

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, March 25, 1985 at 7:34 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

Absent

Phil Boudreau, Dept. of Public Works

The Clerk read the notice of hearing regarding the proposed rezoning from R-2 to R-3M in the Wellington Court area.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 7:34 PM.

Unanimously carried.

Trustee Kibby said he would make a few comments, then the proposed developers would speak and then the public hearing would be opened for public comment. He said that at the end of tonight's hearing it would not be closed, but rather it would be recessed to April 22nd. He said we do not anticipate taking immediate action on this request for a rezoning because we have at least, so far, three big questions to be answered. The major question, at least in the minds of the Trustees, is the sewer study for the Los Robles, California, Milton and Pasadena area. That study will be started within a week. Before we go ahead and give any real thought as to whether or not we wish to rezone this area we need to know what the sewer conditions are now and what the impact would be of any additional sewage on the system.

Trustee Kibby said the second question that has come up, which is not a major stumbling block to the Trustees, but could be to the developers, is the question of an easement. One of the proposed buildings is anticipated to be constructed on the easement thought to be held by the Village, probably held by the Town. This needs to be examined further. If it turns out that indeed it is in the Town and not the Village then the owners will have to either deal on two fronts - the Village and the Town, which has happened before in the case of McDonald's - or the Village would have to take steps to annex this part. It may already be in the Village. There is some question as to this issue.

To provide a fair opportunity to all the residents in the immediate area, the Village Law Section 7-708 provides for zoning amendments by the Board and "in certain cases such amendments shall not become effective except by favorable vote of 3 of 4 of the members of the Board". That is,

Proposed
Rezoning of
Wellington
Court
Area

ordinarily a rezoning request would be approved by a favorable vote of 3 of our 5 Board members. If there is a petition from owners nearby, adjacent to, or across from the property to be rezoned it could put on the Trustees a requirement that 4 of the 5 Trustees be in favor of the rezoning instead of 3 of the 5 Trustees. If 20% of the people who live in the immediate area of the area that is going to be changed, or if the owners of 20% or more of the land immediately adjacent and not extending more than 100' from the property, or if owners of 20% or more of the land directly opposite thereto (the people who live across from this land in the apartments) -if any of those people sign a petition protesting the rezoning it will require a 4 out of 5 vote by the Trustees.

PROPOSED
REZONING OF
WELLINGTON
COURT
AREA

(Con't)

Trustee Kibby said this particular request has been through a number of Village requirements so far. On February 4th the Planning/Architectural Review Board informally asked the developer to widen the driveways and provide more green space. The conceptual site plan was favorably viewed by all the members. The Traffic and Safety Committee felt there were no traffic or safety problems on this project. The Fire Chief asked that the drive be widened to 24', and that a hydrant be installed, and that the developer provide ready access to the rear of the buildings. The Fire Chief also said that before we consider the rezoning the Trustees should have more information on the water supply to that hydrant.

Trustee Kibby said this has also been reviewed by the Building Department and they have supplied the Trustees with a lengthy memo, but their recommendations are that in each of the eight unit buildings that the owners take out one unit and that the whole concept be redrawn to provide for more green space which would be in keeping with our codes. Trustee Kibby then introduced Mrs. Margareta Gustafson, President of Benmar Development Corporation who made a presentation on what she was requesting.

Mrs. Gustafson said they were asking for the rezoning to build 32 townhouses which will be for sale. She showed a proposed site plan which shows where the buildings would be situated and the ingress and egress on Wellington Court only. The garages are all located in the center for maximum privacy for the surrounding areas. The setback from Cayuga Road would be 50', compared with a 25' setback if single family homes were involved. Benmar Development was the developer of the Wellington Village condominiums which is located opposite the vacant land on Wellington Court. All the Wellington Village Condominiums have been sold and the people are very happy and contented homeowners. She has talked to most of the people in the complex and they have signed a petition in favor of the townhouses. She has 46 signatures.

Margareta Gustafson, President of Benmar Development Corporation.

We are asking for rezoning of the mentioned property for building of 32 Townhouses, which will be Townhouses for sale.

The site-plan, which I hope you can all see, shows the buildings as they will be situated, with ingress and egress on Wellington Ct. only. The garages are all located in the center, providing for maximum privacy towards surrounding areas. We have a 50' setback on Cayuga Rd., as compared with a 25' setback allowed if single homes were to be built here.

Benmar Dev. Corp. was the developer of the conversion of Wellington Village Condominium, which is located opposite the vacant land on Wellington Ct. All the Units at Wellington Village have been sold and there are now 54 very happy and content homeowners. All of whom I talked to have signed a petition in favor of a Townhouse for sale complex.

We realize that there is great concern regarding the sewer system, and we are naturally also concerned about it. However, since the owner of this land definitely wants to sell at this point, something is going to be built here one way or the other, and if the sewer system is inadequate, it has to be dealt with in either case.

As vacant land the Village of Williamsville is getting \$4,150 per year in tax revenue and as a Townhouse community it will bring the Village of Williamsville approximately \$60-68,000 in tax revenue per year. This is a considerable sum of money and about double the amount of what single homes would bring in. This would certainly help offset some of the expense with the sewer system.

The Wellington Village Complex is also bringing in a considerable amount of tax revenue to the Village of Williamsville. During the 10 years as an apartment complex the Village received approximately \$40,000 per year in tax revenue and the last two years as a condominium complex the Village has received approximately \$50,000 per year. And Wellington Village has never even asked the Village for garbage pick up. So we certainly feel that we have contributed to, and supported the Village of Williamsville.

I like to show you a subdivision map of the area as it is zoned now. There are 17 very small and irregular lots, some of them no more than 41-46' frontage. 12 are facing Wellington Ct. and 5 are facing Cayuga Rd.

We feel that it would be unrealistic to build single family homes on this land, since it is located between two areas, the one behind us zoned R-3 and in front of us zoned R-3M.

We feel strongly that a Townhouse community will compliment the Village of Williamsville. The concept of Townhouse living is much in demand and we intend to make this a most attractive area, something that all residents of the Village can be proud of.

The architectural design will be similar to the buildings at Wellington Village. We will have a Cape Cod style at each end and 2-story Colonial Units in the center. The Units will be 2 & 3 bedrooms, 2½ Baths, Fireplace, double french doors off the livingroom, just to mention a few items. The price range will be \$90-125,000.

I hope there is not a question in anybody's mind as to what will benefit the area the most.

Thank You!

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, March 25, 1985 at 7:34 PM

Mrs. Gustafson said they realize that there is great concern regarding the sewer system and they are also naturally concerned about it. However, since the owner of this vacant land definitely wants to sell it at this point something will be built on the land one way or the other and if the sewer system is inadequate it has to be dealt with in either case.

Mrs. Gustafson said that as vacant land the Village is getting \$4,150 per year in tax revenue. As townhouses it would bring the Village approximately \$60,000 to \$65,000 or more in tax revenue per year. This is certainly a considerable amount of money and she would say more than double the amount that single homes would bring into the Village. It would certainly help to offset the expense of updating the sewer system if that is needed. Wellington Village Condominiums bring in a considerable amount of tax revenue to the Village. As an apartment complex it brought the Village in excess of \$40,000 in tax revenue per year and in the two years it has been condominiums the Village has received about \$50,000 in tax revenue each year. The complex has not even asked the Village for garbage pickup. They definitely feel they have contributed to the support of the Village.

PROPOSED REZONING
OF WELLINGTON
COURT AREA

(Con't)

Mrs. Gustafson showed a map of the area as it is zoned now. There are 17 very small, irregular lots some of which are not more than 40' to 46' in frontage. Twelve would be facing Wellington and five face Cayuga. There would be 12 driveways on Wellington and five drives on Cayuga. They feel it would be unrealistic to build single family homes on this land since it is located between two areas - the one behind them zoned R-3 and the one in front zoned R-3M. In other words there would be a section of single family homes sandwiched between two areas that have R-3 zoning. They feel strongly that a townhouse community would compliment the Village of Williamsville. This type of housing is much in demand and they intend to make it a very attractive area and something that all the residents can be proud of.

Mrs. Gustafson said the architectural design will be similar to the buildings at Wellington Village and what they are showing here is a type of cape cod units at the end with two-story colonial buildings in the center. The units will be two and three bedrooms with 2½ baths, fireplace and double french doors off of the living room. The price range will be \$90,000 to \$125,000. She said she hopes there are no questions in anybody's mind as far as what would benefit the area the most.

Dwight Hamilton, 166 Los Robles, made a presentation, a copy of which is attached. He spoke relative to the sewer problems they are having and the need they have had to go public with their problems in an effort to have them resolved.

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, March 25, 1985 at 7:34 PM

They feel government has to be more responsive to neighborhoods that have been trying for years to get problems solved. They understand that cooperation from the Town is available at no cost to the Village. They appreciate the cooperation of Mayor Kuzon and associates. They feel the Village will not have trouble getting funding to enlarge the sanitary sewer in this area. They feel that perhaps the storm sewer problem can be solved simply by abandoning certain plugged sections under private property. They asked if it was possible that sections plugged for many years were not needed. The Board has to take into consideration all the information provided to them before any decision is made on this property or for use of the Conrail property. Problems should be solved before any building is allowed. Promises are just not sufficient. He read the statement on the petition that was circulated. He said the petition has 85 signatures so far. He gave a copy of his presentation to the Board and it is attached hereto.

**PROPOSED
REZONING OF
WELLINGTON
COURT AREA**

(Con't)

John Tamaro, 125 Los Robles, said he has lived here for 25 years. Two weeks ago he expressed his concerns relative to the sewer problems and he is here tonight to express his and 85 residents' opposition to the proposed rezoning of this land. When Mr. Berryman originally proposed this, some of the same concerns were expressed. The people of this section of the Village were opposed to this development. They still object. The men on the Board at that time listened to their concerns and read their petitions and responded by living up to their responsibilities to the taxpayers of the Village in realizing the burden that would be put on the sewer lines. They reached a compromise which they felt best served all concerned. He hopes that this Board shows the same sense of responsibility. One of their concerns is the state of repair and antiquated condition of the storm and sanitary sewers. In a tour of these lines one can see broken tiles, open pipe joints, a supposed storm sewer that is essentially on the surface of the ground in many areas. A sewer system that is defective and basically inadequate. He invited them to take a look at them. If they were not adequate years ago and nothing has been done to them, he doesn't see how they can be adequate now. He said the argument is often made for the added tax base in the Village. When Wellington Court was built this argument was used. What was done with the money that was raised by these buildings at Wellington Court to improve the sewerage or quality of life in the Village? Where has this money gone? More tax money doesn't seem to solve the problems and many times it seems to aggravate them. He would like the Board to listen to the people here tonight and read their petitions and turn down this proposal under the present conditions. He asked them to think of their responsibility to the people of this Village before they vote for the rezoning. He is opposed to it.

Joyce Merry, 80 Wellington Court, said she can't speak technically to all the issues in regard to the sewer system but she thinks the Board has already addressed that by planning a study to answer the questions that were raised. She is a resident and owner at Wellington Court and some of her neighbors are here tonight. She can speak to the thoroughness and integrity of the developer in question who has been an associate of hers since she first moved to Wellington as a renter, and as a purchaser, and now as an owner. Mrs. Gustafson is thorough, fair and very much concerned for the welfare of the owners, currently and in the future, to be a contributor to the community and to really put up an attractive and well-functioning part of Wellington Village and of Williamsville and she thinks some of her neighbors could speak to that. (About seven neighbors in the audience raised their hands.)

PROPOSED
REZONING OF
WELLINGTON
COURT AREA

Mr. Charles Rizzone, 136 Los Robles, gave the Board petitions which 86 people have signed. He spoke on behalf of the Los Robles South Block residents, comparing their situation with one in Greek mythology. Their problem is predictable and hits them often, in their sewers, basements and their streets. The residents are faced with a labyrinth of sanitary and storm sewers, some of which they believe are broken, cracked, abandoned, some not even discovered. The residents have had to face a monster squeezed between the enormous pressure, actions by land developers and the sometimes complacent inactivity of government officials, the people have sacrificed in the name of expanded tax base, or easily accessible sewer line. Why? What have they done to deserve this treatment? Must all new developments in their area add to an already aggravated problem? Why must all sanitary sewer lines eventually hook up to ours? What is wrong with using undeveloped Conrail property for the installation of new sanitary sewer lines that will direct the sewage away from them. He suggested that unchecked land development without proper engineering planning, humanitarian input is neither development nor progress, but rather decay and deception. Without proper safeguards he is opposed to any new high density development in his area. The sewers are too old and their questions are too many. He is sure the Board has debated in their minds and deliberated among themselves the relative merits of the rezoning issue. He asks that after the vote is taken and the results are in that the Board members are able to look him square in the eye and say his monster is dead and your people are free.

(Con't)

Mayor Kuzon said he will turn the petitions over to the Village Clerk who will verify the impact of the petition on that section of the State Law that Trustee Kibby referred to. If in fact there are 20% of the landowners signing the petition then it has legal impact on this Board and we would act then accordingly. Mr. Rizzone asked if they would be able to add more signatures and Mayor Kuzon advised they could. Mayor Kuzon also said that the Board will not be making the decision tonight or on April 22nd.

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, March 25, 1985 at 7:34 PM

Chester Sajdak, 255 S. Cayuga Road, said he lives at the corner of Wellington Court. He is opposed to the rezoning because it constitutes high density, it will add to the sewer problems in the immediate area, and also add traffic to the already overburdened Cayuga Road. It will also affect property values in the vicinity and will change the character of the Village, consisting mainly of single family homes. He thinks this property can be adapted to single family homes. He presented his petition to the Mayor.

Arthur Ticknor, 170 S. Cayuga Road, said he is representing the views of a number of neighbors and people on S. Cayuga Road and as an officer of the S. Cayuga Road Association, which is a somewhat informal group that meets every three or so years when changes are proposed for the S. Cayuga Road area. They think this would have a negative impact on this area. They all feel very strongly that Williamsville as a residential community has a character and presence that we all need to work very carefully to maintain. They appreciate the work the board is doing, and the care of the residents in maintaining this. But when changes are about to take place they have to band together and present their views. They are opposed to the rezoning as it stands and they are opposed to the start of any construction until a number of questions are answered and until a number of existing problems are taken care of. He will be turning in petitions later. They have 60 signatures already. It is clear to them that since 1972 and 1979 there have been many changes in terms of what is economic and what is practical to be constructed. Perhaps in 1972 had the 10 to 14 houses been constructed they would have been economical and practical, but that time has gone so it may not be practical at the moment. We have the situation with the Village taking over the road. The previous State easement was turned over to the Village. He guesses that is the question. Is it a Village or Town easement? If it is a Village easement he would hope we could use that to maintain S. Cayuga as an attractive, viable entrance to the Village. This is one of the principal entrances to the Village. There are several other questions they think are important to be answered before a zoning change is permitted and construction is started. First is a question relative to the Conrail land which the Village now owns and which a Village committee is looking into development of this land. It has been suggested it be zoned high rise and be sold for use for condominiums. If this is so it would seem the question that is in front of us really an area-wide zoning plan taking into account the Conrail land, this land and the other land adjacent to the Village but on the other side of Cayuga in the Town. They complained when that land was up for rezoning and their complaints are the same tonight - increasing density and change in the character of the area. There are three parcels of land on S. Cayuga impacting on the Village and it

PROPOSED
REZONING OF
WELLINGTON
COURT AREA

(Con't)

would seem the proper way to look at this is with a total plan, a total concept to provide the best concept of development - and is clear that this land will be developed - to fit the character of the Village. The second question relates to S. Cayuga Road as an entrance to the Village. It provides a gateway to one of the finest residential areas in Western New York. We must be sure that we use the easement to provide a development on that road that maintains the character of this entrance to the Village. They are concerned about the traffic on this narrow street. If there is more traffic on that road it may be totally unsafe and hazardous, especially up near Main Street. During the flood when Wehrle was closed the traffic on S. Cayuga backed up past California for at least one or two days. Increased traffic would only increase the congestion on that street. There is the sewer question which has been addressed several times tonight and it is a clear and pressing issue. The other two questions they have relate to the concept of the development that might be proposed for that area. While they seem to be an attractive set of townhouses now, their concern is if they add to that with townhouses on the Conrail property and perhaps some across the street we will end up with an area that is so congested and apartment oriented that it becomes unattractive relative to the open space to be provided. Another thing to think of in this proposal of rezoning in this area. Their group is opposed to changing the zoning at this time and opposed to the start of any new construction until all these questions have been satisfactorily answered. He knows the Village has a Planning Board and in that Board there must be a concept of a long range plan. He thinks it would be appropriate, perhaps at the next meeting or some future meeting, to discuss this long range plan in detail so all of us in the area may see the plan and comment on it so they can understand what will be happening in this area before the next step is taken.

PROPOSED REZONING
OF WELLINGTON
COURT AREA

(Con't)

Mr. Kenneth Luczkiewicz, 156 Los Robles, said he supports his neighbors and those on S. Cayuga in asking that this land not be rezoned. They have to live with the sewers and have to go home to them. They are trying to contact URS, their point being that they are trying to move ahead with this as soon as possible. They don't want to have people feel that they are dragging their feet and just trying to postpone things. They want to find out the real solution to these sewer problems as soon as possible. He outlined what the problems are. The heavy rain conditions cause the heavy sewer lines to back up into lateral lines and basements and what this means that the storm water gets into the sanitary sewer lines and pushes its way back up towards the houses. The backflow causes the

March 25, 1985

Dear Members of the Board of the Village of Williamsville,

I am a resident of South Cayuga Rd. and wish to express my concerns about the proposed re-zoning of the land on South Cayuga adjacent to Wellington Court to R-3. I assume that all of us, being residents of the village and village area, have a sincere interest in the future of the village. I would hope that you, the village board members, would have a well thought-out, reasonable, beneficial and fair long-term plan in mind before re-zoning any more village property.

I am opposed, at this time, to the re-zoning for several reasons: I understand that the sewers in the immediate area in question are old and experiencing over-load problems. I am concerned about the traffic on the street, particularly any increase caused by condominium development. Having moved to this village atmosphere by choice, I am keenly aware of the fact that South Cayuga Road is, and always has been, a lovely, historical, single-family home, residential street for us all to take pride in, and it continues to attract local as well as out of town buyers.

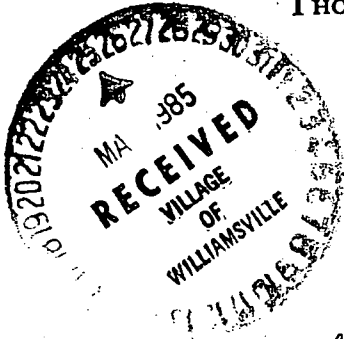
The future of the village of Williamsville must be considered with regard to what we already have and wish to preserve. I hear more and more about plans for condominium development in this area, so I am hoping that your voting powers will preserve an environment worthy of very careful consideration.



Sincerely,

Barbara D. Murray
Barbara D. Murray
240 South Cayuga Rd.
Williamsville, NY 14221

THOMAS J. MURRAY, D.D.S.



March, 21, 1985

Dear Members of the Village of Williamsville Board,

Thank you for the notice you sent to me regarding the meeting scheduled for Monday March 25th. The issue is the proposed rezoning of a land parcel across from my home on South Cayuga Rd.

After considerable thought, I am strongly opposed to a rezoning from R-2 to R-3M for the quite obvious reasons of:

- 1.) Traffic patterns on South Cayuga Rd are marginal at best now. Further increases in vehicles would bring on safety problems in the neighborhood.
- 2.) The charm and character of the Road would be greatly compromised by the construction of multiple dwelling residences. Previous rezoning efforts have challenged the area and a change again with a project density of what is being contemplated would certainly

undo much of the efforts of those before us who worked hard to make South Cayuga Rd the type of street it is.

South Cayuga Rd. and its homes are an aesthetic asset to the Village. It says something good about our community. It would be shameful to alter it any further.

3) I would also suspect that monumental problems with sewage etc. could develop in a multiple dwelling project.

In anticipation of your favorable consideration toward these genuine concerns for our Village, I thank you.

Sincerely,

Thomas Murray
240 South Cayuga Rd.
Williamsville, N.Y.
14221

* * * MEMORANDUM * * *

March 25, 1985

TO: ✓ Village Board, Williamsville, New York

FROM: Dwight T. Hamilton, on behalf of Los Robles
South Block Residents affected by subject problems.

SUBJECT: Solution of current and anticipated sanitary and
storm sewer problems in South Central Williamsville
must precede any consideration of rezoning and/or
building in the triangle formed by east-west
California, Cayuga, and the rail line of former
Lehigh Valley.

LEGEND: SCW = South Central Williamsville
SCWR = South Central Williamsville residents
affected by subject problems.
LRSB = Los Robles South Block (block between
Milton and California)
LRSBR = Los Robles South Block residents affected
by subject problems.

REFERENCES: 1. NOTICE dated 3/5/85, from South Cayuga
Road Association to neighborhood residents,
concerning 3/25/85 rezoning hearing

2. Memo dated 3/11/85 to Village Board,
Williamsville, New York, from Dwight T. Hamilton,
on behalf of LRSBR. Subject: Worsening of Village
sanitary and storm drainage problems on Los Robles

3. Two-Volume set of Reports to the Village of
Williamsville:

a) Sewer System Evaluation Study (SSES) -
Infiltration/Inflow (I/I) Analysis December
1977 by URS.

b) URS Environmental Information Document (EID)
for Sanitary Sewer Rehab Program August 1980

This memo merges information from many LRSBR; it is not a communication from one person or one source.

We are grateful that local government public meetings and all media units are happy to provide community service to individual neighborhoods when they "need to be heard", especially when a neighborhood has been trying for years to get a cognizant government unit to solve long-standing problems. Outstanding current examples are: (1) neighborhoods affected by Ellicott Creek flooding, and (2) South Central Williamsville neighborhoods affected by sanitary and storm sewer problems. Any neighborhoods in such situations resent very much being driven by government failures to the point where "going public" becomes necessary. Government units need to be more responsive to neighborhoods that have been trying for years to get problems solved. Better yet, government units should not force a neighborhood to "go public" to get problems solved. References 1 and 2 are examples of documents already supplied to you concerning subject problems.

At your 3/11/85 meeting, Mayor Kuzon announced funding of a URS survey of SCW sanitary and storm sewers, to start after URS representatives meet with LRSB Analysis Committee, and to continue in collaboration with such Committee. My neighbors understand that collaboration from the Town of Amherst also is available at no cost to the Village. We appreciate very much the cooperation from Mayor Kuzon and associates thus far, especially the loaning of Reference 3 to the LRSB Analysis Committee on 3/19/85.

Reference 3 sanitary sewer rehab is well along under Federal funding. The village found it easy to fund last summer's excavation and repair of the sanitary sewer under California from Milton to near Main Street. By putting first things first, it will be similarly easy for the Village to fund excavation and enlargement of the sanitary sewer under Los Robles South Block.

Is it possible the Village can accomplish much immediate solving of storm sewer problems, simply by abandoning certain plugged sections under private property? Is it possible sections plugged for many years obviously are not needed, and only serve to back up water to geyser out of leaky sections? Other considerations and possible storm sewer problem solutions will be pointed out by the LRSB Analysis Committee.

The Williamsville Village Board will not have an acceptable basis for considering the "Conrail" property uses or the proposed rezoning scheduled for 3/25/85 hearing until the Board has completed concurrent assimilation of:

1. All memos, information, inputs and recommendations furnished by the LRSB Analysis Committee
2. Papers documenting inputs from LRSBS and SCWR to the Board, as covered under Comments on Attachment 1 in Reference 2 (over the years my neighbors have

provided an abundance of inputs for such documentation)

3. Reports and other documents furnished past and present by the Board's sanitary and storm sewer engineers and advisers, including Bissill Merrill, URS and the Town of Amherst.

We look forward to receiving a copy of the forthcoming URS report.

My neighbors find a wide-spread conclusion in neighborhoods affected by Ellicott Creek flooding that the Town of Amherst was ill advised in allowing building in those areas before flooding problems were solved. Promises just aren't sufficient, as Congress has demonstrated to Amherst over and over again. My neighbors find a similar wide-spread determination among SCWR to prevent the Village of Williamsville from being ill advised in relation to sanitary and storm sewer problems.

The following is the statement appearing on the petition circulated by LRSBR in South Central Williamsville:

We, the undersigned residents, hereby wish to express our opposition to the proposed rezoning of several acres of land on the west side of South Cayuga Road

We oppose any change from the zoning and/or plan that was presented in 1972 in which this land was to be used by Mr. Berryman for 10-14 single family homes. In addition, we oppose any building plan that will negatively impact Village real estate values, safety, and quality of life.

Finally, we oppose any new building until the sanitary and storm sewer problems, present and anticipated, are solved.

According to the latest count from my neighbors, this and other petitions taking essentially the same position have OVER 160 signers thus far.

Dwight T. Hamilton

Dwight T. Hamilton, on behalf
of Los Robles South Block
Residents affected by subject
problems

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, March 25, 1985 at 7:34 PM

residents' sanitary sewer pipe to plug up with debris from the main pipe requiring frequent clean out of the laterals. This debris can catch on the old pipes and roots that may be there and cause a build up to occur and then we have to get a plumber in for \$40 or \$50 and get the pipes cleaned. This happened several times during the last year. In 1978 root problems were discovered on Los Robles and it has been necessary for the Village to clean the line several times, including a heavy cleaning last spring. Infiltration into the sanitary sewer is significant during storms. Backyards flood on both sides of Los Robles along the path of the storm sewer. This sewer has openings, broken pipe, it's exposed to the surface and is abandoned and it really does cause problems in backyards. The road surface on California and Los Robles does flood and also the storm sewer draining east of Los Robles has a sanitary sewer odor at times. The storm sewers have not been studied separately. It is hard to tell from looking at the maps where these storm sewers really go. They have prepared a list of questions for the engineers and are prepared to talk to them on the 27th. We won't know how big the problem is until the study is complete. This problem could be too large for our Village to solve and we may require federal money and if we did it would be a very long time before they were solved. They don't want to see this land developed and then be told the money is not available to fix this and have all these extra units added onto our sewer line.

**PROPOSED
REZONING OF
WELLINGTON
COURT AREA**

**Recessed
until
April 22nd.**

Mr. Sajdak said he forgot to mention that the signatures of those opposed on his petition are of people who live in the immediate area, including himself.

Trustee Kibby said if the petitions are legal, and he presumes they are, according to the Village clerk's calculations there are more than enough signatures to require a four out of five vote, instead of a three out of five vote.

The Village Clerk read letters from three residents:
(1) William R. Shults, 149 S. Cayuga (he and his wife are strongly opposed to any rezoning); (2) Barbara D. Murray, 240 S. Cayuga (opposing the rezoning); and (3) Dr. Thomas J. Murray, 240 S. Cayuga Road (opposing the rezoning).

ON MOTION by Trustee Kibby, seconded by Trustee Gallagher, the public hearing was recessed to April 22, 1985 at 7:30 PM.

Unanimously carried.

Theresa L. Cummins
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Richard Gallagher

Michael Kibby

V. James Saia

Trustees

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Absent

Phil Boudreau, Dept. of Public Works

The Clerk read the notice of hearing regarding the proposed use of our 1985-1986 Community Development Funds.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the hearing was opened at 8:39 PM.

Unanimously carried.

PUBLIC
HEARING

Mayor Kuzon said that this year we anticipate receiving approximately \$45,000 in Community Development money. This represents a 7% decrease over the figure we received in 1984-1985. Mayor Kuzon provided some background on how these monies have been spent in the past. Over the last three years they have been concentrated in three areas - housing rehabilitation loans, infrastructure improvements, and neighborhood facilities. Housing rehabilitation typically is grants and loans to private property owners for necessary home repair and rehabilitation. Infrastructure improvements have typically been water line improvements and construction in the target area. Neighborhood facilities is the Meeting House and we have been earmarking funds for approximately the last three to four years for the renovation, and now reconstruction of that structure. The Board has not formally discussed the allocation of these funds and come to the public hearing with an open mind. These funds are not free money. This money has stringent criteria which must be applied in its application and use by HUD. The projects we implement have to be in accordance with that criteria. Our improvements in the Meeting House have met that criteria.

PROPOSED
USES OF
1985 - 1986
Community
Development
Funds

Mayor Kuzon opened the public hearing for public comment at this point and no one came forward to speak. He asked if any Board member had any comment.

Trustee Saia asked if any of this money could be used to help these people on Los Robles. Mayor Kuzon said one of the requirements of HUD is that the funds are used to benefit 51% low to moderate income people. Over the years the Village has developed a target area based on an extensive survey done by Economic Consultants which has established a target area of where the population in

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, March 25, 1985 at 8:39PM

those areas are low to moderate income. As it stands right now Los Robles is not in the target area and would not be eligible.

Mayor Kuzon said the Board, he believes, will probably continue along the lines of the three major categories that have been outlined this evening with a percentage of the money going to housing rehab, infrastructure improvements and towards the rehabilitation of the Meeting House. We will be presenting a more detailed spending plan after conferring on this issue and we will present that before adopting it.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the hearing was closed at 8:43 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, March 25, 1985 at 7:33 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Richard Gallagher Trustees
Michael Kibby
V. James Săia

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney

Absent

Phil Boudreau, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:33 PM.

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

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the minutes of the public hearing held March 11, 1985 regarding the proposed "Bobbie Lane" subdivision were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the minutes of the special meeting held March 19, 1985 to accept the election results were approved.

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved at 7:34 PM to open the public hearing regarding the proposed rezoning from R-2 to R-3M in the Wellington Court area. (The hearing was recessed at 8:38 PM to April 22, 1985 at 7:35 PM.)

Unanimously carried.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, it was moved at 8:39 PM to open the public hearing regarding the proposed use of 1985-1986 Community Development Funds. (The hearing was closed at 8:43 PM.)

Unanimously carried.

Mayor Kuzon advised that hearings on the Village's budgets will be held in April. The tentative budget is filed in advance of the public hearings. Our tentative budget is now on file with the Village Clerk. We are anticipating expenditures of \$1.2 Million and an anticipated tax rate of \$19.83/\$1,000. This represents a \$.29 increase over last year, or a 1.5% increase. The budget hearings will be on April 8th.

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, March 25, 1985 at 7:33 PM

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$23,422.52 were approved as follows:

Payroll Fund	W/E 3/15/85	\$ 5,373.49
	W/E 3/22/85	<u>5,643.63</u>
Total Payroll Fund		\$11,017.12
General Fund	Abstract #581	5,706.75
Sewer & Water Fund	Abstract #162	672.22
Trust & Agency Fund	Abstract #201	4,778.80
Glen Park Jt. Activities	Abstract #101	147.63
Capital Fund	Abstract #142	<u>1,100.00</u>
Total Vouchers		\$23,422.52

Unanimously carried.

Mayor Kuzon said that Village Law requires that Villages across the state hold an organizational meeting on the first Monday in April. His next resolution calls for the holding of this meeting on April 1st at 4:00 PM. Typically at this meeting Trustee-liaison assignments are made, committee appointments are made and the annual Village officials are appointed.

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

RESOLVED that the Annual Reorganizational Meeting of the Board of Trustees of the Village of Williamsville will be held April 1, 1985 at 4:00 PM in the Village Conference Room, Municipal Building, 5583 Main Street, Williamsville, New York.

SET
ANNUAL REORGANIZATION
MEETING

Unanimously carried.

Mayor Kuzon said that while committee appointments are made at that time if anyone is interested in serving on a Village Committee we typically do not make all of them at that meeting. If anyone is interested in serving on a committee they should speak to a Board member and we will see if there are any vacancies.

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

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, March 25, 1985 at 7:33 PM

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 8, 1985 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the 1985-1986 General Fund, Water Fund, Sewer Fund and Glen Park Joint Activities Fund Annual Budgets for the Village of Williamsville.

CALL FOR PUBLIC HEARING

General, Water, Sewer and Glen Park Budgets for 1985 - 1986

Unanimously carried.

Mayor Kuzon stated the Village receives revenue from a number of sources, federal and state. We receive Community Development Funds from the federal government. Another area is the Federal Revenue Sharing Program, which if you follow the President's budget suggestions he would like to eliminate these funds after the '86 Federal fiscal year. However, currently there is one more year of funding and by law we are required to hold a public hearing on the allocation of these dollars.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 8, 1985 at 7:40 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the 1985-1986 Federal Revenue Sharing Fund Budget for the Village of Williamsville, New York.

CALL FOR PUBLIC HEARING

1985-86 Federal Revenue Sharing Budget

Unanimously carried.

Mayor Kuzon said his next resolution deals with a public hearing to establish the sewer rent rates. Within the last five to six years the method of allocation of sewer charges was a bit of a controversy. At that time we determined that it was best for all that annually we hold a public hearing and discuss with the public how sewer charges are allocated and spread.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held by the Board of Trustees of the Village of Williamsville, Monday, April 8, 1985 at 7:45 PM to hear all persons interested in expressing an opinion on the proposed sewer rent rates for 1985-1986 year per Section 41.20(D) of the Sewer Rent Code.

CALL FOR PUBLIC HEARING

1985 - 86 Sewer Rates

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 March 25, 1985 at 7:33 PM

Unanimously carried.

Mayor Kuzon advised the public that the sewer charges will be the same this year and the figures are \$.74/1,000 gallons for water consumption and \$5.21/\$1,000 assessed value.

Trustee Kibby reported that tomorrow morning representatives of the Historical Society will be meeting with Joseph Siracuse and Company to discuss their requirements for the upstairs of the Meeting House. Siracuse is putting in new trusses and structures required to put the Meeting House back into code and in the process we are also going to make some renovations for the Historical Society.

Trustee Kibby stated that at a meeting a week ago Friday we received the first draft of our new general municipal code as well as a number of editorial comments. We obviously have a great deal of homework to do on this. He said it was a long meeting but the highlight of that time was a bit of humor when you look at some of the old laws that are in there, particularly the one about proper moral conduct.

Trustee Kibby reported on the Conrail Committee report. He read to the Trustees and audience excerpts from the report and pointed out on a small map that he had what the recommendations are of this committee. This committee was appointed by Mayor Kuzon late last year to study various aspects of the Conrail property and to provide this Board an advisory set of recommendations as to how we should utilize this property. He emphasized the word advisory as he had time and time again emphasized it for the committee. In his memo as Chairman of the committee, he indicated that the committee's recommendations for utilization of the Conrail property were included and had been adopted unanimously by the committee. There are five recommendations and one informal recommendation.

CONRAIL
COMMITTEE
REPORT

Trustee Kibby said the recommendations regarding rezoning number four. The first is that the land that has been referred to earlier this evening between Cayuga and the end of Wellington Court be zoned R-3M, which means multiple dwelling units. It is also recommended that the Village annex this property which is now in the Town of Amherst. Then the property should be sold. The committee report says that this zoning would make the property in keeping with the zoning immediately to the north and the property would have the potential for the development of apartments or townhouses. The developer must agree to create a fencing or shrubbery buffer on the south lot line and develop the property in a manner which precludes access from Cayuga through to S. Long.

Trustee Kibby said the second recommendation was that the red area on the map behind Bells and next to International

Chimney, between Union and Long, be zoned C-2 or C-3 and then it should be sold. Again, any developer of this property must agree to create a fencing or shrubbery buffer on the south lot line.

Trustee Kibby said the third recommendation is that all of this land that is colored green, including the triangular piece that the Village owned previous to the purchase of the Conrail land, that this 100' strip plus this triangular piece of property, where Darling and International Chimney are, in the area where the old railroad station is, that that area for at least five years be set aside for recreational purposes. To clarify, the area colored green, the 25' strip between Long and back to the triangular piece of property behind houses on Garden Parkway be zoned forever for recreational use, plus the area that is colored brown and where the old railroad station is and Darling Construction leases land, that that be set aside for recreational at the moment but that in four years when the leases with International Chimney - we can't break that lease - are up that the Village Board of Trustees in a sense go through what they've been through and make a decision on whether they keep it recreational or dispense with the property, do whatever seems best at the time.

CONRAIL
COMMITTEE
REPORT

Trustee Kibby said the committee recommended that the Village should notify Benmar Development Corp. that it intends to cease its month-to-month rental of the property near Cayuga as this property will be sold.

The committee also recommended that since we cannot break International Chimney's lease until March 1, 1989 and since we rent property to Darling at a very nominal fee, a new lease should be developed between the Village and Darling until March 1, 1989 at a substantially greater rental fee.

The committee recommended that the Village use the following guidelines in its management of this property: (a) create buffers between Garden Parkway and the S. Union residential area and the southern border of the Conrail property. (b) The development of all the property to be sold should be in keeping with the immediate adjacent properties. (c) Any property sold should be sold for the purpose of increasing the Village tax base and for the betterment of adjoining neighbors and the Village as a whole. (d) Every step to be taken to prevent transversing between S. Long and Cayuga by any motorized vehicle. (e) The Village should not attempt to use the property it owns on Garden Parkway. The committee recommended that the Village not attempt to open this space up as a driveway or access to this recreational area. They felt it was unwise to take what is essentially a narrow residential street and try to make it into an entrance to the park, especially since it is on a curve.

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, March 25, 1985 at 7:33 PM

The committee also made an informal suggestion that he inform the Trustees that we ought to sell that lot as it stands for the development of a house.

Trustee Kibby said that because of this report and the set of recommendations and in the Board's attempt to everything on an open basis he made the following resolution.

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

RESOLVED that the Village Clerk publish a Notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville, Monday, May 13, 1985 at 7:35 PM to hear all persons interested in expressing an opinion on the proposed rezoning of the Conrail property from M-1.

CALL FOR PUBLIC
HEARING

Proposed rezoning
of Conrail
property

Trustee Saia said it would seem there were some promises made to these people that live on Garden Parkway and others that this would be rezoned immediately when we purchased the property and also cleaned up, that some of that junk would be taken out of there. He thinks this should be addressed. The committee came back with their recommendations but he thinks a promise made by this Board at a hearing would supercede the committees report.

Trustee Kibby said he would like to say three things on that. This is the first step for rezoning. We need to have a public hearing. Secondly, he has requested of the Village Attorney his opinion in writing as to what we as landlords may do about the lack of tidiness of our tenants keeping of the property. Thirdly, he has orally requested the Superintendent of Public Works that he begin to lay down some plans for the cleaning up of that property that we do own and that is ours, that we're not leasing out. We are moving on this.

Trustee Saia said with respect to the rezoning that he believes the promise that was made to the people in that area was that you would rezone this when it was purchased to a zoning compatible with the wishes and desires of the residents, to a lesser than M-1 zoning. The report states that you're going to leave that up to the Board when the leases expire on this property. The lease is only a 30' to 40' strip by about 140'. It doesn't encompass all that area where the junk is which is offensive to some of these people on Garden Parkway.

Unanimously carried.

Trustee Kibby said his next resolution related to what is called Bobbie Lane.

RESOLVED that the "Bobbie Lane" Subdivision is hereby approved with the following conditions:

1. Increase the width of the roadway to 28 feet.
2. Move the fire hydrant to the entrance of the roadway instead of having it deadended.
3. 1½' vertical separation of water and sanitary sewer lines with the water line on top, or 10' horizontal separation.
4. The street shall be sufficiently lighted especially as the T-intersection. The developer shall install the street lighting at his own cost.

BOBBIE LANE
SUBDIVISION

"Defeated"

Mayor Kuzon said our procedure is to allow for public participation on resolutions and if there is anyone in the audience from the neighborhood where the subdivision is being proposed if you have any comments now would be the time to make them.

John Tammaro, 125 Los Robles, asked if there was a storm or sanitary sewer study done by the developer prior to submitting their proposal for that subdivision? Mayor Kuzon said no. Trustee Kibby said the Building Inspector and Superintendent of Public Works did look at it and they are the ones who made these recommendations for the separation of the storm and sanitary lines.

Mr. Tammaro said that recently the Town of Amherst in a similar situation refused a proposal by a developer because he did not submit one. It is a different area but he was just wondering what the procedure was in the Village. Trustee Kibby said he thinks it would be fair to say that there has been some question as to the storm water runoff.

Vote on Roll Call: Trustee Gallagher - No
Trustee Brenton - Yes. This particular development consists of a very small amount of housing. There were residents here when we had the public hearing that reside in that area. They have expressed no feeling one way or the other regarding this. The owner of the proposed development resides at the end of what will be a very short street. There are no storm sewers in the area so there is no sewer impact. The Fire Department expressed some concern regarding the pressure of the water in the area. The engineering firm representing Mr. Farber assures that our water system is capable of handling

the low pressure should an emergency situation develop and he feels, knowing the area very well, that this would be a good development for that particular area and he can't imagine it being a bad development with the owner of this property living at the end of this street. He sees no problem with it and neither do the residents in the immediate area.

Trustee Kibby - Yes

Trustee Saia - He said he was going to

vote yes on this and then he heard the remark made by Mr. Kibby that a study was not made and the possible problem with the storm sewage, which he was unaware of. He also said we're talking about a piece of land on Garden Parkway that is proposed to be sold. On the Bobbie Lane property this Board gave away to Mr. Farber a piece of property that it owned on that street in order to build this development and he feels that maybe we should give that piece on Garden Parkway to the two residents who live on either side of it as long as we're in the giving away mood. He was going to vote yes on this but hearing this his vote is going to be - No.

Mayor Kuzon asked the attorney to explain that this property was not given away. Mr. Troy said he has explained this before to Trustee Saia and we never owned property, that that was a sketch that was filed and never followed through and we have no deed and no claim to it and we never had any claim to it. There was nothing that we could give Mr. Farber. Trustee Saia said he found that on one of the Village maps. Mr. Troy said he is aware of that, but we never owned it. Trustee Kibby said we discussed this at least three times and we've had an opinion saying that property was not given away.

Mayor Kuzon - No.

Yes - 2; Noes - 3.

Motion Fails.

Trustee Brenton said he had to speak out on this because here is a person who has lived here for longer than just about anybody in this room, that resides at the end of this street, we get erroneous information as to whether there is a storm problem. There is no storm problem. They are on top of the escarpment. The only person that would be affected is the person that owns the property and lives there. There is no storm sewer. Everyone that lives up there, and the houses are probably worth about \$150,000, seems to be very happy with their circumstances. There have been no complaints and here we get an erroneous statement that we gave away property to the developer, which we did not. We did not own the property and that was clearly brought out by the attorney many times. It bothers him, not that the Board voted no, but that these methods are employed to come to a conclusion and he frankly questions the background of

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, March 25, 1985 at 7:33 PM

people that would utilize some of these inflammatory statements to come to a conclusion because Mr. Saia for one indicated that he was unaware of a storm problem and there is no storm problem and still he votes no.

Trustee Brenton said for his report tonight he would first deal with the lot that is located between Mrs. Konowalski and Mr. Zeder. He said he has addressed a letter to Mr. Marcus of Hansen Appraisal Service requesting an appraisal of this property so that we are moving along in that direction. We did not necessarily need the recommendations of the Conrail committee to pursue that endeavor as the Board had indicated that it wanted to divest itself of that piece of property and there were no objections from Mrs. Konowalski or Mr. Zeder, the two abutting property owners. So we are pursuing that now.

Trustee Brenton said he has written a letter to Mr. Frandina. As he mentioned at one of our previous meetings during the course of the flooding he spent a great deal of time in that Mayor Kuzon was out of town in trying to assist wherever he could. He did have checked the height of Ellicott Creek at the bridge on Wehrle Drive within the Village and this bridge is scheduled for replacement. The County did replace the bridge over Youngs Road although it was his understanding that the Wehrle bridge was to be done first. During the flooding the water was well over 2' above the top opening of the bridge. So it can be readily concluded that the bridge acted as a dam which he thinks definitely contributed to flood effects of the residents. He is not totally blaming the bridge but he is implicating the bridge as being a contributor. So he has written a letter to Commission Frandina indicating basically that this did occur, that it was checked and verified by people with expertise in this field, and that he certainly would want this bridge replaced. It is his understanding that the bridge is scheduled for imminent replacement but he wished to emphasize that this project is very important and that there be no delay in this endeavor. He also indicated to Mr. Frandina that it is his understanding that this has been a request of area residents for over 20 years. To follow-up on that he sent a copy to our legislator, Mary Lou Rath, and indicated to her that we are all aware that the best intentions at any level of government are subject to budgetary restraints. However, he does feel that this situation should be monitored and he requested her input into this and her monitoring of this situation.

Trustee Brenton reported that he has also written a letter to Mr. Ketchum, the Regional Director of the New York State Department of Transportation, and it basically deals with the subject of many months standing here, i.e., the request for sidewalks on Union Road and it has been suggested by the N.Y.S.D.O.T. that in conjunction with the Union Road railroad

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, March 25, 1985 at 7:33 PM

viaduct removal and the project that will eventually fill in the depression in Union Road in that area and turn it completely around as far as he is concerned, due to requests from some local residents we and the Town have asked that the sidewalks be continued up Union Road. The N.Y.S.D.O.T. replied that that was not in what they had envisioned for that project and if we would like sidewalks that we would have to undergo some type of effort ourselves. The bottom line of it was that we would have to indeed acquire the necessary right-of-way, the Village, and when he requested the opinion of the Board of Trustees they felt they did not want to engage in this. He pointed this out to Mr. Ketchum in his letter to him and basically he wishes to repeat that it has been determined that such acquisition would be unique on an historic basis and would conflict with Village local law as pertains to the installation of sidewalks. So the sidewalks where necessary are really the responsibility of the property owner and historically the Village has never gotten into the acquisition of property for the installation of sidewalks. So at this time we will not be engaging in that particular effort any further. However, he did express the Board's concern that this also be included as soon a time as possible because we are fearful of pedestrian safety in that particular area.

Trustee Brenton reported that today he had a meeting with our architect for the fire hall project and the Project Manager is Mr. Catalano. They met for a considerable length of time. During the course of the meeting they went over some of the problems that the fire department has brought up to him. He will be discussing them with Mr. Pidgeon and perhaps Assistant Chief Schueckler and Chief Andrews, perhaps after this meeting as it will only take a few seconds, and he would at least like the opportunity to talk to Bill Pidgeon about it. We also determined that the present radio tower, which is located on the property now being acquired by the Village, will be moved by the Town of Amherst and the best place to move that to would be next to our building so that eventually we will be getting into an easement to allow the Town to occupy a small piece of property there and the Town will bear the cost of moving the tower.

Trustee Brenton said he has one resolution and that deals with a municipal cooperation agreement between the Town and Village whereby we can assist the Town and in like terms they can assist us. The thrust of it is that the Town will not assist us unless we have this agreement that allows for it.

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

RESOLVED that a Mutual Cooperation Agreement for mutual exchange of highway equipment pursuant to the provisions of Article 5g of the General Municipal law be entered into on behalf of the Village by Mayor Gordon J. Kuzon with the Town of Amherst for the fiscal year 1985-1986.

MUTUAL COOPERATION
AGREEMENT

Adopted -
with Town of
Amherst

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, March 25, 1985 at 7:33 PM

Unanimously carried.

Trustee Gallagher reported that since the last meeting of this Board there has been no meeting of the School Board in relation to the Academy building and property. They will be meeting tomorrow night and he along with other citizens will be attending that meeting and have more to present on that at our next meeting.

Trustee Saia said for his report he wanted to read a statement and gave a copy to the Clerk. It's not going to be a typical farewell address, after all this wasn't a typical election. Nor is it vengeance or sour grapes although his fellow board members who did not support him might say so. He is making the statement solely because he loves this Village and believes strongly in Villagers' right to know. His only regret is that he didn't release this material before the election. He followed the advice of some well intentioned people. Today he found an article and he has sat in this audience for some 25 years so he remembers a lot of things that have gone by. The article he found in the paper is in respect to Mayor Kuzon and he believes it because he has been on the Board with him. The article related to comments by Mayor Sheffer after Mayor Kuzon had served one year as Trustee on the Board that Mr. Kuzon had not sponsored one piece of significant legislation or one new program to inspire our village. He said he would like to bring out that on the Conrail property he had to make a statement that he would not be involved in any purchasing of the railroad. There was also another Board member who had the question of conflict of interest raised to him. Nobody ever accused the Mayor. It was never revealed to the public that his parents have a storage building and most of their garage on the Conrail property on which no taxes were ever paid. Although he knows it is not illegal his participation certainly gives the appearance of wrongdoing, especially since he has pushed selling the land from the beginning. There are some people on S. Long who have the same problem as the Kuzons but they're completely ignored and yet they have put of their buildings on the Conrail property.

Trustee Saia said that Larry Brenton attacked him something fierce on that snowpile but there's \$7,000 that they call Brenton's Folly down at the D.P.W. The money was spent for a leaf bailer that he can't scrap for \$200. If the Board approved that they were wrong. They were told by other municipalities that it did not work. He said he has everything listed in his statement but he can't read it.

He said he did enjoy the three years that he was on this Board and serving the public. We've had our arguments out

3/25/85

L.

Before beginning, I would like my statement, which I will read, to go into the Village Board minutes. Thank you.

This is not going to be a typical farewell address--after all, this was not a typical election--nor is it "vengeance" or "sour grapes" (although my fellow Board members, who did not support me, will say so).

I am making this statement solely because I love this village and believe strongly in villagers "right to know". My only regret is that I did not release this material before the election; I followed the advice of some well-intentioned people.

These men sitting here with me placed a low priority on public input; they believe they know best. I could not condone their actions and therefore could not cooperate with them. I would not "go along to get along". I regret losing my temper, but my feelings run deep about this village. I hope some of you will attend working sessions of the Board (the Sunshine Law gives you this right). By doing this, you will understand my frustrations.

First, let us consider Mayor Kuzon and his "good guy" image. Last year he refused to reassign me to the Youth Board I reactivated and only did so after great pressure from Youth Board members. From the snowpile incident to the present, the Mayor has tried to discredit me. I have never lied to the people; I am leaving this office with my credibility intact. I would like you to think about some of the Mayor's recent actions.

*After promising our Party Chairman not to back our opponents, he reneged on his word twice.

*On the Conrail Property: Since I own property a block away, I was told not to participate in ~~decision-making~~ ^{apurchase} involving the area.

The Mayor has never revealed to the public that his parents have a storage building and most of their garage on conrail land, of which no taxes were ever paid. Although not illegal, his participation certainly "gives the appearance of wrongdoing? Especially, since he has pushed selling the land from the beginning. The Grahms on South Long have the same problem as the Kuzons but they are completely ignored.

*Most people voted for the Conrail purchase for recreation and to upgrade the area. Kuzon refused to poll village residents or allow a vote to determine villagers' preference. Until he was placed under intense pressure, he refused to form a citizens' committee; when he did, he picked the majority to favor a sale.

*When his Conrail resolution, including the option to sell, was on the agenda, he never informed concerned residents. If I had not alerted villagers, few people would have been present.

*Mayor Kuzon bitterly attacked me regarding the Conrail snowpile but he did nothing to look for funds from outside sources.

*His recent advocacy of a high-density apartment complex on the South Cayuga end of Conrail land would permanently cause flood and sewage problems.

*He never mentioned the numerous things I did to improve the village. He questioned my revival of the Youth Board, which has made major contributions to the village including the planters on Main St. (It was recently cited as the top youth group in Amherst).

*He never has noted the obvious improvement in the DPW, since I have been Liaison. Leaf pickup and snow removal (even in the blizzard) were excellent. The year before village streets were a disaster.

*Since Mayor Kuzon decided to try for higher office, his heart has not been in the village. He handles the Town Board and Republican notables with kid gloves so as not to jeopardize his chances.

*Because he refused tough negotiations, the village got a poor deal on the Court Building purchase. It's renovation and upkeep will cause sharp increases in village taxes. New village offices are a luxury we can ill afford; the Town is obligated to provide office space for the Village. Mayor Kuzon did not appreciate my pushing hard for a better deal and calling a spade a spade.

Brenton

Deputy Mayor Larry Brenton soon made it apparent he never belonged in the Village Party at an Executive Board meeting, he suggested combining the Long St. ball diamonds and Conrail property to form an industrial park. He has made no secret of his pro-commercial leanings. Like Kuzon, his Conrail involvement is questionable. Altho employed by Conrail, he did all the negotiating. Price comparisons with nearby towns show he did not get us an especially good deal.

He attacked me for spending \$3,500 on the snow pile. I cannot junk a piece of equipment that is called Brenton's folly. I have the purchase order signed by Mr. Brenton for a leaf bailer that he pushed hard for--total cost ¹about \$7,000.00 that we can't sell, must scrap for about \$100.00.

Kibby

In campaign literature and previous actions, Trustee Kibby has not been forthright with the public. He was reelected on a foundation of ^{untruths} lies. His commitment to his own advancement takes precedence over that to the village. How committed is a man who could not find time to vote last year, yet was at the Town Hall as soon as the polls closed.

Did not the Conrail purchase or his party's candidate deserve enough priority to take a few minutes to vote?

*He has opposed citizen input and the formation of the Conrail Committee (verified in board minutes). His campaign literature states Doug Sandburg formed a Citizens' Committee after the official committee was formed. He well knows the Citizens' Committee was formed months previously to provide the input the Board denied.

*Additionally, he states Doug and I opposed the Mayor's Committee. He knows I opposed the Mayor's resolution because it included an option to sell. We believe then, and still do, that village residents did not want the land sold, especially for high-density use.

*Kibby's literature also said "Sandburg has not been active in village affairs until this election year." He has been on the Youth Board over two years and was Assistant Chairman last year.

*The Meeting House, because of Kibby's neglect, has been condemned. After appointing a Meeting House Committee, he never found the time to call a meeting. Mister Kibby's inability and unwillingness to conduct Committee Meetings on this building will result in thousands of dollars in additional repairs. Also the Historical Society has written memos imploring something be done with the building so that it might be used by them.

*MASTER PLAN

The Master Plan, many parts backed by Kibby goes completely against the type of village most of us want. Please obtain a copy of it-- especially the map from the village clerk and study it carefully. It shows the extension of commercial development one block back from Main St. in many areas.

Village Board minutes shows Mr. Kibby supports extending high-rise development along Main St. in the area of Williamsville Towers. At the hearing he said, "What is wrong with high-rises?" He backed placing shops above Glen Park in the Mill area. (The plan shows them extending out over the park and increasing population density back to Glen Avenue). The plan also shows S. Cayuga as a major artery, increasing high-density development back to Milton and building a plaza on Main St. at S. Cayuga. My skepticism about artificially increasing the population density of the village (because it fell in the last ten years, the Board believes it will continue to fall) and outspokenness against the Master Plan infuriated my fellow Board members.

Unlike the Village Party, which has no ties to any group, "Independent People" are backed by the Amherst Bee, Civic Pride Party, Commercial interests and some factions of the Republican Party. The Vice-President of the Amherst Bee openly wrote letters to Civic Priders asking them to endorse the "Independent" candidates. These groups back the Independents because they can control them.

My loss will not have been in vain if it alerts people to what is actually happening in their village. Accused of taking the "low road," in reality the Village Party has always taken the "high-road," even when it was not politically expedient.

Once again, the Village is controlled by a one-party board. Both Kuzon and Brenton have rejected the democratic choices of their party's 20-member executive board. By their actions, they have rejected their party's principles. For better or worse, they have allied themselves with the Independent People's Party.

You, the village residents, have the power and the votes to

decide the future of your village. Use it! Do not take my word or anybody else's what is going on. Attend Board meetings; ask questions. The Board will be making many important decisions in the near future; the Conrail use, Master plan and court purchase. Demand input. The cost of the Court Building will make Conrail's cost look like "peanuts". Demand cost figures, including complete renovation and upkeep.

This Board believes it knows better than you what is best for the village. Long ago, after 30-plus years of one-party rule, the Civic Pride Board believed the same thing. Although villagers almost unanimously opposed hi-rise development, the Board rezoned for Williamsville Towers. Later, when Glen Park came up, they continued to ignore the wishes of village residents. This time, they were voted out of office. We must prevent a return to those days. We must force our representatives to listen to us.

Despite the frustrations of sitting on this Board, I have found constant gratification working with village committees--Glen Park Board, Environmental and the Park Committee, and the village residents. My Youth Board has been a real joy. The office staff and DPW have been cooperative and supportive. Phil Boudreau is a fine man doing his best under difficult conditions. I have made friends whom I shall treasure for the rest of my life. The caring and dedication of the Village Party executive board has sustained me. I want to thank Doug Sandburg for running with me. He is the type of independent young idealist this village needs.

The Village Party has lost before; only those truly committed to our ideals will remain. We will return stronger than ever. To all of you who worked so hard for my reelection, I shall always be grateful. Hang tough!

Al Louie Trustee

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, March 25, 1985 at 7:33 PM

here. He's sure we're going to have quite a few more because he is going to be sitting in the audience as he did before he became a member of this Board. He said he made a promise to the people on Los Robles and he will back them and he will use financial or other means that he has to make sure that we get this thing rectified because he knows that the Town charges us \$366,000 to take care of our sewage. It seems like our sewage is ending up in sump pumps that are dumping it on the ground and then back into the creek. We're not getting our sewers taken care of. They're not the only one in the Village that has this problem. The people on Ellicott Street had to put a stop sign in the sewer in order to keep their homes from flooding. A stop sign put into the manhole to divert the water. So we do have some problems. He does not know the answers or what to do about it but he is willing to help anyone in this community try to solve some of these problems. The residents can call him any time and he will bend over backwards to help them out in their cause. The Conrail property has to be addressed, the Los Robles flooding problem, Ellicott Street the flooding problem. He doesn't know how the people put up with it. If it happened to him he doesn't know what he would do. But it hasn't happened to him or to a lot of people who are sitting here.

Trustee Sais said he should probably say he has enjoyed working with the Board and it has been very interesting, but he has had his problems on this Board. He hopes that Mrs. Schlifke when she takes it over concentrates on the problems throughout the Village and not just her district. He wished her well on the Board.

Mayor Kuzon said the Superintendent of Public Works was absent tonight because he was ill and there is no report.

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

Unanimously carried.

Mr. John Zeder, 28 Garden Parkway, asked if we now own the Conrail property and Mayor Kuzon said we do. He asked if we cannot break the lease that International Chimney has. Mr. Troy said that the lease does not have the typical clause in it that would give us that opportunity. Mr. Zeder asked who has given permission for International Chimney to use approximately two to three acres of land when they are paying for only 1/2 acre and which they pay taxes on 50'X400'. They are using at least two acres of land. He invited the whole Board to come over to S. Long tomorrow and see what we are looking at right now. There five big pieces there that are least 7' to 8' tall right now on S. Long and they are probably 30' long. They are blocking the whole 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, March 25, 1985 at 7:33 PM

It is the biggest junkyard he has ever seen. He thinks they are liners from chimneys. Why do we have to put up with this? Why can't they be forced to put this stuff back where it belongs on the land they are paying for. Trustee Kibby said we will push them to the legal limit. He doesn't know what the legal limit is right now but hopes to know that very shortly.

Mr. Zeder said spring is here and summer is coming. Last week there were at least six dirt bikes and three-wheeled vehicles back there, up and down all day long with no mufflers. Maybe we can do something about that. He was promised way back that that would be barricaded when we owned the property. Trustee Brenton asked who had promised that and Mr. Zeder said Trustee Brenton did for one. Trustee Brenton said no way. Trustee Saia said he doesn't see why it can't be barricaded. Mayor Kuzon said he can call the Police Chief tomorrow and he knows that last time it worked. It won't be a lasting solution but it did seem to work at the time. Trustee Saia said he thinks the Highway Department is very well capable if they got instructions from this Board or the committee to go down there and get a couple of telephone poles and at least make an attempt to keep these kids off. At least it will slow them down so when the police do chase them they have a chance to catch them.

Trustee Kibby said he thinks that is a good suggestion but on the other hand there is a problem in that not all those kids are coming up from Cayuga, some are coming from Garden Parkway out of their backyards. Trustee Brenton said we have laws against this and you should in any society endeavor to live up to your laws and rules. If you put a telephone pole there once a kid breaks his neck on one, he hopes you have enough insurance. He thinks the attorney will agree with him on that. It's a sophmoric suggestion to a serious problem. We would be very, very liable. Now if Mr. Zeder doesn't get results from the Amherst Police and he can't get hold of the Mayor then he should get hold of Trustee Brenton because he will find out from the Chief why we are not getting the kind of protection we should be. Mr. Zeder said he has talked to the police and has told them exactly where these kids live and they have gone down and he heard the report of Patrol 10 that he has talked to the father and he will take care of it. He hadn't left that house more than two minutes and the kid was back on the street again. Trustee Brenton said that then we have to follow through and find out why Patrol 10 didn't do his job. It's as simple as that. Mr. Zeder said he has also seen the police pick up a dog and open a door and put the dog in the house. Trustee Brenton said if the police are doing that then what are they doing at 3:00 in the morning and he wonders if they're getting laxer and laxer and if it isn't time for the people to find out about it and do something about it before you're invaded in your homes.

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, March 25, 1985 at 7:33 PM

We should get after them and follow through on it. Mr. Zeder asked how many cars there are in the Village. Trustee Brenton said we had two at one time but now we only have one. Mayor Kuzon said he would talk to the Chief tomorrow and see what we can do.

Marguerite Lindow, 22 Garden Parkway, said there are campers and strange people driving up and down there. She is less scared of a motorcycle. She has seen some pretty wierd people back there and there's no reason why you can't put a snow fence with an opening so people can walk through. The police never drive down there. Last year when the police came they caught the two kids with a motorcycle and let them go. They have no jurisdiction to arrest them. She is talking about people going back there and dumping. There were two, she thinks plumbers dumping clay right behind Mr. Zeder's property last year and they said they were from Conrail and they were not from Conrail. Mayor Kuzon asked if they had entered from S. Long Street. Mrs. Lindow said yes. Every time she looks out her window there is a camper or a van or a truck going through there. There is no reason the village can't put a couple of snow fences up with a walkway in it so that motorcycles can't get through. It is getting so that people are afraid to walk back there. And with the strange people around she wouldn't want her children going back there. You don't know who's in those campers. Something has to be put up to prevent this. Mayor Kuzon said he will talk to our Superintendent and see what the best solution is. There is a debate as to whether barricades are the answer. Heddoesn't know if they would work. Maybe railroad ties are the answer and if not we'll do something else. All terrain vehicles will go over that and so will some of those big trucks. You need some sort of a snow fence with an opening so that people who want to walk through there can but so the motorcycles, all terrain vehicles and campers can't get through.

Robert Bindert, 39 Garden Parkway, asked Trustee Kibby if he were going to ask the attorney as to the Village's legal rights to enforce a clean-up of the property that International Chimney now has. Trustee Kibby said it would be the property that we lease to them. He has already done that. Also on the property that we own but do not lease, he has asked Mr. Boudreau to begin to plan a way to clean that up. Mr. Bindert said he had asked for this three meetings in a row and this is really the biggest concern he thinks of the majority of the people that live in the area. It is a dump and it is not nice to live next to it, especially when you have small children.

Lawrence Law, 144 S. Ellicott, thanked Jimmy Saia for his service on the Board the last three years and his sensitivity to the Village and its citizens. Jimmy is not a person you can put away quietly. He makes his opinions known. He particularly likes the idea that he plans to continue on one side or the other.

Mr. Law said he has one question relative to the Conrail property. He said that Trustee Kibby in his report on the Conrail property used the phrase zoned forever recreational. Trustee Kibby said he said set aside forever. Mr. Law asked if this was one of the Board's powers. That they can do something forever. Trustee Kibby said they can't do it forever and that is a good point. What he was trying to do was say that that should be zoned, that 25' strip plus all the rest of the green property, right now zoned or set aside for recreational. The other part that is brown where International Chimney and Darling are leasing land, should be zoned to recreational on at least a four year basis. Then after the four years the Board should decide, or go through the same decision making process. That is what he meant by forever. It is probably forever.

Trustee Brenton said that sometimes he is a vocal person also and he thinks that that is probably one of the reasons that he was sought out by Trustee Saia to serve on the Youth Board and then the Planning Board, and a couple of occasions was even requested to run for Trustee, which he really didn't feel he had the time to do. Mayor Kuzon eventually ran and won and Trustee Brenton was on the Planning Board and became aware of him as he was liaison to the Planning Board and felt that he was a very fine, outstanding, and there is an obvious age difference between them, young man. At that particular time he was asked to serve as a Village Trustee and he declined on several occasions and finally the bottom line was that this would in effect be the election of Mayor Kuzon. For those that don't know he has an occupation where he is on 24-hour call seven days a week, 365 days a year. He acquiesced to that request which came directly from Trustee Saia and he thinks that he would now like to offer his comments as to Mayor Kuzon's abilities and his service to this community because he feels very, very strongly. He thinks that Mayor Kuzon has endeavored, and put in more time than any Mayor that he knows of and that includes a person he feels did an excellent job and that's former Mayor Sheffer, and he thinks that Mayor Kuzon has given more thought and more preparation to the things that he does than just about anyone that he has seen in a public endeavor. He is extremely pleased to sit on this Board of Trustees and serve under Mayor Kuzon and he would be happy to continue to do so. He only hopes that his actions reflect favorably on the Mayor because it is he that deserves the credit because he is the Mayor and he has acted responsibly in just about every situation, in fact all situations that he can think of.

Mayor Kuzon said he appreciates those words. He would like to take the opportunity to first of all say to Trustee Saia

that he is a little bit surprised by his harsh words and discouraging thoughts about him because he's always spoken so highly about Trustee Saia. While Trustee Saia's statement regarding Mayor Kuzon's parents' property in his opinion should not be dignified with an intelligent response he raised the issue and the Mayor finds that it is necessary to address it and clarify the facts that were purposely confused and exaggerated. It is also an excellent opportunity to discuss the tactics that Trustee Saia has used. First of all, to Trustee Saia and to the public, the Mayor said he has no problem discussing the encroachment on the Conrail property, and as the survey which was presented to the Village Board some months ago has revealed, over the years several adjoining residents have encroached on railroad property. This encroachment is typically fences, accessory structures. They were inadvertently located on the railroad property by the neighbors, and one case in point happens to be the Mayor's parents on their property at 36 S. Union Road. So it is clear and everybody knows the encroachment there consists of a fence, part of a storage shed and part of a garage, but obviously the encroachment of his parents was not intentional. It would be foolish for them to do that. The results of the survey he can quite honestly say was the first time that he or his parents had knowledge of the encroachment. When their garage was constructed over 20 years ago no survey was used, the garage was assumed to be on their property and it was constructed. Just to add for your information that property has been owned by his family for three generations. The house was first occupied by his great-grandfather and his mother has lived there all her life. He would like to add, and when people talk about knowledge of the Conrail property that happens to be the property where he grew up. Many of the people who now live in the Village and claim to be proponents of the Conrail property probably cannot even remember when trains used to travel daily on that property. He grew up next to it. He used to watch the trains go by and his brother learned to become great friends with the engineers and the people that did the switching on S. Long Street. So let's clear the air once and for all of this obnoxious statement that there is a conflict of interest. There is no conflict of interest because No. 1 his parents own the property. No. 2 he has no financial or legal interest in the property and he has been advised by several attorneys and knowledgeable people that under the circumstances with no personal or financial interest in that property that he is not in conflict and it has never been his intention, or hesitation to discuss this publicly, but while we're at it let's use this opportunity to clean the air of this misleading inference. Trustee Saia intentionally stated that the position of the Mayor on the Conrail property has been influenced by prior knowledge of this encroachment. That's false and a lie. There's no

other way to say that. Until the survey, as he stated before, he had no knowledge. This garage was built some 20 years ago and surveys were not in use at that point. His parents had a building permit to show they filed the necessary plans and that it was constructed with the knowledge of the Village, but without any knowledge of this encroachment he thinks it's impossible for him, or his position or his statements to have been influenced by any inkling of a thought that this would relate directly to his parents. So in conclusion he would like to say he doesn't have a conflict of interest. His position on the property has not been influenced by any knowledge of his parents encroachment. The first he knew of the encroachment was when the survey was completed by the Village and as that survey indicated not only are they in encroachment but so are a number of other people along the way. Just to take one last opportunity to comment on his initiative the statement that Trustee Saia referred to was made in the campaign of 1978 and the only thing that he would say is he will stand on his record. Since 1978 the people in the Village have elected him Mayor in 1979 and for two other terms after that and if there is a problem with his initiative he will let the people of the Village of Williamsville be the deciders and not Trustee Saia.

Trustee Kibby said he had forgotten about John Sheffer's statement. John is a man he dearly likes but he remembers that was campaign rhetoric and some people just have to learn to roll with campaign rhetoric and some people never do learn to roll. He has to say that he thinks Mayor Kuzon is a diligent worker, a hard planner and is a man who seems to have a file on everything that you would ever want a file on and knows where to find it. It contains pertinent information. He thinks Gordon is an excellent mayor and has done an excellent job. Now the question about conflict of interest when Jimmy was talking he thought he was just going to let this go and go about our business. He needs to point out that when the Conrail Committee got the plans and took a look at it the first thing the committee did was ask the Village Attorney to supply in writing a statement as to what can or cannot be done, what should or should not be done about encroaching properties, of which one of about three or four happened to be the Kuzons. It is an insignificant sort of thing. It may turn out to be a touchy problem just because it's Gordon and his parents. That's the only thing touchy about it. There are 3 or 4 other families involved and no one is talking about them. It happens all the time.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, 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 Building, Williamsville, New York on Monday, March 25, 1985 at 7:33 PM

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the meeting was adjourned at 9:45 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer