

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, March 14, 1988 at 7:40 P.M.

Roll Call	Present	Lawrence R. Brenton, Mayor
		Robert V. Bindert
		Michael W. Kibby Trustees
		Carolyn M. Schlifke
		Richard P. Sweeney
		Mary E. Harrigan, Deputy Village Clerk
		Thomas V. Troy, Village Attorney
	Absent	Theresa L. Cummins, Village Clerk
		David Laubisch, Supt. of Public Works

Mayor Brenton opened the meeting at 7:40 P.M. with the Pledge of Allegiance.

ON MOTION by Mayor Brenton, seconded by Trustee Kibby, the minutes of the regular meeting held February 22, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, the minutes of the public hearing on the proposed annexation of property held on February 22, 1988 were approved.

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved at 7:45 P.M. to open the public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(5)(C) to the Traffic Code by providing a stop sign on Los Robles at Caliofrnia. (The public hearing was closed at 7:50 P.M.)

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved at 7:51 P.M. to re-open the public hearing on the proposed revision to the Village Sign Code. (The hearing was closed at 8:40 P.M.)

Unanimously carried.

Mayor Brenton reported that the Village of Williamsville will be hosting the Erie County Village Association Dinner Meeting on Thursday, March 17th at the Little White House Restaurant. He also stated he has received correspondance regarding the weight limits on Wehrle Drive, in particular the difference between the four ton limit passed by the Town and the five ton limit passed by the Village. This has been referred to

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Traffic and Safety for their input. Mayor Brenton also reported he had requested the Town of Amherst Board to support the Village in opposition to a curb cut onto Evans Street from Centerpointe. The original resolution by Councilman Ward did not pass but an abbreviated one by Councilman Kindel was adopted, which requested the County to conduct a traffic study regarding this curb cut.

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, vouchers in the amount of \$172,986.66 covering February 22, 1988 thru March 14, 1988 were approved.

payroll fund w/e 3/4/88		\$ 14,044.05
	* subtotal *	14,044.05
General Fund	#651	126,992.84
Sewer & Water Fund	#231	23,741.42
Trust & Agency Fund	#268	3,685.20
Glen Park Jt. Activities	#168	104.85
Capital Fund	#193	4,418.30
	* Grand Total *	\$172,986.66

Large vouchers were for Erie County Water, J & I Disposal, Niagara Mohawk.

Unanimously carried.

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

RESOLVED that Eric Weinreber and James Doerfler are hereby authorized to attend the American LaFrance Pump School in Montour Falls, New York from March 8-10, 1988 and the cost, not to exceed \$175.00 each, to be paid by the Village of Williamsville.

Unanimously carried.

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

RESOLVED that URS Company is hereby appointed to provide engineering work in connection with the Reist Street Waterline replacement project at a fee of \$21,900 according to its proposal of February 18, 1988.

Unanimously carried.

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

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RESOLVED that bond resolution in the amount of \$130,000 is hereby approved for the Reist Street Waterline Replacement Project.

Unanimously carried.

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

THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

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

Section 2. After said bond resolution shall take effect, the Village Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper 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 Mayor Brenton, seconded by Trustee Bindert, the following resolution was adopted:

RESOLVED that the Village Clerk advertise for sealed bids for one rear feed disc type chipper with hydraulic feed for the Department of Public Works. Bids to be opened on March 23, 1988 at 3:30 P.M. in the Village Clerk's office, 5565 Main Street, Williamsville, New York, under the terms of the standard bidding resolution.

Unanimously carried.

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

RESOLVED that URS Company is hereby appointed to conduct a

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feasibility study (site analysis only) for the relocation of the Department of Public Works garage for a fee of \$2,500.00 per its proposal of February 26, 1988.

Unanimously carried.

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

RESOLVED that the Village Clerk advertise for sealed bids for the sale of one 1973 American laFrance 1500 GPM Pumper Truck. Bids to be opened April 6, 1988 at 3:30 P.M. in the Village Clerk's office, 5565 Main Street, Williamsville, New York.

Unanimously carried.

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

RESOLVED that Bond Resolution in the amount of \$56,500 is hereby approved for the purchase of a computer and software for the Village offices.

Unanimously carried.

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

RESOLVED that the Village Clerk advertise for sealed bids for reconstruction of sidewalks in the Village of Williamsville. Bids to be opened on April 6, 1988 at 4:00 P.M. in the Village Clerk's office, 5565 Main Street, Williamsville, New York, under the terms of the standard bidding resolution.

Unanimously carried.

Trustee Schlifke reported Marie Eyre has resigned from the Parks Committee due to ill health. There are presently two (2) vacancies on that committee. The Parks Committee has been working all winter on revising the parks code and park permits. These have been simplified for this season.

Trustee Sweeney stated the Environmental Committee has been working on a landscape plan for the East Spring Street area and at it's last meeting accepted a plan from the architect. They also listened to input from concerned businesses in the area. At this time a decision is still pending this rendition of this plan.

He also reported that he and Dave Laubisch attended a meeting regarding Flood Control and Improvement in the

EXTRACT OF MINUTES

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

March 14, 1988

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A regular meeting of the Board of Trustees of the Village of Williamsville, in the County of Erie, New York, was held at the Village Hall, 5565 Main Street, Williamsville, New York, on March 14, 1988 at 7:30 o'clock p.M. (Prevailing Time).

There were present: Honorable Lawrence R. Brenton, Mayor;
and

Trustees: Robert V. Bindert
Michael W. Kibby
Carolyn M. Schlifke
Richard P. Sweeney

There were absent: Theresa L. Cummins, Village Clerk

Also present: Mary E. Harrigan, Deputy Village Clerk
Thomas V. Troy, Village Attorney

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Mayor Brenton offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF
WILLIAMSVILLE, NEW YORK, ADOPTED MARCH 14,
1988, AUTHORIZING THE PURCHASE OF A COMPUTER
AND RELATED SOFTWARE FOR THE VILLAGE FINANCE
DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST
THEREOF IS \$63,500, APPROPRIATING SAID AMOUNT
THEREFOR, INCLUDING THE APPROPRIATION OF
\$7,000 CURRENT FUNDS TO BE APPLIED TOWARDS THE
COST THEREOF, AND AUTHORIZING THE ISSUANCE OF
\$56,500 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 Sperry Computer and the related software for use by
the Village Finance Department. The estimated maximum cost of
said specific object or purpose, including preliminary costs and
costs incidental thereto and the financing thereof, is \$63,500
and said amount is hereby appropriated therefor, including the
appropriation of \$7,000 current funds to be applied towards the
cost thereof. The plan of financing includes the expenditure of
said current funds and the issuance of \$56,500 serial bonds of
the Village to finance the balance of said appropriation, and the

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

Section 2. Serial bonds of the Village in the principal amount of \$56,500, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation not provided by said current funds.

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

(a) The period of probable usefulness of said specific object or purpose for which said \$56,500 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 52 of the Law, is five (5) years.

(b) Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof pursuant to Section 107.00 d.(5) of the Law; however, current funds in the amount of \$7,000 will be provided from moneys now available therefor in the current budget of the Village under the heading "Down Payment for Computer." The Village Treasurer is hereby authorized and directed to set aside said current funds 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 not exceed five (5) years.

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

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

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

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

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

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

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "AMHERST BEE," a newspaper published in Williamsville, New York, having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

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

AYES: 5

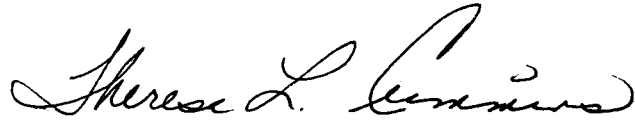
NOES: 0

The resolution was declared adopted.

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 March 14, 1988, 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 18th
day of March, 1988.



Village Clerk



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Lehn Springs area. A preliminary study has been completed by the U.S. Army Corp of Engineers. The Village will be making a recommendation to the Town of Amherst to accept the preliminary report and recommend the Corp of Engineers proceed with a Flood Improvement Project in the Lehn Springs area.

ON MOTION by Trustee Bindert, seconded by Trustee Schlifke, the following resolution was adopted:

RESOLVED that the Village 1988-1989 Community Development Block Grant Funds be allocated as follows:

\$ 8,000.00	Housing Rehabilitation
28,540.00	Infrastructure in the Target Area
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\$36,540.00	Total
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Unanimously carried.

Trustee Kibby stated his resolution on the annexation of property has been removed because of an inaccurate legal description.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to suspend rules for public participation.

Unanimously carried.

No one from the audience appeared to speak.

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

Unanimously carried.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, it was moved to adjourn the meeting at 8:55 P.M.

Mary E. Harrigan
Deputy Village Clerk

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Monday, March 14, 1988 at 7:45 P.M.

Roll Call	Present	Lawrence R. Brenton, Mayor
		Robert V. Bindert
		Michael W. Kibby Trustees
		Carolyn M. Schlifke
		Richard P. Sweeney
		Mary E. Harrigan, Deputy Village Clerk
		Thomas V. Troy, Village Attorney
	Absent	Theresa L. Cummins, Village Clerk
		David Laubisch, Supt. of Public Works

The Deputy Clerk read the notice of public hearing being held for the purpose of hearing all persons interested in discussing a proposed local law which would add Section 60.40(5)(C) to the Traffic Code by providing a stop sign on Los Robles at California.

ON MOTION by Mayor Brenton, seconded by Trustee Schlifke, the public hearing was opened at 7:45 P.M.

Unanimously carried.

Mr. Charles Rizzone, 136 Los Robles stated there are 27 children of school age in the area. There has been an increase in traffic on Los Robles during the last few months and he favors this sign.

Trustee Bindert will ask the chairman of the Traffic and Safety Committee if some "Children at Play" signs could be erected in the area.

Mayor Brenton stated this suggestion had been considered by a prior board but was not implemented because it was felt that too many of these signs would diminish the effect.

ON MOTION by Mayor Brenton, seconded by Trustee Bindert, the public hearing was closed at 7:50 P.M.

Unanimously carried.

Mary E. Harrigan
Deputy Village Clerk

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Roll Call

Present

Lawrence R. Brenton, Mayor

Robert V. Bindert

Michael W. Kibby Trustees

Carolyn M. Schlifke

Richard P. Sweeney

Mary E. Harrigan, Deputy Village Clerk

Thomas V. Troy, Village Attorney

Absent

Theresa L. Cummins, Village Clerk

David Laubisch, Supt. of Public Works

ON MOTION by Mayor Brenton, seconded by Trustee Sweeney, it was moved at 7:51 P.M. to re-open the public hearing on the proposed changes to the sign code.

Unanimously carried.

Trustee Kibby stated this is a continuation of a public hearing of January 5, 1988 to revise the sign code. Since that time he and the Building Administrator have had breakfast with the Williamsville Businessmen's Association where they again listened to questions and comments about the proposed code. One more version of the proposed code has been drafted. Letters have been received from Mr. Bob Moses, Bee Publications and a note from Trey Measer. One aspect of the revision has caused concern and that is the date the overhanging signs are to come down. There is also a letter from Marine Midland regarding this subject and also one from James Kane from the Red Carpet.

Mr. D. Schneeweiss from Mr. Donut stated he spoke regarding the overhanging signs at the last meeting. It was his understanding at that time that the projecting signs would be allowed until 1994 and under the new revision the signs will have to be removed on July 1, 1989.

Trustee Kibby stated he takes full responsibility for this change. He stated he is the liaison to the Planning Board and in that context has seen this revision through. Trustee Kibby said he read the minutes of the prior public hearing where it was pointed out there was an inconsistency among several sections relating to overhanging signs. Back in 1969 (approximately) these signs were made illegal, but a business was allowed to keep them if they were being depreciated for tax purposes. This law has been around for 16 or 17 years. It will be up to the Board to consider whether these signs will have to be removed in 1994 or sooner.

James Kane, attorney, wondered what the objection of the Village Board is to overhanging signs. Trustee Kibby stated

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the Village Board is still listening to the input of the public. They have only reviewed the proposal which has been presented by the liaison, the Building Department and the attorney. Their prime objection has been that three or four of the overhanging signs are neon lighted signs and these have been outlawed by the Village a number of years ago.

Mr. Kane questioned what is wrong with neon lighted signs. Mayor Brenton stated the Planning Board (which is also the Architectural Review Board) traditionally is the committee made up of citizens who determine how the community should look. A Planning Board of a prior time determined that neon lighted signs were not acceptable. Mr. Kane asked if this proposed sign code was reviewed by the current Planning Board. Trustee Kibby stated it has.

Mike Rybicki who lives in the Village and owns Shaams Rug Co., stated he agrees signs have to have restrictions on them but he also questioned other construction including the use of blue siding. Trustee Kibby stated this would fall under the responsibility of the Architectural Review Board. Items such as Mr. Rybicki mentioned will be addressed shortly when the committee addresses the section of the Village code dealing with Architectural Review.

Trey Measer, 90 South Ellicott, objects to the change in the proposed code from 1994 to 1989. The Bee Publications erected a new sign and was told at the Planning Board meeting it would be at least five years before these signs would have to be removed after the signing of the new sign law. It was one of the reasons they decided to change the sign - that they had five years after the sign law would be changed. This was something the Businessmen's Association felt comfortable with two weeks ago when the original hearing was held. As for the Planning Board knowing about these changes, although the Planning Board has worked with the proposed code, he would like to know what the Planning Board, as a group, feels about the change from 1994 and 1989. He's talked to the Chairman of the Planning Board and they know that this law as revised in February has not been given to the Planning Board for review. He doesn't understand why this was changed after the breakfast discussion when everyone left there with a good feeling. He feels these changes should be gradually worked in and he thought that was what Trustee Kibby's committee was doing and not next summer.

George Measer, 120 Oakgrove, stated he admires Trustee Kibby for what he has done with the sign law but he does not feel that any businessman should lose money because of a mistake made by a Trustee on the Village Board. Trustee Kibby stated the mistake was made January 5, 1988, not in January 1987. Mr. Measer stated he invested money in a new sign based on the 1994 date and now there has been a change in the dates. Mr.

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Measer asked his letter be read into the record. (A copy of letter is attached.) Mr. Kibby said he misspoke in January 1988 not in January 1987 when the new "Bee" sign was requested. Bee Publications was told at that time that they would have to adhere to the sign code in effect at the time. When their sign was approved in 1987, the Committee was not even working on the sign code. There was no way of knowing what the new code dates would then be. Trustee Kibby stated he thinks they have a legitimate argument based on the seven signs and not on the "Bee" sign approval.

William Murray, attorney at 5555 Main Street, stated that when something of this nature is being discontinued, the Courts have always looked to the reasonableness of the situation — that is of what is being discontinued. It is his feeling that if the Village Board continued with the 1989 date, there would probably be lawsuits one year from now. He would think the Board would want to work with the businessmen in this matter by extending the date rather than be involved in lawsuits.

Jim Swick, representing Marine Midland Bank, 5556 Main Street, stated they desire to retain their clock sign. They feel it is in good taste and provides a service to their customers and the community. He is confused with Section 1.08 "Non-Conforming Sign" of the proposed code which does not say "any non-conforming signs except for overhanging signs". He reads that section to mean the bank sign can be kept up until 1994. He further requested information as to whether they could remove the signage and just leave the clock in the event the date was not extended to 1994. Attorney Troy questioned whether a clock is a sign. Mr. Swick requested the Board's serious consideration to keeping the 1994 date.

Donald O'Connor, Norstar Bank, 5529 Main Street, stated his sign also contains a clock. He wondered when the code for banning overhanging signs was adopted 16 years ago was this a popular law among the people of the community at that time?

James Kane, whose wife owns the Red Carpet, stated he thinks the seven businesses in the Village that have the overhanging signs deserve some consideration at least until 1994. These are not major problems. On a cooperative basis, he is sure all the businesses who have these signs will be willing to work with the Village in arriving at a resonable solution. He would like it longer than 1994 but he will abide by the majority decision.

George Measer would also like to negotiate this on a friendly basis and agrees with Mr. Kane that 1994 is a much more palatable date.

Trustee Schlifke said her only question seems to have been answered and that was if the businessmen agree with the 1994 date.

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Trustee Sweeney commented that being an elected representative of the community, he feels that forestalling this five years hence when probably some of the current Board will be gone, is only putting the burden on a future Board. He questioned whether the Board should not take a stand now rather than at a time when he will not be here.

Mayor Brenton said he does not have a problem with overhanging signs and this code does allow signs of odd shapes. He does not like the Mr. Donut sign but would hate to see the Marine Midland sign removed. He has no problem with leaving these signs up until 1994 and then have the Planning Board or Village Board make a decision on them at that time. That would give the businesses the maximum time to get their depreciation from their investment.

D. Schneeweiss from Mr. Donut stated his sign would be repaired if he had some assurances that the sign would be allowed for more than one year.

ON MOTION by Trustee Kibby, seconded by Trustee Schlifke, the public hearing was closed at 8:40 P.M.

Unanimously carried.

Mary E. Harrigan
Deputy Village Clerk