

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, February 25, 1985 at 7:35 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 7:35 PM.

The meeting was opened with a moment of silence in memory of two long-standing Village residents: Nelson Blocher, a member of the Fire Company and Town Tax Receiver for a number of years, and Jim Campbell, who lived on Evans and Eagle.

Mayor Kuzon announced that this had been scheduled to be the annual joint meeting with the Town but because of the flood situation in the northern portion of the Town, the Town cancelled their meeting for this evening and have rescheduled it for March 4th.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the regular meeting held February 11, 1985 were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the minutes of the public hearing held February 11, 1985 regarding a proposed local law which would regulate snow plowing were approved.

Unanimously carried.

Mayor Kuzon reported briefly on the current flood situation. He arrived home from Albany Sunday night and immediately became aware of the flooding and emergency that we had. He thanked the individuals in the D.P.W., the other Board members and especially the Fire Department for their performance during this situation. Mayor Kuzon said he rode around with the firemen and talked to them. They did a heck of a job, as they always do. Many of them worked all night and some into the next day helping the residents of our community professionally and thoughtfully.

Mayor Kuzon said that at the last meeting Trustee Saia had mentioned the possibility of toxic pollution at the Pfohl Brother's landfill on Aero Drive in Cheektowaga and said he would like to see the Board write a letter requesting an investigation. The Mayor advised he had attended a meeting of the Amherst Conservation Council. There was a DEC representative there who discussed the creekside situation in the Town and updated them on plans for the Pfohl Brother's landfill. The DEC will be investigating

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, February 25, 1985 at 7:35 PM

the situation within the next 12 to 18 months. It is on their work schedule. They annually inspect 30 sites but there are over 300 designated toxic and non-toxic would-be sites in Western New York. Trustee Saia had specific concerns regarding the potential for pollution downstream, especially in the area of Glen Park. Mayor Kuzon said he expressed these to the DEC representative and will write a letter regarding this to the DEC prior to their investigation.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the amount of \$70,197.06 for the period February 12, 1985 thru February 25, 1985, were approved as follows:

Payroll Fund	W/E 2/15/85	\$ 5,725.65
	W/E 2/22/85	<u>9,047.44</u>
Total Payroll Fund		\$14,773.09
General Fund	Abstract #579	21,951.05
Sewer & Water Fund	Abstract #160	25,783.94
Trust & Agency Fund	Abstract #199	7,146.62
Glen Park Jt. Activities	Abstract #99	95.91
Capital Fund	Abstract #141	29.73
Federal Revenue Sharing	Abstract #167	<u>416.72</u>
Total Vouchers		\$70,197.06

The larger vouchers were to Erie County Water Authority, General Code Publishers (which is the firm revising and codifying our codes), and to Morton Salt.

Unanimously carried.

Mayor Kuzon said his second resolution changes the polling place for District #3 in the Village. It was originally at the Village Meeting House on Main Street but there are some structural problems with the building and we feel it is best not to use it until the problems are corrected and this is consistent with our policy and direction for the building. The Village Meeting house has been used as a polling place for the last two or three years.

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

RESOLVED that the polling place for District #3 for the Village election to be held on March 19, 1985 is hereby

ELECTION

**Polling Place
Redesignated for
District #3**

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, February 25, 1985 at 7:35 PM

changed to:

Christian Central Academy on Academy Street in the Village.

District #3 includes the entire area east of Ellicott Creek, north of Main Street.

Unanimously carried.

Trustee Gallagher said Trustee Saia will probably mention this also but for the past several months a number of people from the Evergreen Program and Village Youth Board have participated in a project that culminated Thursday in the Icerella show at Memorial Auditorium for the Skating Association for the Blind and Handicapped. The program from the show mentions several residents in the Village. Among the major seven are Thomas Lucia and Mary Kuzon and if there were eight, Rita Andrews as far as her time. There was an awful lot of work that went into this. The looks on the kids' faces when they were out on the ice made all the work worthwhile. It's really something the Village should be proud of. Next year hopefully we can engage in a similar type of project but perhaps one that is not so lengthy of time and with more direction in the beginning.

Trustee Gallagher said articles regarding the future of Academy School have recently been in the papers and the necessity of bringing it into compliance with the Uniform Code at a speculated cost of \$400,000. He said he attended the School Board meeting last Tuesday with other residents. There was a consensus of opinion that there are a lot of questions still to be answered. The Board asked the Administrator to come back to the March 5th meeting with answers to those questions. There was concern regarding the legality of does this building in fact have to be in compliance with the code, particularly since it is leased.

Trustee Gallagher said he also attended a meeting of concerned citizens in the Village along with Trustee Brenton in the context that where do we go from here since the issue impacts on the future of the Village as well as that of the school. We will be corresponding with the School Board, asking questions and attending the meeting on March 5th. He will report to the Board of Trustees on March 11th. Right now he is not being too specific because many questions have been asked and we are awaiting answers.

Trustee Gallagher commended the D.P.W. staff and the Fire Department for the excellent manner in which they performed in the last couple of days. This was his first experience with this type of situation and said it was far beyond anything he ever encountered in respect to dedication, hours of work and commitment to the Village. Also, when

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, February 25, 1985 at 7:35 PM

people are working hour after hour under difficult conditions patience is difficult to maintain and tempers flare. He commended the staff of the D.P.W. and Fire Department for the manner in which they dealt with some pretty hairy situations. He expressed his gratitude for being able to live in the Village and have these people in front of and behind us when we are in need.

Trustee Saia reported that the Youth and Recreation Board held the second Glen Park Art Show on Saturday, and Sunday, January 16th and 17th. Even with the adverse weather 200 plus people attended. Thomas Lucia, Chairman of the Youth Board, must be commended for the fine job that was done.

Trustee Saia commended the effort expended on behalf of SABAH by the people on the Youth Board. They used the Glen Park Noll Building, as it is now called, while working on this project. All that hard work was rewarded by seeing those kids when they skated. He is pleased that the Senior Citizens took this project in hand and got the youth involved. It's really nice to have the youth and older people working hand-in-hand and he is very proud of them.

Trustee Saia reported the Youth Board held a banquet honoring persons who helped them in their activities thru donations and assistance. He is pretty proud that he and his wife were honored and recognized.

Trustee Saia said he had been asked to go down to Glen Park and take a look at a wall where there was some water coming through and there was a concern that people might be injured if the water behind the wall should collapse the wall. He told them to use their judgment and close off the park if they found anything of a safety nature where someone might get hurt. Glen Park was closed and probably will stay closed until the water goes down and there is no more pressure on the wall.

Trustee Saia thanked the Mayor for looking into the contamination question. We don't know if there is anything there and perhaps we are worrying unduly. However, the study may not be made for 18 months. In the audience there is a man who works for the DEC and he will ask him if we can't get a study made to see if there are any contaminants at least in areas where the kids play. There are probably none there but we should make every effort to find out and not wait 18 months until we have a need to make the study. He will ask around and see if someone can help us get the study made.

In the last couple of days Trustee Saia has gone into homes where the sewage has backed up into the basements. As a member of the Fire Department he worked the 1962 or 1964 flood that came through here and did what those men are doing now and he knows what they're going through. They are dead on their feet. They

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, February 25, 1985 at 7:35 PM

should be commended and perhaps the residents can do something for them in gratitude for the great job they have done the past few days.

Trustee Kibby said the tentative agenda for the next Planning Board meeting on March 4th has four sign permit requests from various businesses in the community. There is also a request for a discussion of the concept of what could be done about a property easement for a potential purchaser. There may also be some other sign permits coming in in the next few days.

With respect to the long delayed code revision, Trustee Kibby advised that the two attorneys, the Village Clerk, a couple of other people and he will be sitting down with the General Code people on Friday March 15th to go over a draft. It will probably be a few months after that first meeting before the initial drafts are put into a final draft, but we are underway.

Trustee Kibby advised that the Conrail Committee will be meeting to discuss its draft of recommendations for use of that particular piece of property.

Trustee Kibby said he has been in and about the Village extensively the last couple of days and he must give complete credit and adulation to the Fire Company. They are not only handling a difficult situation very well but are handling it politely. He knows that first hand because he had to get kids out of a few places and was told he ought not to drive in there and he was told nicely and firmly and he walked in there. They did a good job.

Trustee Kibby said his resolution tonight calls for a public hearing on the proposed rezoning of what is known as the north side of Wellington Court. The zoning would go from R-2 (single family residential) to R-3M which is multiple dwelling. Owners of the property have submitted a concept plan to the Planning Board and Traffic and Safety Committee, and the Building and Fire Departments have reviewed it. The conceptual idea is essentially okay with all four agencies.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, 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 March 25, 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 proposed rezoning of the triangular area north of Wellington Court from R-2 to R-3M.

Unanimously carried.

PUBLISH
NOTICE

REZONING OF
WELLINGTON
COURT AREA

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, February 25, 1985 at 7:35 PM

Trustee Brenton said he also wanted to elaborate on the flood situation. As the Mayor pointed out he was out of Town and Trustee Brenton spent time acting in his place with the Fire Department and the D.P.W. He sat at the operations desk for many, many hours with Brad Archdeacon and Bill Pidgeon. The men train and prepare for years for this type of thing. They don't expect this to happen. We don't expect it. He has lived here most of his life and didn't expect it. But they were ready when they were needed. The D.P.W. employees were there. It was a joint effort. They evacuated people from the Lehn Springs area which is in the Town. They don't look at property lines. They did a job that the entire community can certainly be very, very proud of. He certainly is and he is extremely pleased with their professional response. He also conveyed the thanks of the Fred Tyrrell family. Mr. Tyrrell should have gone into the hospital today for open heart surgery but he preferred to stay in his home which is being flooded out on Cadman Drive. The Fire Department helped him in every way and even brought in his daughter and son-in-law to spend the night with him. Also the Walter Young family on Brookside extend their thanks. He had just returned home from open heart surgery. These people were all taken care of. Everything was professionally done by this volunteer Fire Department who had to leave their own homes and went out into the community and the only thing he can say is that they prepared for this at their present facility on Main Street and we are going to help them into a new building. We owe them this. It can't repay the debt. We never will be able to repay it. He feels very strongly about this. These people have given of themselves so, so much.

RECENT
FLOODING
DISCUSSED

Trustee Brenton said he has a concern related to the flooding. The bridge over Wehrle Drive has been the subject of concern for many, many years of the residents in that area. The County has seen fit now to replace that bridge. It is his understanding that this spring that bridge is going to be replaced. It is a County owned bridge over Ellicott Creek. They replaced the bridge over Youngs Road first. He questions the priority of the county in going through with that project first as there are no houses and if the bridge was in the way they could have simply blasted it out of there and put in a pontoon bridge if they had to. He knows the bridge on Wehrle Drive is scheduled for replacement. That bridge better be replaced. He doesn't want to see white marked trees. He wants to see it done. He doesn't want any excuses. That bridge definitely acts as a dam which inundated many areas of our community. The highest point of the concrete at the bottom of the bridge was a minimum of 2' under water when he asked the Fire Department to check it. They could not go any lower. So that there was a minimum of 2' of upper concrete impeding the flow of water which in his mind created at least some of the problem that then went out into the rest of our community. He doesn't want to see any

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, February 25, 1985 at 7:35 PM

reneging on this. It is his understanding that this is going to be completed and he will talk to our County Legislator, Mary Lou Rath, and he will be very, very disturbed if this is not completed. He is not doing this for dramatic purposes. He is doing this because he is very upset about what he saw during this flood. He had this checked and no one can refute it. That bridge acted as an impediment to the proper flow of water.

Trustee Brenton said that for many, many years there has been a proposal to provide flood channeling of Ellicott Creek so these conditions would not occur and it has always been lost through the budgetary process. He feels he is one of the most frugal people when it comes to expenditures but we need this. We need a new bridge over Wehrle from the County. We give the County a lot but we don't get much back from them! We need this channeling effect. The Town needs it but also the Village. He thinks that the Village Board and Mayor should come up with a resolution and he will be contacting our representatives in the Congress and Senate that we want this done and want some of our tax dollars brought back to this area. It is an affluent area and really pay their own way and on these two issues he feels there is no reneging. We need these two things done. Again he thanked the firemen and the people in the D.P.W. for what they did.

Trustee Brenton reported there is a letter from Attorney Troy pertaining to a situation that occurred through Mr. Boudreau's report following the last Village Board meeting in which Mr. Boudreau indicated that he would remove....Trustee Saia interrupted to say he thought this was out of order because it pertained to personnel and not everyone had had a chance to read the letter from the attorney. He said he would like to hold this until the next meeting. Mr. Brenton said he objected to that. Trustee Brenton had asked Mr. Troy specifically after Mr. Boudreau's report whether the superintendent had the authority to remove anything that he thought was an impediment to highway safety. His thought was that this was one person making the decision and he doesn't think this is a democratic process. As a member of this Board of Trustees, Trustee Brenton said he requested an opinion from the attorney regarding this particular subject - whether the Superintendent had the authority to go out and remove obstacles he felt were an impediment to public safety. The attorney has provided a reply to that request in a letter dated February 22nd. He feels now is the appropriate time to discuss this. He wants to know who the appropriate person is to handle these types of situations. He doesn't think we should wait two weeks to discuss this. The Superintendent might see something and go and remove it. The attorney has addressed this issue. His response is such that there are procedures other than what the Superintendent indicated he would do at the last meeting. Therefore, Trustee Brenton thinks this is pertinent and germane and he thinks it would be very naive of this Board not to address this subject at this time.

Removing
posts at
A.
Taylor's
house on
N. Ellicott
Street
discussed

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, February 25, 1985 at 7:35 PM

Mayor Kuzon said since it was brought up in public by a resident and the question to the attorney was asked in public, we should give the public the response at this time.

Trustee Saia said he agreed but the letter dated February 22nd was only received by the Board tonight. He would like to sit down and go over the letter before we have to take some criticism and have a chance to ask the attorney some questions. He will abide by what the rest of this Board wants to do.

Removing
posts at
A. Taylor's
house on

Trustee Kibby said he is standing somewhere between both of them. He thinks this did come up in public, we did get a letter and got it late today. It addresses the Taylor problem. The Enforcement Board met last Thursday and discussed this and the attorney had to wait until that meeting to write the letter. Trustee Kibby thinks it should be discussed now because (1) it came up in public and (2) it is a public matter and we do business in public, and (3) it relates to policy, to decide how our D.P.W. carries out its functions in a legal, practical manner. If we keep it to policy we should discuss it in public. If we discuss personnel that should be done in executive session.

N. Ellicott
(Con't)

Trustee Gallagher said he agrees with Mr. Kibby. Mayor Kuzon said we will discuss this within the limits of policy.

Trustee Brenton said policy was what he is concerned about. He is concerned about an individual who makes a public statement he disagrees with. He does not feel this is a democratic procedure and is concerned about whether he has the wrong interpretation. That's why he directed his concerns to the attorney and the attorney does support his view as to whether or not it is a proper manner in which to proceed in the elimination of hazards, to wit, the final paragraph of the attorney's letter states that the action of the D.P.W. in removing the posts constitutes a serious error of judgement to be greatly deplored. The only proper approach was for the owner to receive notice, and when the owner said he had a building permit the records should have been reviewed and then the Building Inspector consulted, as well as the attorney regarding the proper legal procedure to be followed such as a proceeding in Supreme Court or a penalty proceeding in Village Court. Mr. Taylor's letter was handed to the Board of Trustees and it has now been acted on! The other content of Mr. Troy's letter includes a discussion of the proper procedure to take, which is contrary to the procedure that was taken. Given Mr. Taylor's present legal situation there is a possibility that the posts could be replaced. We will not permit the method of operation that was employed here. It is an undemocratic form of government. He certainly hopes the Board supports him and believes as Attorney Troy's letter instructs us.

Trustee Brenton said his first resolution deals with hiring a water meter reader and it was discussed at the work session

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, February 25, 1985 at 7:35 PM

before this meeting. We do try to hire people from the Village and have for the past couple of years. We hoped to get a youngster from the Village this time. We do not pay that much and they generally work a year or so and then decide it doesn't pay enough money and find employment elsewhere. We are hiring a youngster again this time. However, as he pointed out to the Board he would like to see this be the final time we do this this way and that hereafter we raise the salary for this particular part-time job of limited hours and perhaps find someone older, supporting a family or going through school, needing an extra income. We will discuss with this individual we are hiring that he give us sufficient notice because the individual that we are replacing only gave us one-week's notice and so we are up against it as far as getting the meters read in the Village and that's one reason we are going from someone within the Village to someone who lives outside the Village limits.

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

RESOLVED that Raymond Wood be appointed
Meter Reader - part-time in the Village
Water Department at the rate of \$3.35
per hour, effective February 26, 1985.

APPOINTMENT

**Meter reader/
part time**

Trustee Saia said he doesn't like to hire anyone from outside the Village. We have youths who could use jobs. He said he was asked before and found two Village youths in the past. He supports hiring one more but cannot in all justification say that we should hire someone from outside the Village. It should be a youth from our community. He knows it probably is looked at as a part-time job for six months or whatever it is but we should hire someone from the Village.

Trustee Kibby said he has to agree and disagree with Trustee Saia. He agrees that we should hire someone from the Village. But, he is aware that we need to get this person working on the street last Friday so he disagrees in that sense. He knows the Water Department needs an individual now. Telephone calls were made to the schools and Youth Board seeking people. Some of the Trustees talked personally with some kids about taking this job. It is unfortunate that we have not been able to find someone from the Village but we need to get someone on the street pronto. Otherwise we will be way behind.

Trustee Saia said he was asked to find, and did find the last two meter readers, and they were from the Village. We all know it is a problem to keep one. He is not saying that Trustee Brenton's idea for future hiring isn't a good one. Maybe it is. He still thinks this should be a youth from the Village.

Trustee Brenton said the last youngster quit with only one week's notice and we are up against it. We will talk to the new

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, February 25, 1985 at 7:35 PM

reader and tell him that when he is ready to go, or just starts thinking of going, that he gives us two week's or one month's notice. We need someone to read the meters now. We don't have time to form a search committee to find someone.

Trustee Saia said if he had been notified that someone was needed he's sure he could have found someone. He doesn't think we should hire someone from outside the Village.

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

Yes - 4; Noes - 1.

Carried.

Trustee Brenton said his next resolution deals with our newly appointed Village Justice attending a New York State Association of Towns Meeting in New York City. Former Village Justice Rath was scheduled to attend this and Justice Townsend will go instead. This will use up all the budgetary funds allowed for this Village Justice for the rest of this fiscal year.

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

RESOLVED that Village Justice Sharon Townsend is hereby authorized to attend the New York State Association of Towns Meeting in New York City from February 18 - 20, 1985 and the expenses, not to exceed \$300.00, to be paid by the Village of Williamsville.

AUTHORIZATION -

Village Justice to attend NY Association of Towns meeting for training

Unanimously carried.

Trustee Brenton said resolution number 3 deals with an assessment change resultant from Grievance Day proceedings. In effect, it lowers the assessment from \$9,550 to \$8,700 and the Village and Town Assorsors have agreed that it was overassessed.

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

RESOLVED that the following assessment is hereby adjusted as a result of Grievance Day held on February 19, 1985.

ASSESSMENT ADJUSTMENT

172 Arend Ave.

<u>SBL #</u>	<u>Address</u>	<u>New Assessment</u>
69.13-1-32.1	172 Arend	\$8,700

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, February 25, 1985 at 7:35 PM

Trustee Brenton said his next resolution deals with Community Development Funds, of which we will be receiving an allotment for our 1985-1986 fiscal year. This amount has been lowered by about \$7,000. The funds come from the federal government and are our share of the funds the Town and Village apply for. We are calling for a public hearing so that we can receive citizen input as to expenditure of \$45,990 in Community Development Funds.

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

**PUBLISH NOTICE OF
PUBLIC HEARING**

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville at 7:40 p.m. on March 25, 1985 in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the proposed use of the 1985 Community Development fund allocation which will amount to approximately \$45,990.00.

**Proposed use of
1985-1986
Community
Development Funds**

Unanimously carried.

Superintendent of Public Works Boudreau reported that this past weekend our area was hit with a major flood event due to the heavy snow pack, quick temperature rise and heavy rains. The quick thaw and heavy rains produced heavy surface water runoff, high ground water levels and the resultant surcharging of our storm and sanitary sewer systems. In addition, on Sunday Ellicott Creek rose quickly with a flood crest passing through about 12:00 a.m. on Monday morning. The Village D.P.W. was able to control a large percentage of our sewer mains through the use of pumps at critical points. A special thanks and appreciation goes to the Darling Construction Company of California Drive for their quick loan of two large diesel pumps. Without these two large pumps a major portion of our sanitary sewer system would have flooded out many homes on our Village streets. Many thanks to Herb Darling and Ray Deigler.

Mayor Kuzon said with respect to Herb Darling's assistance perhaps we can give him a Certificate of Appreciation as a small token of our thanks to him and maybe Mr. Boudreau could present it to him.

Trustee Saia said he thinks that is a good ideal. He also said that his house was used as a staging point because a lot of the problems started down Ellicott Street. But there is a problem. He got some education from the Village and Town employees in regards to the sewer outflow on the end

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, February 25, 1985 at 7:35 PM

of Ellicott Street. It evidently dumps out on the end of this street and goes into quite a large sewer via Evans, Hopkins and Maple Road. They took him down to Maple Road and that sewer was completely filled up. So all this stuff keeps backing up to Ellicott Street. We had a large diesel pump in that manhole there which was pumping sanitary sewage into a storm drain which goes into Ellicott Creek. It seemed to him that even after the people on Ellicott Street were being taken care of that we also were pumping out some of the town sewage into that storm drain in order to keep the water level down so the people on Ellicott Street would not get totally deluged by sewage into their basements. He thinks somebody has to look into this. He realizes we had extraordinary conditions but they tell him that this also happens under lesser conditions.

Trustee Saia said we were told that they were going to clean out our siphon. We have two that are working and one that is supposedly plugged. That hasn't been done and that has created some problems in some high water areas. He is also told that we have a problem about 200' north of Belmont on Mill Street where there is a possible sewer problem and that should be taken care of.

On top of this, Trustee Saia said he has seen the large diesel pumps working there and he thinks maybe the Village should think about maybe expending some of the Community Development money if we can to purchase a piece of equipment like that. As the people on Ellicott Street can attest to it was a life saver.

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

Unanimously carried.

Robert Bindert, 39 Garden Parkway, said as far as part-time employees giving notice he has seen that a one week notice is sufficient. He doesn't think you can expect a part-time employee to give you one or two month's notice. Perhaps the Village could have a contingency list of youths to go to if someone quits and they might be ones who are willing to work until someone permanent can be found.

Mr. Bindert said with respect to the Conrail property that at the meeting in July or August when the vote was taken to possibly have the ability to buy some of the railroad property Trustee Brenton said rest assured soon as we get control of the Conrail property we will first of all rezone it. Secondly, we will clean the area up. We have owned the land since December and he just wonders what's been done in regard to this property.

Trustee Kibby said he will be reporting on the actions of the Conrail Committee. He thinks it is a good suggestion to have a contingency list for meter reader but does not know if it would work.

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, February 25, 1985 at 7:35 PM

Trustee Brenton said he thinks it would be better to have someone who needs the extra income. The hourly rate would be higher but you are only talking about 30 to 40 hours a month.

Trustee Saia said he is the liaison to the youth in the Village and if you talk to anyone on the Youth Board you know he is concerned about them and tries to do things for them.

Trustee Kibby said he is on the spot as far as the Conrail property is concerned. He doesn't feel that maybe until Wednesday morning does he have the privilege of going public regarding the definite set of recommendations that the committee has drafted up. When we first talked about what to do with the property as a Board, we had not anticipated a citizen committee.

Trustee Brenton said the Conrail Committee was formed at the request of many concerned citizens and this committee is now deliberating what will take place. It is in the hands of the committee at the present time.

Mr. Bindert said it would seem that you are putting off into the committee something that should be done by your own actions, such as cleaning up the land that you have there now. The committee was to study whether there should be a park. At the same meeting that the committee was set up, you said the zoning would be changed.

Trustee Kibby said that was one of the charges made to the committee, to study the zoning and make recommendations and they have spent a lot of hours examining that property and determining what is the most proper way of rezoning and the major part of the recommendations deal with zoning, or rezoning specific sections of that property.

Richard Hill, 18 Brookside Drive, said when the issue of purchasing the Conrail property first came up the zoning was questioned and we were told that as soon as we had ownership of the property the zoning would be changed. It is now 1985 and no rezoning has taken place yet.

Mr. Hill said he thinks that Trustee Brenton said that the posts taken out on Mr. Taylor's property should be put back in. He thinks we need to study this to see whether they create a hazard or not. If you have to pay them for the posts that's one thing, but he doesn't think they should go back up if they are a hazard and he thinks this should be studied before they are put back up.

Trustee Brenton said he agrees with that. He thinks the proper place for that study is within Mr. Hill's own committee, the Traffic and Safety Committee. Mr. Hill is

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, February 25, 1985 at 7:35 PM

the Chairman of that committee and Mr. Taylor, the offended party, is a member of that same committee. He added that Mr. Taylor is also a professional design engineer with the DOT so he thinks that perhaps Mr. Taylor has certain qualifications that even supercede any other person pertaining to highway traffic safety. Mr. Taylor has been very, very good as far as his input on the Traffic and Safety Committee.

Trustee Kibby said Mr. Taylor did meet with the Enforcement Committee last Thursday for quite some time. There was a particular idea discussed that if he wanted to put those back up he consider putting up breakaway posts, but whether they're breakaway, or portable, or whatever material they're made of in order for them to go back up he has to come before the Board of Trustees and then they will be studied to see if they are a hazard. As the letter clearly indicates, and as Mr. Taylor clearly understood, this is the procedure. The Board is the only body that can give anyone authority to put something in the right-of-way of the Village.

Mr. Hill said the only thing he questioned is that he thought Trustee Brenton said they could be put back up and he was questioning whether they could be. Trustee Brenton said the attorney's letter indicated that if Mr. Taylor filed proper legal address to us that we may have to put them back up. Now whether or not he is to be granted the appropriate permit by the appropriate department of this Village, which in this case would be the Board of Trustees, is not known.

Lawrence Law, 144 S. Ellicott Street, spoke in regard to Mr. Taylor's complaint. He generally felt that the Board of Trustees has the best interests of the Village at heart. However, at times the Board has not always agreed with him and he hasn't always agreed with the Board. He wondered about the prudence of airing the attorney's opinion. He thinks the Village might be better served if the Board took care of this in executive session.

Trustee Kibby said that probably 99 out of a hundred times he would agree with Mr. Law. In fact he has been accused in a number of instances of seeking closed doors to discuss personnel, negotiations, legal matters. This legal matter, however, is slightly different since Mr. Taylor met with the Village Attorneys last week and went over this for the better part of an hour. All these things were brought out as they were also brought out off the top of the attorney's head two weeks ago when this issue was brought up in public. Does he wish maybe it hadn't started in public, yes, but he had no control over that. A concerned citizen, an angry citizen with every right to be angry, came in to do what an angry concerned citizen would do and that was to spout off at a meeting about how he thought he had been done in and

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Buidling, Williamsville, New York on Monday, February 25, 1985 at 7:35 PM

Trustee Kibby thinks that whether Mr. Taylor is right or wrong that's the way he felt and the issue has probably been aired too much but he thinks we have a legal opinion now and now we have to decide how we're going to remedy the situation and who's going to pay for it but that will be done later.

Trustee Saia said the whole opinion of the attorney was not read to the audience. They only got part of it. The opinion of the attorney was that the barriers shouldn't have been in there unless they were approved by the Village Board. The accusation was made against a certain individual in the D.P.W. and his name was mentioned and he honestly thinks that this matter, the dirty linen should have been hung up in the back room. If the party was at fault then he thinks that in the back room we should have reprimanded the party. We should have given the party that was talked about a chance to defend himself. He had a discussion with the attorney tonight about when is a letter a complaint, but whatever happened the names were involved and the names should not be aired in public. Whether it was wrong or whether it was right maybe that should be aired in public but he thinks maybe we're bringing the names in here and he thinks that's wrong.

Richard Sweeney, 325 Mill Street, said he lives at the corner of Chalmers and Mill Street and the suggestion made about purchasing pumps with the forthcoming Community Development Funds was a good one. From the reaction of the Board he thinks maybe the suggestion will be ignored. He said he was one of the people who benefited definitely from the pumps that were borrowed he would like to second the recommendation that we use some of the Community Development money to improve the capabilities of the D.P.W. whether it's one large six inch pump, or a four inch pump, or ten small ones. He just wants to express his appreciation and this emergency situation coming right before the opportunity of having money to do something so in the future we are not going to have to be dependent upon someone's charity. We have the means; we know the need. He would like to see some of that money go to the D.P.W.

Mayor Kuzon said he is not sure of the eligibility of spending Community Development Funds for an equipment purchase of this nature. The requirements are rather stringent. Perhaps we can find out whether it would be eligible or not before the hearing. We do appreciate Mr. Sweeney's comments. Between now and the hearing we will check on this.

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

Unanimously carried.

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Buidling, Williamsville, New York on Monday, February 25, 1985 at 7:35 PM

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the meeting was adjourned at 8:45 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer