

Minutes of the Special Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Wednesday, October 9, 1985 at 4:05 PM.

Roll Call	Present	Gordon J. Kuzon, Mayor
		Lawrence R. Brenton
		Richard Gallagher Trustees
		Michael Kibby
		Theresa L. Cummins, Village Clerk
		David Laubisch, Dept. of Public Works
	Absent	Carolyn Schlifke, Trustee
		Thomas V. Troy, Village Attorney

Mayor Kuzon called the meeting to order at 4:05 PM.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$164,004.08 were approved as follows for the period September 24, 1985 through October 9, 1985:

Payroll Fund	W/E 9/26/85	\$ 9,264.36
	W/E 10/4/85	<u>6,045.70</u>
Total Payroll		\$ 15,310.06
General Fund	Abstract #594	93,241.03
Sewer & Water Fund	Abstract #175	48,812.22
Trust & Agency Fund	Abstract #213	4,395.91
Federal Revenue Sharing	Abstract #177	1,395.10
Glen Park Jt. Activities	Abstract #114	<u>849.76</u>
Total Vouchers		\$164,004.08

Unanimously carried.

Trustee Brenton reported that we have expended almost \$62,000 for paving this year. We had budgeted \$53,000 so we're in pretty good shape as far as paving is concerned.

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

RESOLVED that Bond and Capital Note Resolution in the amount of \$65,000 for the purchase of Dump Truck is hereby adopted.

BOND  
RESOLUTION

Dump Truck

Mayor Kuzon asked if this means the truck will come totally equipped with a box, plow and whatever else it needs and Trustee Brenton said it did. Trustee Gallagher asked when the truck

EXTRACT OF MINUTES

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

October 9, 1985

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A special meeting of the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, was held at the The Village Hall, 5583 Main Street, Williamsville, New York, on October 9, 1985 at 4:00 o'clock P.M. (Prevailing Time).

There were present: Honorable Gordon J. Kuzon, Mayor;  
and

Trustees: Lawrence R. Brenton  
Michael W. Kibby  
Richard J. Gallagher

There were absent: Carolyn Schlifke - Trustee  
Thomas V. Troy - Village Attorney

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

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TRUSTEE BRENTON offered the following resolution  
and moved its adoption:

BOND AND CAPITAL NOTE RESOLUTION OF THE  
VILLAGE OF WILLIAMSVILLE, NEW YORK, ADOPTED  
OCTOBER 9, 1985, AUTHORIZING THE PURCHASE OF A  
SINGLE-AXLE DIESEL DUMP TRUCK FOR USE BY THE  
DEPARTMENT OF PUBLIC WORKS, STATING THE  
ESTIMATED MAXIMUM COST THEREOF IS \$65,000,  
APPROPRIATING SAID AMOUNT THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF \$3,250 CAPITAL  
NOTES TO PROVIDE THE REQUIRED DOWN PAYMENT,  
AND AUTHORIZING THE ISSUANCE OF \$61,750 SERIAL  
BONDS OF SAID VILLAGE TO FINANCE THE BALANCE  
OF SAID APPROPRIATION.

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

Section 1. The Village of Williamsville, in the County  
of Erie, New York (herein called "Village"), is hereby authorized  
to purchase a single-axle diesel dump truck for use by the  
Department of Public Works. The estimated maximum cost of said  
specific object or purpose, including preliminary costs and costs  
incidental thereto and the financing thereof, is \$65,000 and said  
amount is hereby appropriated therefor. The plan of financing  
includes the issuance of \$3,250 capital notes to provide the down  
payment required by the Law, as hereinafter defined, and the  
issuance of \$61,750 serial bonds of the Village to finance the

balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Capital notes of the Village in the principal amount of \$3,250 to pay the required down payment, and serial bonds of the Village in the principal amount of \$61,750, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said capital notes.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$61,750 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) Current funds are required by the Law to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof and such current funds will be so provided by the issuance of the capital notes herein authorized. The Village Treasurer is hereby authorized and directed to set aside the proceeds of sale of said capital notes and to apply same solely to said specific object or purpose herein described.

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

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes

issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

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

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

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

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

Section 7. This bond and capital note resolution is subject to permissive referendum.

TRUSTEE BRENTON offered the following resolution and moved its adoption:

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

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

VILLAGE OF WILLIAMSVILLE, NEW YORK

PLEASE TAKE NOTICE that on October 9, 1985, the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, adopted a bond and capital note resolution entitled:

"Bond and Capital Note Resolution of the Village of Williamsville, New York, adopted October 9, 1985, authorizing the purchase of a single-axle diesel dump truck for use by the Department of Public Works, stating the estimated maximum cost thereof is \$65,000, appropriating said amount therefor, and authorizing the issuance of \$3,250 capital notes to provide the required down payment, and authorizing the issuance of \$61,750 serial bonds of said Village to finance the balance of said appropriation,"

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

FIRST: AUTHORIZING said Village to purchase a single-axle diesel dump truck for use by the Department of Public Works; and STATING the estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$65,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the issuance of \$3,250 capital notes to provide the down payment required by the Law, as hereinafter defined, the issuance of \$61,750 serial bonds of the Village to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$3,250 capital notes to provide the required down payment and \$61,750 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance the balance of said appropriation not provided by said capital notes;

THIRD: DETERMINING and STATING the period of probable usefulness of the specific object or purpose is fifteen (15) years; current funds are required by the Law to be provided prior to the issuance of the bonds or any notes in anticipation thereof and such current funds will be provided from the proceeds of capital notes; and DIRECTING the Village Treasurer to set aside said current funds and apply the same solely to said specific object or purpose; and the proposed maturity of said \$61,750 serial bonds will exceed five (5) years;

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

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

SIXTH: DETERMINING that the bond and capital note resolution is subject to a permissive referendum.

DATED: October 9, 1985

Theresa L. Cummins  
Village Clerk

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

Section 3. This resolution shall take effect immediately.

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

AYES: 4

NOES: 0

The resolution was declared adopted.

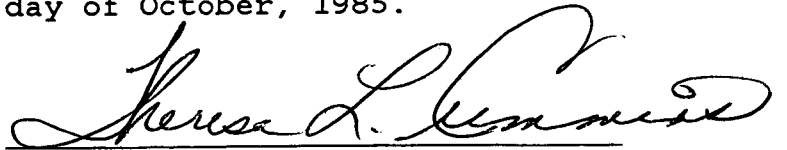
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General - No Veto

CERTIFICATE

I, THERESA L. CUMMINS, Village Clerk of the Village of Williamsville, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Trustees of said Village of Williamsville duly called and held on October 9, 1985, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Trustees and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Williamsville this 9th day of October, 1985.

  
Village Clerk

(SEAL)

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will be received and Mr. Laubisch said it would probably be here the third week in October.

Unanimously carried.

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

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

BOND RESOLUTION

Dump Truck

Publish above bond resolution

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

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

Section 3. This resolution shall take effect immediately.

Unanimously carried.

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

RESOLVED that the Village Clerk publish notice of Public Hearing to be held by the Board of Trustees of the Village of Williamsville on October 28, 1985 at 7:35 PM for the purpose of discussing a proposed local law which would grant the Veterans Pro-Rata exemption upon completion of the Erie County Revaluation Program scheduled for June 1, 1986.

CALL FOR PUBLIC HEARING

Local law for Veterans Pro-rata exemption

Unanimously carried.

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Trustee Brenton said his next resolution deals with the rehabilitation of the storm sewers on Cadman, Los Robles and California. The bid was lower than we had anticipated. Paul Bowers was present to answer any questions.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for rehabilitation of Storm Sewers on Cadman, Los Robles and California Drives, and

WHEREAS Milherst Construction of Getzville, New York submitted the low bid meeting specifications,

NOW, THEREFORE, BE IT RESOLVED that Milherst Construction be awarded the contract for rehabilitation of Storm Sewers on Cadman, Los Robles and California Drives for their low bid of \$71,798.50.

CONTRACT AWARDED

Storm Sewer  
work on Los  
Robles, Cadman  
and  
California Dr.

Trustee Gallagher questioned why there was such a large difference between the low and high bids. The differences were due to the way they bid pavement replacement and the piping cost. They all bid on the same specs.

Unanimously carried.

Trustee Gallagher said he wanted to know what direction to go with respect to placing a resolution on the agenda at the next meeting relative to the pavilion at Island Park. He has talked to Joe Siracuse and Peter Grace regarding the pavilion and the possible conversion of it into a bandshell and they would not want to get into that. It would be an architect's responsibility. They did say they could take a look at the whole structure for us in the context of what it is now and what would be required to bring it up to snuff. Their price to do this is \$1,500. He wants to know if this is a reasonable figure. Trustee Brenton asked if this has been budgeted for. Trustee Gallagher said it would be a line item transfer within the pavilion budget. Trustee Gallagher said we would be looking at it from a safety standpoint and from a long-range prospective. There is a plan to build a shelter there now. Trustee Brenton asked if Mr. Delo could look at it and Trustee Gallagher said he thinks Mr. Delo is spread rather thin right now. Trustee Gallagher said he would have them put in writing what the hours involved would be and what they're going to do and then we can decide on it.

OPENING OF BIDS - VILLAGE CLERKS OFFICE

PROJECT STORM SEWER REHAB: - Cadman Dr. Area  
Lo<sup>S</sup> Robles St. Area

DATE: October 7, 1985 at 10:30 A.M.

CONTRACTOR

PROPOSAL  
BID AMOUNT

CERTIFIED CHECK  
OR BID BOND  
PROVIDED

CONTRACTOR	PROPOSAL BID AMOUNT	CERTIFIED CHECK OR BID BOND PROVIDED
① Greeway Contracting 68 Churchill St. Bflo, NY 14207	98,744.50	Bid Bond
② Milherst Construction 2601 Millersport Hwy Getzville, NY 14068	71,798.50	"
③ Krat Bros. Inc. 1800 Military Rd. Genoa, NY 14207	129,705.-	"
④ Amato Bros. 165 Hartford Rd. Amherst, NY 14226	107,125.-	"
⑤ Herbert F. Masling Inc. 131 California Williamsville, NY	135,752.-	"

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Trustee Kibby said he thinks Joe Siracuse did a nice job on the Meeting House. Trustee Brenton said the pavilion has a new roof and has been vandal-proofed. It is only a question of the integrity of the beams that hold up the floor. It doesn't seem to be much of a job.

Charles Rizzone, 136 Los Robles, asked how the public will know about what's going to be done on the Los Robles sewer and how soon it will begin. Mr. Bowers said he has the plans here and would show them to Mr. Rizzone.

Mayor Kuzon said Mr. Liguori of 415 Cadman Drive who wanted to subdivide his property which goes through to Wehrle Drive was supposed to come in to the meeting and talk to the Board about his request for a rezoning.

Trustee Kibby advised that he went with Evor Williams and Dick Delo on an inspection at the Williamsville Inn. Mr. Habib has made significant progress. He has installed a new furnace and they are working on some other things. The building will be rechecked shortly.

With respect to the Little White House, Trustee Kibby said he has sent Mr. Salvatore a letter saying he can't park on the residential lot and his leaving the stone there was an invitation to park. As part of the demolition permit he signed it says it has to be filled in with dirt so he has been advised of that.

Trustee Kibby said the Village Meeting House work is going on now and they have done more than they were committed to do in taking the sag out of the roof. The neighbors have not complained about any mess there. They are working inside now setting up scaffolding. When they are done in there Trustee Kibby feels we need to either tear that fence down or put up a new one. He doesn't think it can be repaired. Mr. Laubisch said he thinks it may be possible to repair it and suggested having three estimates made on repairing it. The overall fence is not in that bad a shape. Trustee Kibby said the fence area also needs to be cleaned up. Mayor Kuzon said we are getting a price from American Douglas Metals with respect to paving the driveway.

Trustee Kibby said our code does not seem to require the installation of a drain in a parking area. It calls for the provision for making sure the water on your parking lot is drained to a drain. That could be a real problem with respect to the Roneker House. Mr. Robshaw is going to put a drain in his lot but Mr. Wolf advised that's going into a storm sewer that's plugged at Mill St. But that's the Village's problem. He's done what he is supposed to do to carry the water off. Mr. Laubisch

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said that line has been abandoned.

With respect to the easement Mrs. Arhardt has requested for the Village Meeting House driveway, Trustee Kibby said American Douglas Metals has advised us that they don't care if she comes across that property. The Planning Department is opposed to it and the Planning Board does not favor it.

Trustee Kibby said he and the Mayor had a meeting with Mrs. Gustafson. She was concerned about the motion that was approved on the rezoning with respect to the phrase that she would do the sewerage as stated by URS which would be about \$25,000, and also do anything else that URS says needs to be done. She wonders if that is a Pandora's Box. It may or may not be. We indicated that we are not planning on making her do something other than what was needed to solve the problem. Trustee Kibby suggested that she have plans drawn and then when it comes to us Mr. Delo would probably send it to URS for review. He suggested she start that right now so she would have a pretty firm commitment as to whether or not this is going to solve her problem down there and what it's going to cost. Trustee Kibby asked Mr. Bowers if it was reasonable to ask URS to review this and say whether it looks like this is what is necessary and this looks like what it's going to cost. Mr. Bowers said what they presented in their report is one solution. They also indicated it would probably be wise to look into some sort of on-site retention so the outflow would be smaller and reduce the cost of the off-site construction. But this would take up some of the land area. Trustee Kibby said they felt they really don't care how she does it but it is her responsibility to design the system so that it will take care of the problem and pay for that design and that system and we can't guarantee anything. We did not promise her that \$25,000 was the limit of her liability.

Trustee Gallagher brought up the subject of security guards in the parks for Halloween since the next day is a school holiday and the kids will be out late. It was decided that there would be a guard in Island and Garrison Parks. Glen Park is already taken care of.

ON MOTION by Mayor Kuzon, seconded by Trustee Gallagher, the meeting was adjourned at 4:40 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer