approval. He said there are problems that he has with this agreement. The primary problem would be, as he said previously when this situation was brought up under some other form of agreement, that in the first place it is not solidified. Primarily a small community of our nature is really unable to have its equipment go to far regions of the county, which he thinks this would permit, and then through some oscillation of the storm then be without equipment. We've only two pieces of equipment. There is a request to purchase another truck to plow streets and that will be taken up at a later time. However, he is very reluctant

at this time to allow our equipment to leave the community, even though he is a good neighbor and believes in the good neighbor policy, but he would be very hard pressed to explain to the citizens of this community where our two pieces of equipment was in the event that it was stranded in Angola or wherever it might be. Also there is a problem with the cost of another community coming in here. Whereas most communities pay their men time and a half, we do not pay our employees time and a half and he's sure that should the need arise that some other communities would find it beneficial to, in effect, send their premium time employees over to the community requesting aid and thus we would find ourselves confronted with what would be an increased cost.

Mutual
Aid

Trustee Brenton said that Mayor Kuzon has communicated with Mr. Lucey of the Amherst Highway Department and he has received assurance that should we need help in the event of some type of disaster we would get it. In all fairness Trustee Brenton said that the Superintendent of Public Works of the Village pointed out that he was unable to get a sander when he requested it on four occasions recently. But that still does not allow him, as a seated Trustee, to feel strong enough about this agreement, as it is presently construed, to support it. Trustee Brenton then asked for a roll call.

Agreement
discusse

Trustee Kibby said he knows that Trustee Brenton is a good neighbor but since the final authority rests with the Trustees we can use our discretion as to when it appears at least reasonably safe to loan a piece of equipment. He thinks we might have more equipment that might be borrowed than trucks. We have a hi-lift, backhoe, and there must be some other kinds of equipment that we use other than in a snow emergency. Trustee Kibby thinks that one problem that may ensue in the future is that if most of the villages and most of the towns in the area begin to accept and work within the confines of this particular mutual aid agreement and we aren't then we're going to be left behind and we won't have any ability to have any impact on the shaping of this agreement in the future because we're not a part of the group and furthermore he doesn't know what kind of negative attitudes could come towards us down the road when we ask to borrow equipment when we're in a real emergency. They may say you had your chance five or seven years ago to be part of this mutual aid agreement. He understands Trustee Brenton's position clearly, that he is elected by the Village residents who live and pay taxes, to represent their best interests. He thinks that watching their equipment is a very strong point. He also thinks the residents wish to be viewed as a neighborly, cooperative group. He thinks that by saying you are willing to enter into this situation, to be a part of this mutual aid agreement - we're not saying they can have our equipment whenever they want it, we're willing to be neighborly, however. By this we're letting the local world know we are a good neighbor. He is going to support this.

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, January 28, 1985 at 7:30 PM

Vote on Roll Call: Trustee Gallagher - Yes
Trustee Brenton - Noes
Trustee Kibby - Yes
Trustee Saia - Yes
Mayor Kuzon - He prefaced his vote by

saying that there is an adage that says sometimes to get along sometimes you've got to go along and certainly this issue has already been decided affirmatively as the votes have been already cast to support it. However, he simply cannot go along on this issue. At a recent Conference of Mayors meeting in Erie County it was reported to the group that this agreement is a concept and certainly it may be a sound concept. But at that same meeting it was also reported that there were details as yet unknown that had to be worked out and with that in mind he can't support that logic. Certainly he has no problem with helping out other communities, or with accepting the help of other communities but he has to vote "no" on this issue. He prefers to look before he leaps and in this case we may be well advised of all the pitfalls or potential pitfalls but in his mind until all the details are clearly spelled out he can't support entering this agreement and he voted "no."

Yes - 3; Noes - 2.

Carried.

Trustee Saia said he thinks a lot of people present are from Garden Parkway and he said he was sorry for the snow that was piled up and dumped in their backyards. When this was discovered - and he said he had been up a lot of hours since the snow storm hit - but again he said he was terribly sorry that this happened to them. If they will notice tonight in their backyards the snow is being picked up and this will continue for a day or so and the Village will clean up after these fellows are done. Trustee Saia said as everyone knows we had a terrible snow storm. We were all blocked in our homes and couldn't get out. When it was over the Village did a herculean job repairing the Village streets so we could communicate with each other and drive the streets. Eventually, there's so much snow out there that something had to be done. This snow blocked the entrances to supermarkets, doctors' offices. We discovered there was a chance for us to get it picked up. We notified the Department of Transportation and they suggested we go to a particular person, which we did, and they supplied us kind of immediately- in fact, at 6:00 PM tonight that was terminated. When this happened we had a conference with the DOT, the contractor who picked the snow up and Phil Boudreau and myself. They decided that in this Village we don't have any dumpsites. All we have is a small piece on Rinewalt. They have a parking lot that he can't mention because he doesn't think we're really supposed to use it but in a pinch we could. And we have the Town of Amherst because they took our Hopkins Rd. dump. Pat Lucey was very generous. He said we could dump in there

Discussion

"Snow
Removal"

until Monday morning when the bulldozer got in to spread it. When Phil talked to the contractor it was decided to let them put some piles of snow on the Conrail property in various areas and then our Highway Department would eventually get around to picking the piles up and disposing of them on our lots. The rest would have gone to the Town of Amherst. On Friday night one of our people with the DOT started work and the telephone number was written down and they were told the north driveway and when they were ready to come in to go on up. He doesn't know what happened. He is hearing different stories. He heard that when they got there they could only dump a few loads so they proceeded to dump on this Conrail property. Unknown to us it became a mountain. He got telephone calls on it. He had been up 19 hours and he did not return all of them. He did talk to some people.

DISCUSSION
(Con't)

Trustee Saia said when we discovered this - and he got called about it at work on Sunday morning - and Mr. Collier called him and the Mayor and they told him of the situation. They told him it was 35' to 40' high. He couldn't visualize it. He said we would go up on Main Street and order the guys back and get the snow out. And that's what happened. After they started on the pile they worked for awhile and then they were taken off it because they were part of the State deal. We got a private contractor to go back in there after another consultation. The contractor shouldn't have piled it up there and he admitted it and he is doing it for a very low fee.

SNOW
REMOVAL
PROBLEMS

Trustee Saia said in the meantime he was having a lot of trouble dumping this snow. You'd think we could dump it in the Town of Amherst. It's tough. All day long we've had a tough job in order to get this dumped. We can't dispose of this snow. We lost the Hopkins Road dump where the Town is putting a park in and we can't use it. We don't have any area in the Village. From here on in the Village Board is going to have to assign the area where they want this dumped. The business section had to be cleared in order for everyday duties to take place. We have a lot of older people in the Village. Trustee Saia said again he is sorry that this happened and we are taking it out. He hopes they will forgive him for their anxieties or anything they were caused. A lot of the people know him. He is not an old meanie or a grouch. If he had gone and seen what they were doing it would have been stopped sooner. It got up there in two days and it will go down in two days. He is terribly sorry.

A lady in the audience said she was willing to accept his apology. The reason she was at the meeting was that she wanted to publicly thank the Mayor and Mr. Collier. They made many telephone calls starting late Friday and were getting almost nowhere.

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, January 28, 1985 at 7:30 PM

Trustee Saia said he got a call that the snow was 30' high. They measured it with three witnesses today. One side was 12' high from the road bed. The roadbed goes down 8' on either side. The front end was 17'.

Mrs. Patricia Skok of the Town of Amherst said it was more than 12'. They were worried whether their houses and their property would be able to withstand it if there were a thaw and what it would do to an area that is already noted to be a flood zone. The weight of all that snow - she can't believe that the 34" drains Mr. Sandburg told her about could hold the weight of the snow that was piled in certain spots.

DISCUSSION
(Con't)

A lady from Wellington Court said it was measured today. It should have been measured when they stopped work on Sunday before the top was all taken off. It seemed to be 3 or 4 stories high. She asked if they had seen it Sunday when they stopped work and was it measured then. Mr. Boudreau said it was measured about three hours later. Trustee Saia said it was measured before the bulldozer was on top of the pile.

SNOW
REMOVAL
PROBLEMS

Trustee Saia asked Town Deputy Supervisor and Councilman Harold Collier to forgive him for the mix-up. We did have a problem getting the Town to take the snow and Mr. Lucey did a heck of a job assisting us.

A gentlemen from the audience said he deals in real estate and usually when a building is vacant for a length of time it reverts back to the adjacent zoning. The maps show it was zoned M-1 in this railroad area. Since it has been vacant for so long it would seem that it would have lost its M-1 zoning. So he doesn't see how the village could even put trucks in there. The rating should be that of both abutting properties and he thinks one is R-3 and RM on the other side. His question to the Mayor was what was going to be done with that property. Shouldn't that property be zoned residential? Is it going to be rezoned? Mayor Kuzon said he thinks the gentleman is on a related issue but one that is separate from the topic at the present time. The gentleman said it is very basic. How do you put a truck on a residential piece of property. Mayor Kuzon said the question of what zoning that property will eventually have is now being studied by a committee and they will be making recommendations on the zoning. But he does understand the gentleman's point. The gentleman asked if it hadn't lost its M-1 rating and Mayor Kuzon said there has been no change at present. Trustee Brenton advised the property was not all M-1 to begin with.

Councilman Collier said that yesterday, as Trustee Saia explained the circumstances, what took place was basically unreal and he thanked the Village for moving so quickly to get rid of it. He thinks an explanation is owed to both the Village Board and the residents and there is no question that his reaction was overwhelming.

He said he was extremely angry and upset at what took place and for a specific reason. Back in 1974 when he first took office as a Councilman in the Town the first project that he faced was a storm facility for the Coventry, N. Linden, Garden Parkway area. It was an area that was flooding constantly. In fact there were some times that the sanitary sewer manholes were as filled with water as the streets were and they undertook a project in cooperation with the Mayor and the Village Trustees at that particular time. We all put our heads together and they came up with a very viable project for about \$150,000 that allowed us to provide storm drainage for this area and it worked extremely well under normal circumstances. In the water shed right now in that area of town as well as all over town we have somewhere in the neighborhood of 25" of snow. We do not know what that will mean in 6 or 8 weeks as far as water is concerned. That particular area will have enough trouble getting rid of the water generated by the melting snow at that time without this complicating things. He is sure Mr. Saia, the DOT or contractor didn't know about this but it is an area that is watched very carefully because the water generated there goes to S. Long, through Bells, all the way down the ditch behind N. Long, across Reist Street to Sheridan Drive, etc. This particular body is fairly small and anything that will generate water other than what God puts there is something that can't be tolerated.

DISCUSSION
(Con't)

SNOW
REMOVAL
PROBLEMS

Councilman Collier said he received a call at his home about 1:30 describing the huge mountain of snow. He ascertained it was on the piece of property east of S. Cayuga. That was not the case at all. When he got there he saw the huge mound that traversed the railroad line for quite a few feet. He knew when it came time for that to melt what the effects were going to be. Secondly and thirdly there is debris in that snow, and salt, and you can't afford to have that material wash down into the yards along Garden Parkway or Wellington Court. That is why he called Mr. Saia and was extremely angry because it was something that got away from him. He blamed himself for not watching it because Friday Mr. Saia called the office and spoke with Mr. Kindel while he was in the office and he was seeking a place to put the snow. Mr. Kindel asked Mr. Collier to call the Highway Superintendent. He explained to Mr. Lucey what the problem was. The town has purchased a 10 acre lot north of the highway department. It is bordered on the west by Ellicott Creek, and if snow is dumped there, the melting will give little problem. An affirmative answer was given for dumping the snow on that land and Mr. Collier walked away thinking the village had a place to put the snow.

Mr. Collier said he wanted to thank the Village for getting rid of the snow. He also asked that if anything like this was undertaken again, that the village come to the town first.

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, January 28, 1985 at 7:30 PM.

Trustee Saia said again that he was extremely sorry that this was done and if anyone has any problems as far as the DPW is concerned they can count on him. He knows the story now. He asked everyone to please accept his apology.

Mr. Al Taylor, 165 N. Ellicott, asked who was paying the private contractor to take the snow out. Trustee Saia said the help we had from the DOT ended at 6:00 PM tonight and it would have cost us \$75,000 for the work they did. The contractor that dumped the snow is removing it for \$3,500. If we had to remove it with our forces it would probably cost us that much. The money is coming out of the snow budget of the Village.

DISCUSSION
(Con't)

Mr. Taylor asked why the village did not take the town up on the offer to use the dump on N. Forest Road and Trustee Saia said we did. He said the problem was that they were not ready for us. When the contractor went down on Saturday they couldn't get in there and they couldn't dump it.

SNOW
REMOVAL
PROBLEMS

Trustee Kibby asked if on Saturday morning when they started cleaning up the west end of Main Street they sent the trucks over to N. Forest and couldn't get in to that site? Trustee Saia said they started Friday night at 8:00 PM and he thinks they were dumping on the railroad then. Saturday they were told to not dump any more on the railroad because we just wanted a few loads on there and to go down to the Highway Department. Trustee Kibby asked when he had talked to Hal, and Trustee Saia said that was Friday sometime.

Mr. Collier said the reason for this is that what we needed at the Highway Department was a bulldozer that was readily available. They only had a small dozer there but the men were busy doing other work. If they had known that there was dozer available- there was one sitting on the railroad property when he got there - if that dozer, if this thing had been coordinated - and here is where the problem is again. If Pat only knew that a dozer of that size was available it could have been placed up at the site next to the highway department and none of this would have happened. Instead of spending all the time down here pushing the snow up 20' or 25' it could have been up at the highway department. Trustee Saia said the dozer had been sent down to the department this afternoon.

Mayor Kuzon said the point is that if the dozer had been originally located at the Highway Department property and if the snow had been originally dumped there, there wouldn't have been this confusion, the time lag and all the rest that developed.

Trustee Brenton said he would like to comment. Like Trustee Saia he has worked long hours in this time of snow emergency but he still keeps track of what's going on in the village.

He said he is very confused by this issue. In the first place we have the dumping of garbage that had accumulated on the streets and was mixed with the snow that was picked up. He said that Trustee Saia has always professed to be an environmentalist and he doesn't know where the consistency is in his decision to dump this snow that contained salt and garbage in an area that is also a prime feeder of Town drainage ditch No. 9 which he is very familiar with because he has worked very closely with Mr. Collier and Mr. Schueckler on this ditch. Trustee Brenton said he wants to know exactly who ordered that snow dumped on the Conrail property.

DISCUSSION
(Con't)

Trustee Saia said the decision was made by himself, Mr. Boudreau, the DOT and the contractor. With respect to the garbage in the snow, whenever you pick up snow like this you will find garbage in it. You can't help it. Trustee Brenton said we may have to remove rats from that area too because of the garbage. The residents in that area have been caused a lot of anxiety because of this dumping and the possible drainage into their backyards. The contractor and DOT should have had nothing to do with making this decision. Trustee Saia or Mr. Boudreau should make that decision. Trustee Brenton said he had received many calls on this.

SNOW
REMOVAL
PROBLEMS

Trustee Saia asked Mr. Collier to clarify that the village can't use the Hopkins Road site anymore for dumping. Mr. Collier said absolutely not. Trustee Brenton asked why not. Mr. Collier said they have asked the highway department to discontinue use of that particular property because the Conservation Advisory Council has taken this on as a project to develop a park for handicapped people, etc. and they are trying to clean it up. What has happened over the past years is that the snow and salt in it that was dumped there has killed a lot of vegetation, and trees in the wet areas are dead. A stop to the dumping was put in effect last year and that includes snow and leaves. He said that without their knowledge some snow had been dumped in the driveway of the Hopkins Road site. Trustee Saia said no authority was given to do that. Mr. Boudreau said he was not aware that that had happened.

Trustee Brenton said that with respect to the Hopkins Road property it is still Village property and any order of the town really has no bearing on us. To the best of his knowledge the village has not signed anything relative to that property. It has been the subject of discussions. An agreement still has to be worked out. Basically we only have a verbal agreement now. He said he was happy Mr. Collier was here so that he would realize that. With respect to the environment he said he was very unhappy with what took place and he questions the expenditure of money, as indicated by Trustee Saia, to remove the snow. We paid to put it there and paid to have it taken away. He asked where the money was coming from. The snow budget is small and is supposed to be used to remove snow from the streets.

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, January 28, 1985 at 7:30 PM

Trustee Saia said he had called the Village Clerk and asked her if they could do this and was told they could. He said if he wanted to discuss this further perhaps we could do it at our next meeting. He is glad we are getting the snow out of there and have the money to do it. Also, \$75,000 worth of snow removal efforts were made on Main Street. It would have cost us about \$3,500 to remove the snow from the railroad property with our own forces. If we had piled only a small amount there it would have cost us money to remove it.

DISCUSSION
(Con't)

Trustee Brenton said this situation has caused the entire Board a great deal of embarrassment. Trustee Saia said he is also embarrassed.

Snow
Removal
Problems

Mr. Collier said most of the snow is going to be removed from the railroad property and the rest spread out along the railroad line. He would like to see it all removed so that the effect on that property and surrounding properties is lessened. Trustee Saia said they will try to leave the property as it was before the dumping started.

Mayor Kuzon said he would like to sum this whole thing up. The issue appears to be two-fold. There is the issue of a questionable decision and a totally inappropriate decision. He is not going to argue that any further tonight and we understand what went on in the decision-making process. The important thing is that we have turned a \$75,000 silk purse from the State DOT into a \$3,500 sow's ear by the decision that was made and the inappropriate actions that were taken. However, the thing that he is most offended by and the thing that he would object to is the procedure taken to reach the wrong decision. Trustee Saia said he was the one that made the decision. He operated singly and without consultation or advice of the Board of Trustees. He consulted Mr. Boudreau and the State and they cannot make the decision. We cannot operate in a vacuum on the Board in matters of legislative action. Unfortunately, we may have joined with Trustee Saia in his decision or maybe we would not have. We may have had four individual ideas as to where to place this snow. Trustee Saia has been on the Board for three years and this is another issue where he decided to go it alone and Mayor Kuzon said he has no sympathy for Trustee Saia on this decision. He does have sympathy for the people in the neighborhood, and understanding this, hopes the residents understand the Village is working diligently to remove the snow, but we cannot return the property to its previous condition in there. Trustee Saia is in his fourth year on the Board and should have learned that the first idea may be generated individually but decisions by the nature of this government, and this is required, is by the majority of the government. He understands the crisis nature of the situation and understands the haste, but once again if Trustee Saia had contacted other Board members we may have been able to head off this catastrophe and save the Village money and return the area to a different condition. He thinks

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, January 28, 1985 at 7:30 PM

that in the future Trustee Saia would be well advised to consult us. Again, he is not promising that we will have the right answer or the same answer Trustee Saia wants, but five are better than one. Secondly, we should never upset the balance of a residential neighborhood without a properly called public hearing, public input and consulting the people about what is happening. He understands the conditions and that Trustee Saia was well-meaning, but we have to work together to solve the problems, and not in this fashion.

Trustee Saia said a lot of thought was given to this. It was not done in haste. He tried to call the Mayor that morning. The \$75,000 project was on Main Street. We are trying to make this good. We have had nothing but compliments on the condition of the Village streets from the residents. Mayor Kuzon said he was not addressing that. Trustee Saia said the snow is being removed from the Conrail property.

Trustee Brenton reported for the fire company's information that we have checked on a policy through our insurance carrier which will cover the members of the fire department against errors of commission and omission during the performance of their duties. They are treated as professionals even though they are volunteers. The men will be covered to the extent of \$500,000 per man and we are looking to the thought of raising this to \$1 Million per member.

Trustee Brenton said his two resolutions deal with the bond for the proposed renovations of the courthouse building for the fire company and village offices.

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

RESOLVED that Bond Resolution in the amount of \$831,250 for Renovation of the Court Building into Village and Fire Department Offices and Construction of Truck Bays is hereby adopted.

**BOND RESOLUTION
APPROVED**

**Renovation of Court
Building into Village
and Fire Dept. Offices
and Truck Bays**

Unanimously carried.

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

RESOLVED by the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, as follows:

Section 1. The Village Clerk of said Village of Williamsville, shall within ten (10) days after adoption of this resolution cause to

EXTRACT OF MINUTES

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

New York

January 28, 1985

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A regular meeting of the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, was held at the the Village Hall, 5583 Main Street, New York, on January 28, 1985 at 7:30 o'clock P.M. (Prevailing Time).

There were present: Hon. Gordon J. Kuzon, Mayor

and Trustees: Lawrence R. Brenton
Richard J. Gallagher
Michael W. Kibby
V. James Saia

There were absent: None

Also present: Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney

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Trustee Brenton offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF
WILLIAMSVILLE, NEW YORK, ADOPTED JANUARY 28,
1985, AUTHORIZING THE RENOVATION OF THE
WILLIAMSVILLE VILLAGE HALL, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$875,000,
APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING
THE APPROPRIATION OF \$43,750 CURRENT FUNDS TO
PROVIDE THE REQUIRED DOWN PAYMENT, AND
AUTHORIZING THE ISSUANCE OF \$831,250 SERIAL
BONDS OF SAID VILLAGE TO FINANCE THE BALANCE
OF SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE,
IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the
favorable vote of not less than two-thirds of all the members of
said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Williamsville, in the County
of Erie, New York (herein called "Village"), is hereby authorized
to renovate the Williamsville Village Hall to accomodate the
Village offices as well as offices for the Williamsville Fire
Company, part of which renovation will be to construct 2 1/2
truck bays to house five (5) fire department vehicles, and to
purchase the original furnishings, equipment, machinery and
apparatus required in connection with the purpose for which said
building is to be used. The estimated maximum cost of said
renovation, including preliminary costs and costs incidental

thereto and the financing thereof, is \$875,000 and said amount is hereby appropriated therefor, including the appropriation of \$43,750 current funds to provide the down payment required by the Law, as hereinafter defined. The plan of financing includes the expenditure of said current funds and the issuance of \$831,250 serial bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$831,250, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") , to finance the balance of said appropriation not provided by said current funds.

Section 3. The following additional matters are hereby determined and declared:

(a) The existing building is of Class "A" construction as defined by Section 11.00 a. 11. a of the Law, and the period of probable usefulness of said renovation for which said \$831,250 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 12 (a)(1) of the Law, is twenty (20) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation

thereof and such current funds in the amount of \$43,750 will be provided from moneys now available therefor in the current budget of the Village under the heading "DOWNPAYMENT ON CAPITAL PROJECTS - Transfer to Capital Fund." The Village Treasurer is hereby authorized and directed to set aside said current funds and to apply same solely to said renovation herein described.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village without limitation of rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond

anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to permissive referendum.

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

AYES: 5

NOES: 0

The resolution was declared adopted.

Trustee Brenton _____ offered the following resolution and moved its adoption:

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

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

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on January 28, 1985, the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of Williamsville, New York, adopted January 28, 1985, authorizing the renovation of the Williamsville Village Hall, stating the estimated maximum cost thereof is \$875,000, appropriating said amount therefor, including the appropriation of \$43,750 current funds to provide the required down payment, and authorizing the issuance of \$831,250 serial bonds of said Village to finance the balance of said appropriation."

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

FIRST: AUTHORIZING said Village to renovate the Williamsville Village Hall to accomodate the Village offices as well as offices for the Williamsville Fire Company, part of which renovation will be to construct 2 1/2 truck bays to house five (5) fire department vehicles and to purchase the original furnishings, equipment, machinery and apparatus required in connection with the purpose for which said buildings is to be used; and STATING the estimated maximum cost of said renovation, including preliminary costs and costs incidental thereto and the financing thereof, is \$875,000; APPROPRIATING said amount therefor, including the appropriation of \$43,750 current funds to provide the down payment required by the Law, as hereinafter defined; STATING the plan of financing includes the expenditure of said current funds, the issuance of \$831,250 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon.

SECOND: AUTHORIZING the issuance of \$831,250 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said current funds;

THIRD: DETERMINING and STATING the existing building is of Class "A" construction and the period of probable usefulness of the renovation is twenty (20) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds

are available therefor in the amount of \$43,750 in the current budget of the Village; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said renovation; and the proposed maturity of said \$831,250 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said notes shall be general obligations of the Village and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution permissive referendum.

DATED: January 28, 1985

Theresa L. Cummins
Village Clerk

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

Section 3. This resolution shall take effect immediately.

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

AYES: 5

NOES: 0

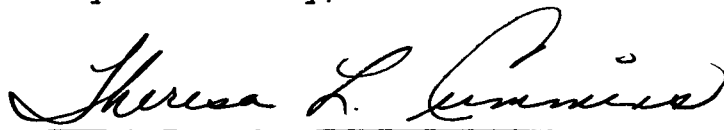
The resolution was declared adopted.

General - No Veto

CERTIFICATE

I, THERESA L. CUMMINS, Village Clerk of the Village of
Williamsville, in the County of Erie, State of New York, HEREBY
CERTIFY that the foregoing annexed extract from the minutes of a
meeting of the Board of Trustees of said Village of Williamsville
duly called and held on January 28, 1985, has been compared by me
with the original minutes as officially recorded in my office in
the Minute Book of said Board of Trustees and is a true, complete
and correct copy thereof and of the whole of said original
minutes so far as the same relate to the subject matters referred
to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Village of Williamsville this 28th
day of January, 1985.


Village Clerk

(SEAL)

be published at least once in the "Amherst Bee", a newspaper published in Amherst, New York and having a general circulation therein, and hereby designated the official newspaper of the Village, and to be posted in at least six (6) places in the Village.

**AUTHORIZE CLERK
TO PUBLISH
ABOVE BOND
RESOLUTION**

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

Section 3. This resolution shall take effect immediately.

Unanimously carried.

Superintendent of Public Works Boudreau reported on the blizzard that hit January 21, 1985. The area was battered and buried by one of the worst blizzards ever recorded. Heavy snowfall, low temperatures and high winds contributed to the declaration of emergency conditions by many towns and villages. Our Village streets were kept open and passable through the worst of conditions only through the efforts and dedication of our D.P.W. plow crews. Many times a plow would finish a route and certain streets would have to be done all over again. Our two mainline street plows did an admirable job considering the miles per route covered. Breakdowns as always will happen when equipment is driven and pounded under storm conditions, but our plow crews did all their own repairs and got back on the road. From January 20th through January 26th our plow crews have been on the road on a day and night shift basis. Because of our plowing and sanding strategy we have been able to keep control of our streets through the worst of the conditions.

Mr. Boudreau said because of the record snowfall huge and unmanageable snow banks line each Village street. Village residents are asked not to shovel or blow snow out into the street as it just contributes to the ever narrowing driving lane. On Friday night a massive snow removal project commenced on Main Street. The entire curblin will be cleared of snow (Union to Hirschfield). We are in need of temporary storage sites for the snow loading and hauling. Anybody knowing of an open field or lot available should let him know.

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, January 28, 1985 at 7:30 PM

Mr. Boudreau thanked Trustee Saia for all the help he has given through this snow crisis and particularly for the help in contacting the State DOT snow emergency agency for removing the huge snow banks along Main Street. Snow banks on other selected Village streets will also be removed during this current operation, only where fire safety is compromised.

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

Unanimously carried.

Mr. Al Taylor, 165 N. Ellicott Street, submitted a letter to the Board, a copy of which is attached to the minutes. In it he registers a complaint against the D.P.W. for removing posts on his property without notification. Mr. Taylor had applied in May, 1981 for a building permit for the posts and it was approved. In October, 1981 the posts were reflectorized for safety reasons at the suggestion of the Building Department. In September, 1984 the D.P.W. Superintendent requested that the posts be removed. On January 22, 1985 the Superintendent stopped and again requested removal of the posts so the snow could be shelved. He left before Mr. Taylor could talk further with him about it. The next day the posts were removed by the D.P.W. Mr. Taylor said it seems that the left hand doesn't know what the right hand is doing. His position is that he had an approved permit for the posts and he does not see how they could be removed without due process. This would seem to show poor judgment. The Village was in the middle of a blizzard when they were removed and the Village should have had higher priorities than this. The reason given for the removal was so they could shelve the snow. Other people in the Village have telephone poles and other barriers such as guard rails. Why were only his and one other person's removed. This would seem to be selective enforcement. In order for a plow to hit the posts they would have to be on his lawn, so he doesn't think they are a safety hazard. He cited Section 60.70(3) of the code. He has been on the Traffic and Safety Committee for five years and is a licensed professional engineer. He is not asking for any special consideration.

DISCUSSION

Removal of posts at 165 N. Ellicott

Mr. Boudreau said that on September 4, 1984 he wrote a letter to Mr. Taylor regarding the safety hazard at the edge of the shoulder of the highway pavement in front of this house. He had posts set 30" into the ground. They are an unyielding object at the edge of the pavement even if they are reflectorized. He did not receive any response to his letter. In the snow storm there was a problem getting the snow banks off the road. Mr. Boudreau went to Mr. Taylor's house and asked him to remove the posts. He was told by Mr. Taylor that he had a building permit and would not remove them. Mr. Boudreau did not like his attitude. Mr. Taylor said he felt Mr. Boudreau's attitude was bad and that Mr. Boudreau would not stay and talk further about it. He asked why Mr. Boudreau did not tell him what he was going to do and Mr. Boudreau said he hadn't decided what to do

at that time. Mr. Taylor said the posts were on his property and he didn't feel they were a safety hazard.

Mr. Boudreau said the posts were in the public right-of-way and not on Mr. Taylor's property. He said this was an emergency situation and that's why he did things this way.

DISCUSSION
(Con't)

Mr. Troy said he doesn't think the Building Inspector had the authority to issue such a permit for those posts to be put in the public right-of-way but they did so at the time and Mr. Taylor believed he had a valid permit. Mr. Boudreau wrote to Mr. Taylor in September. Mr. Troy said he did not know about it. Mr. Boudreau should have come to the Building Department and himself when there was no response to the letter and it would have been brought up at the Enforcement Committee meeting which meets the third Thursday of each month. It was never on the agenda. The permit was illegally granted and no rights conferred under it. However, the proper way to do this was to refer it to the Building Inspector and not do what was done.

Removal of
posts at
165 N.
Ellicott

Trustee Kibby said if the Village inappropriately or illegally gives out a permit to do something, the Village has the right to correct that situation at a later time. When Mr. Boudreau looked a few days ago, if the posts were illegal even though he had a permit, there was a set procedure of going through the Enforcement Board as the attorney pointed out. A law says if they are illegal you have to take them out and you incur the expense of putting it in and taking it out. There are two wrongs here. There was an illegal permit granted, but the proper procedure should have been followed by taking this to the Enforcement Committee where it would have been discussed by the attorneys, the Building Department Administrator, the Building Department liaison, and the Building Inspector and a decision would have been made on what to do. It could have been taken care of in October or November. The Enforcement Committee will meet again the third Thursday in February and will discuss it then. If indeed Mr. Taylor was not supposed to have the posts and shouldn't have had them then we have to discuss how to resolve this problem. If you are legally allowed to have the posts some amends would have to be made there. Trustee Kibby said he is not aware of all the options available. He is only one member.

Mr. Troy said the section cited by Mr. Taylor refers to private property and these posts are in the public right-of-way. He doesn't believe a permit should have been issued in the first place. Mr. Meidel had no authority to issue such a permit and acted outside the realm of his authority. Legally the posts had to be removed. Mr. Taylor says he disagrees with the fact that these posts were in violation of the code. Mr. Troy said Mr. Taylor was acting under the thought that he was in the right. It was a failure on the part of the village employee. However,

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, January 28, 1985 at 7:30 PM

the village has the right to rescind the permit and the posts would have to be removed. Mr. Taylor said the way they were removed was wrong. He asked what part of the code was violated that he had to remove them. Mr. Troy said they were located in the public right-of-way. Mr. Taylor said stop signs, telephone poles, etc. are in the right-of-way and Mr. Troy advised that they are permitted by the village as they are part of the village's infrastructure.

DISCUSSION
(Con't)

Mr. Taylor said other property owners have made improvements like his and some have done so without permits. It seems only two or three out of the hundreds of violations are being enforced.

Removal of
posts at
165 N.
Ellicott

Trustee Kibby apologized to Mr. Taylor on behalf of the Village for the crass manner in which the posts were removed. Mr. Taylor said the apology was accepted but he would like the situation rectified. The posts are now sitting all busted up in his garage. doesn't think they were hazardous. There are trees and utility poles in that area too. Mr. Troy said trees and utility poles are part of the Village infrastructure. The Village has a right to put things in the public right-of-way. A private citizen may not do so. Mr. Troy said he is not defending the actions of the D.P.W. Superintendent. As he and Trustee Kibby indicated the proper procedure would have been otherwise. He does not believe the posts were there legally. The fact that two or three citizens have been singled out doesn't mean that this is selective enforcement.

Trustee Kibby said Mr. Troy may believe the posts were illegal. There are other members of the Enforcement Committee and the matter will be discussed and it will be decided whether or not they were illegal. It will get a fair hearing. We will have to wait and see what happens there. If they decide the posts were illegal Mr. Taylor will probably get a letter to that effect.

Mr. Taylor formally requested that this matter be put on the Enforcement Committee agenda and asked when the meeting was. Trustee Kibby advised it is the third Thursday of the month.

Mr. Troy asked how many letters Mr. Boudreau had sent out and what responses he had. Mr. Boudreau advised he sent out three letters and two did not respond. One moved some poles out of the right-of-way. He said he let the matter lie for awhile after he sent out the letters. The other two situations were corrected this past week.

Trustee Gallagher said he was very familiar with Mr. Taylor's property. He didn't see anything wrong with the posts being there. If they are in violation perhaps the code can be looked at and changed. The committee will look into this matter and Mr. Taylor will get a response.

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, January 28, 1985 at 7:30 PM

Trustee Brenton asked what authority justified removing the posts. Where was the authority conveyed within our ordinances. He also asked when the posts were removed. Mr. Boudreau said they were removed after he talked with Mr. Taylor. With respect to the first question he thinks he is in a better position to judge public safety in the highway right-of-way than anyone else on the Board. Trustee Brenton said there seems to be a pattern that has developed. You think it should be done and do it and that is something you can't do. As a public employee you have to comply with the ordinances and find authority within our ordinances and if it is not in there you can go to the Enforcement Committee and Attorney Troy.

DISCUSSION
(Con't)

Removal of
posts at
165 N. Ellicott

Trustee Saia asked if that were an accusation. There are three letters with names on them and the violations are there in the letters. Mr. Troy had a copy of them. Mr. Troy said there was no notification the posts were going to be taken down. Trustee Saia said Mr. Taylor did not respond to the letter. Mr. Taylor and he have discussed this in the past.

Trustee Brenton said we are not functioning properly in this government. We had before us an expediture for sidewalks which were totally illegal and did not conform with our ordinances. You just seem to simply ignore our own ordinances and you cannot do that. We are serving the community. He saw something he didn't like and the posts were removed. What else don't we like and say remove it. When do we stop doing what we think we want to do. We have ordinances and procedures to change them if we don't like them. We must live up to our ordinances.

Mayor Kuzon said it has been indicated that this will be discussed at the next Enforcement Committee meeting which will attempt to resolve this issue. He said Mr. Taylor is welcome to attend it, under the Sunshine Law. Mr. Troy said that is not entirely correct. Mr. Taylor can come as an interested party but the Enforcement Committee is not open because it deals with matters of litigation. As a party of interest he can come and express his point of view. He is welcome to attend and participate in the discussion of his situation.

Trustee Kibby said Mr. Taylor can come and discuss it but there are a lot of legal matters to be discussed and Mr. Taylor cannot be there for those discussions. He can be put first on the agenda at 4:30 PM on February 21st.

Mr. Robert Kreiter of Eagle Street said he was the other individual that had posts removed. He asked to be put on the Enforcement Committee agenda also. He is familiar with Mr. Taylor's posts as they are neighbors. They were 4" from where the curb would be so a vehicle would have to hit a curb first if there were one there. They were put there

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, January 28, 1985 at 7:30 PM

only to keep cars from blocking the driveway. They live next to a church where there are meetings every night and they don't use the parking lot. The posts showed where the driveway edges are.

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

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Mayor Kuzon, the meeting was adjourned at 9:17 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer