

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

The meeting was opened at 5:30 p.m. with the Pledge of Allegiance led by Mayor Hazlett.

Present: F. Ray Hazlett, Mayor
Joseph P. Frese, Deputy Mayor
Mary E. Lowther, Trustee
Ronald W. Daniels, Trustee
Joan E. Seamans, Trustee

Sally A. Kuzon, Administrator/Clerk-Treasurer
Lynda J. Juul, Deputy Treasurer
J. Michael Hayes, Village Attorney
Deborah A. Habes, Deputy Clerk

Excused: Michael Parker, DPW

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to accept the agenda for this evening's special meeting.

Unanimously carried.

ON MOTION by Trustee Daniels, seconded by Trustee Lowther, it was moved to entertain the motion to reconsider the action taken by the Village Board on 1/24/05 to purchase the mortgage for the Williamsville Water Mill from M&T Bank.

Unanimously carried.

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

Unanimously carried.

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

The following members of the audience addressed the Board:

Dan Johnston, 41 Ayer Rd., was happy to see the Board step up and vote to purchase the Mill, but was concerned with the probable increase in Village taxes. He asked the Board what the actual cost to taxpayers would be. Trustee Daniels stated that the average increase per \$100,000 would be approximately \$46. Trustee Frese commented that this is a lot of money to some people, since the county and State are in such dire straits and taxes are high already. Trustee Frese's contention is that the purchase price is for \$100,000 more than the property is assessed at. Trustee Daniels commented that a tax increase may not be necessary.

Stephen Dyson, 86 S. Cayuga Rd., stated that he believed the public was not properly informed of the issue. He suggested that because the Mill is an historic structure, it was worth an extra \$46 per year in taxes to save it. He also suggested that purchasing the Mill gives the Village, not potential developers, control of the property.

Arch Arthur, 24 Highland Dr., asked the Board what the total expenditure would be for the Mill property. Trustee Lowther answered that the Village was paying \$450,000 to M&T Bank. Mr. Arthur asked if the Board knew what they were going to do with the Mill property once it was purchased and if the Board realized that there would be expenses above and beyond the \$450,000 paid to the Bank, for repairs, utilities, maintenance, etc. He asked that since the site is on all 3 historic registers, national, state and local, had the Village Historic Preservation Committee reviewed the proposed purchase of the Mill. Trustee Lowther stated that the HPC had not, as yet, met to review the proposal due to timing and would be meeting on Monday, January 31st to review the subject. Trustee Lowther stated that she had met with individual members of the HPC and that they supported the purchase. Mr. Arthur asked if the Board knew what would happen to the Mill if the Village does not buy it. Trustee Daniels said that they didn't know what developers would come forward or what they would do.

Gary Nizinski, 5750 Main St., stated he doesn't want his Village taxes to increase. Based on the projected increase if the Village purchases the Mill, he stated his Village tax would increase by about \$136. Mr. Nizinski wondered if it were ethical for the Village to purchase the Mill at added expense to Village taxpayers when there were developers that would have purchased it at no expense to Village taxpayers. Mayor Hazlett stated that the Village Board acted unanimously in November to act or not; voted for a bond to hold title to the Mill. He further stated that the Board initiated a study of the Mill properties. With regard to a meeting with M&T Bank on January 21, 2005, he stated that he did not negotiate with anyone and went with only one other trustee so there wouldn't be a quorum. He suggested that the Bank chose to have developers at the meeting. Trustee Daniels stated he did not know there was a meeting going on. Mayor Hazlett suggested that Mr. Young knew about the meeting because he is on the Mayor's Advisory Board. Mr. Frese stated he did not know about the meeting with the bank on January 21st, and neither did Trustee Seamans. He stated they were not notified. Trustee Seamans stated that all the Trustees could have been at the meeting with the bank because they could have adjourned to executive session since the meeting was concerned with an issue of negotiation of financial matters.

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

Dan Chase, 52 Wellington Ct., thanked the Board for having this meeting so residents would have a chance to voice their views. He stated everyone wants to save the Mill but he wants to make sure that all the loopholes are closed. He suggested that the Village will suffer a loss of tax base if we own the property; the property was appraised at \$370,000 and that the bank could have sold it to the Village for that amount and then gone back to the owner to recover the difference between the appraised value and the asking price. Trustee Lowther stated that the Bank's asking price was firm and that they would not consider lowering it. Trustee Daniels stated the bank had a firm offer for \$450,000 from a developer. Mr. Chase wanted to know where the money is going to come from for the purchase of the Mill. He suggested that funding offers from others are only promises at this point. He stated that the Mill needs extensive repairs and that \$500,000 will not cover the amount needed and that public sessions should have been held some time ago so that tonight's meeting would not have to take place.

Hilda Hui, 49 N. Union Rd., spoke in favor of saving the Mill and that Trustee Daniels, Lowther and Mayor Hazlett had made a decision to act on it and commended them for it. She stated she wants everyone to work together for the same goal and move forward.

Arvela Heider, 68 Springville Ave., was in favor of saving the Mill and stated that it adds to the quality of life for the Village and surrounding area. She suggested that she didn't want to see the Village lose historic structures. She stated that due to the foresight of villagers 30 years ago, Glen Park was saved from developers.

Catherine Aurilio, 57 Columbia Dr., questioned the 5:30pm meeting time for tonight's meeting and stated she thought it was an inconvenient meeting time for most Village residents who work. She also suggested the announcement in today's Buffalo News of tonight's meeting was the only way for residents to find out about the meeting. Ms. Aurilio questioned a quote from the Mayor that appeared in the Amherst Bee that stated the Mayor was in favor of a collaborative effort with the whole community regarding the Mill, since there had been no public hearing on the matter. Mayor Hazlett stated that the bank wants our signature on the purchase tomorrow. Trustee Frese stated he had wanted a public hearing on the subject but had been rebuffed. Trustee Seamans stated she wants to hear from all the residents regarding the Mill. Ms. Aurilio suggested that there should have been a trustee representing each side of the issue at the January 21st meeting with the bank. Trustee Daniels stated he assumed that all members of the Board were in favor of buying the Mill since it had been a unanimous vote for the Bond in November. He further stated that if the Village had offered the bank less, the Village would have been refused. Trustee Frese stated that the community does not have the facts. Trustee Seamans said we have never made a counter offer to the Bank. Ms. Aurilio stated she supports Trustees Frese and Seamans to purchase the Mill at a better price. She further suggested that the costs are unknown and that the tax burden is high. She further stated that this will go on for years and that we have no idea of how much we will actually be spending. She commented the Mill has survived this long with private ownership, why does the Village have to purchase it.

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

Sal Aurilio, 57 Columbia Dr., wondered why the Village was spending \$100,000 more than the appraised value without looking at other options. He asked who was willing to pay \$450,000 to buy the Mill. Trustee Daniels stated that Paul Snyder, Jr. would have paid that amount. Mr. Aurilio asked how this purchase would affect his taxes and what plan the Village has to save it.

Beatrice Slick, 130 Hirschfield Dr., stated she loves living in the Village and is committed to the Village. She suggested she does not mind an increase in her taxes caused by the purchase of the Mill and that due to vision on the part of the Village 30 years ago, Glen Park was successfully saved from developers.

Judy Arthur, 24 Highland Dr., stated she did not believe there has been enough public input and found out about the meeting only from the website today. She believes that the Village is paying more for the property than its worth. She wanted to know how the Village was going to pay for the Mill.

Paul Kreiter, 29 S. Ellicott St., stated that he was usually very critical of the Board, but that he supported the purchase of the Mill and stated he has seen due diligence over the past few months on the part of the Board in the process of purchasing the Mill. He stated he has attended Board work sessions and Board meetings and has seen the process work, but that they have run out of time. He urged the audience to come to the Village Board meetings so that they can see the process. He commented that the first mistake was not having a true time frame for the process, and the second was not having an open public discussion back in November. He suggested that the bank was in control of the time frame and not the Village.

Bob Kreiter, 26 Monroe Dr., supported the purchase of the Mill. He suggested that he was willing to pay a little extra in his taxes to save an historic site like the Mill. He stated that the increase in his taxes would amount to a dinner at the Creekview Restaurant. Trustee Daniels stated that this type of thing is what makes the Village a sought after place to live and increases the value of our homes.

Trustee Lowther then read into the record two letters she received in support of the Mill purchase. Kathleen Delaney, 50 Swan Pl., and Matthew Bierl, 146 Los Robles. (See attached)

Trustee Daniels then read a letter to the Board from Amherst Councilmember Bill Kindel regarding the Mill purchase. (see attached)

Trustee Frese stated that the Town of Amherst did not have a good track record with their purchase of the Reist Street Grist Mill some years ago. He stated that the Town has not put any money into the building.

ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, it was moved to close the public participation portion of the meeting and return to the regular agenda.

Unanimously carried.

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

Trustee Daniels explained that he had made the original motion to purchase the Mill at the January 24, 2005 Village Board meeting based on the history of the process. The bank had granted an extension to the Village and time was running out. He stated the bank let the Village know there was a developer who was ready to pay \$450,000 for the Mill. The board voted 3 – 2 to purchase the Mill. Trustee Daniels stated that support has been received from Congressman Reynolds, New York State Senator Rath, and Assemblyman Hayes, who has offered \$7,500 to pay for a RFP to secure the Mill. He further stated that Paul Snyder, Jr. has a plan for the Mill but the Board hasn't seen it. He stated there would be no added tax burden until July. He stated that there will be a grass roots campaign to seek donations to reduce the cost of the Mill. He stated he didn't believe it would affect the tax rate.

Trustee Frese stated he believes that the Village is paying more than the Mill is worth. He further stated he was offended that the whole Board was not notified of the January 21 meeting with the bank. He stated that the street easement at the Mill goes right up to the Mill's front door; that Trustee Seamans has plans for stricter codes. He stated he believes that the Village Board's process was unacceptable.

Trustee Lowther stated that all the Village Board members agreed on the \$500,000 bond. She stated she was satisfied as long as meetings are reported on to all the Board members, whether or not they attend. She stated she went to the meeting on January 21 with the Mayor and M&T Bank. She stated she believed it was important for the Village to have control of the Mill properties. As an example, Trustee Lowther further stated the Village owns the land but not the building structure at the Lehigh Train Depot on South Long Street. She stated the Village could own the land and potentially lease the Mill buildings to a developer. Trustee Lowther stated she was satisfied she works for the residents.

Trustee Seamans stated there was no business plan and that people wanted to save the Mill, but from what? She stated she believed that the decision to vote for the bond was one based on fear and has asked for a business plan and wants to know how we are going to pay for the Mill. She stated she wants to know what will happen in the years to follow the purchase. She stated taxes never go down. Trustee Seamans further stated she doesn't think the community has had a chance to be heard on the subject and wanted to know what the proposed uses are for the Mill. Trustee Seamans stated she was not informed of the January 21st meeting with M&T Bank, nor did she get any information about it. She indicated she would listen to a leasing plan.

Mayor Hazlett stated that it was decided that the best option was to buy the Mill; that it was preferable to get the title and not let it go to a developer. He indicated that no motion was ever made to change that original motion that was unanimously carried to approve the bond. He stated he could have followed through if there had ever been a motion made otherwise. Mayor Hazlett stated he shared some information with Trustee Seamans about the Buffalo News article by Don Esmonde. He stated that Trustee Seamans had called Mr. Esmonde to influence that article. He stated that is what makes him suspicious of who he can trust.

Trustee Seamans said she was perplexed about the Don Esmonde matter. She said someone in the office volunteered information and that he did not tell her absolutely no. She said she called him to see if he needed any additional information.

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

Trustee Daniels said we have all heard where we are coming from. Although technicalities are disputed, we all have the same heart of what they want to do for the Village. He stated that they would all work very diligently to make this work. Hind sight is always perfect. He stated he hopes everyone can apologize; nothing is personal; it's all politics. He said he thinks they will all be united in pursuing this now and make it work for the Village residents and keep taxes down.

Mayor Hazlett stated that getting the RFP going is probably one of the most important steps and that it would happen immediately.

Trustee Frese requested that all Board members are from now on fully informed and aware. Mayor Hazlett indicated that the request was recognized and would be followed.

ON MOTION by Mayor Hazlett, seconded by Trustee Lowther, the following resolution was approved:

RESOLVED that the Village of Williamsville purchase the mortgage for the Williamsville Water Mill from M&T Bank for \$450,000.

ROLL CALL:	Hazlett	Yes
	Daniels	Yes
	Frese	No
	Lowther	Yes
	Seamans	No

MOTION PASSED. 3 – 2.

ON MOTION by Trustee Seamans, seconded by Trustee Frese, the following motion was adopted:

RESOLVED that the Village Administrator is hereby directed to order a RFP (request for proposal) for site development immediately upon the Village of Williamsville securing mortgage and or deed to the properties at the Williamsville Water Mill, with funds from State Assemblyman James Hayes, in the amount of \$7,500, to be designated solely for such purpose to defray the cost.

Unanimously carried.

Minutes of the Special Meeting of the Village of Williamsville held in the Williamsville Village Hall, 5565 Main Street, Williamsville, New York on Thursday, January 27, 2005 at 5:30 p.m.

ON MOTION by Mayor Hazlett, seconded by Trustee Daniels, it was moved to adjourn the special meeting at 7:22pm.

Unanimously carried.

SALLY A. KUZON
Administrator/Clerk-Treasurer