

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, May 10, 1977 at 8:04 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker
Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the meeting to order at 8:04 P.M.

Mayor Sheffer stated that Miss Helen Campbell, the Village historian, had passed away. She was active in Village affairs for a very long time. Her family founded the Williamsville Christian Church which is a topic on the agenda tonight. She was active in the Civic Pride Party for many years. He then asked for a minute of silence in her memory.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the minutes of the regular meeting of April 26, 1977 were approved.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Kuzon, the minutes of the public hearing held April 26, 1977 regarding the development plans for the portion of Glen Park north of Glen Avenue were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the rules were suspended at 8:07 P.M. in order to hold a public hearing on amending Section 65.20(1) of the Water Code to provide that the Village instead of the owner would be responsible for water service line maintenance between the water main and the curb stop. The hearing ended at 8:43 P.M.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Miller, the rules were suspended at 8:44 P.M. in order to hold a public hearing on the adoption of a fiscal impact statement for the Village. The hearing ended at 8:50 P.M.

Unanimously carried.

Mayor Sheffer stated that the third public hearing on the agenda relating to a change in zoning of premises at 5725 Main Street from C-1 to C-2 was cancelled as the request had been withdrawn.

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ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the rules were suspended at 8:50 P.M. in order to hold a public hearing on whether or not the Village should take over the Williamsville Christian Church. The hearing ended at 9:37 P.M.

Unanimously carried.

Mayor Sheffer stated that at the meeting on May 24th there will be a public hearing on adoption of a Fire Code. This is a significant step forward in upgrading our rating and that of the Fire Department. He stated it will be the policy of the Board to give maximum consideration to public input that we get at the hearings and that the Board will not as a rule vote on something the same night as the public hearing is held.

Trustee Miller reported on the tree planting program. About 10 trees are ready to be planted. We have not encountered any opposition to where the trees are to go as most seem in favor of the program.

Trustee Miller stated that within the next two weeks a plan will be instituted with respect to how communications will be routed between the Department of Public Works, Sewer Department and Water Department and the public. This will not preclude any other routes of communication. He stated that any communication for those departments should go through him as the Trustee in charge of those departments. They should be submitted in writing so that we have a record of it. He stated it is very difficult for him to maintain supervision over these departments if he doesn't know what is going on.

With respect to the Water Department, Trustee Miller stated the Village would open up the records with respect to permits and ordinances relating to the installation of water lines, if any resident felt they had a legitimate suit against an individual because the water lines were not installed at the required 4 feet.

Trustee Miller stated we have recently corrected the situation with our water storage tank so that the summer water level will be higher than the winter level so that we have an adequate water supply available for the fire department. This will also help us upgrade our rating.

Trustee Miller stated the sewer charges are being reviewed for residents and out of district users. There is a pending study with MSR engineers regarding infiltration and inflow studies with respect to the data we are compiling that will go with the Town's application for funding for the new sewage treatment plant. We will hold a meeting with our engineers and the Town engineers regarding this so we can hopefully expedite their application. One of the main things to consider with respect to the high sewer charges we face in the future is the rehabilitation of our sewers. He stated he feels we need a program with 3, 5 and 10 year goals so we can repair and rehabilitate some of our sewer system since this will be the basis in later years for our charges with the Town.

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RESOLVED that the Village Clerk publish a notice of public hearing to be held at 8:10 P.M. on June 14, 1977 in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in an amendment to Local Law #3 of the year 1971 to eliminate age requirements and increase the membership to nine (9) on the Environmental Advisory Council.

PUBLISH NOTICE OF PUBLIC HEARING

Local Law to eliminate age requirements from Environmental Advisory Council and increase # of members to 9

Trustee Kuzon asked if by eliminating the age requirement, it means a teenager might serve on the Council. Mayor Sheffer stated a teenager could serve, but it was felt that age should not be a requirement.

Vote on Roll Call: Trustee Miller - aye; Trustee Walker - aye; Trustee Kuzon - aye; Trustee Idzak - aye; Mayor Sheffer - aye. Ayes - 5; Noes - 0.

Unanimously carried.

ON MOTION by Trustee Walker, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that Marjorie Mahoney be appointed Deputy Village Treasurer effective June 6, 1977 to serve at the will of the Board of Trustees at a salary of \$6,000 per annum.

APPOINTMENT

Deputy Village Treasurer

Mayor Sheffer stated that Marjorie Mahoney has been working ^{M. Mahoney} part time for some time. A number of people have been considered for the job but in light of her experience with the Village with this type of job, we have decided to appoint her.

Vote on Roll Call: Trustee Idzak - aye; Trustee Kuzon - aye; Trustee Miller - aye; Trustee Walker - aye; Mayor Sheffer - aye. Ayes - 5; Noes - 0.

Unanimously carried.

Trustee Walker stated the resolution on the agenda pertaining to a Board of Appeals appointment has been postponed to a future meeting.

Trustee Idzak stated the planting of bushes and flowers has been completed at the gazebo. The tree planting program is continuing.

Trustee Idzak stated the building of the senior citizen housing is approaching and we want to have a smooth and orderly rental procedure and we want to make as sure as possible that anyone interested in living there is contacted and we want to set up a criteria for selection of tenants. We have investigated the possibility of employing the services of a professional learned in this field and we have found someone with the right background in this field.

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ON MOTION by Trustee Miller, seconded by Trustee Walker, the following resolution was adopted:

WHEREAS the Village has advertised for sealed bids for refuse and waste material collection, and

CONTRACT
AWARDED

WHEREAS the bids were opened at 3:00 P.M. on May 4, 1977, and

Refuse and Waste
Material
Collection

WHEREAS Amherst Disposal Service submitted the lowest bid meeting specifications

Amherst Disposal
Service

NOW, THEREFORE, the contract for the refuse and waste material collection is awarded to Amherst Disposal Service for a price of \$80,480.00.

Trustee Miller stated it has erroneously been brought up that the cost to the residents of the Village for the second pickup is \$20,000. In response to a letter which appeared in the paper, Trustee Miller read a letter he is sending to the Bee and which will be included in tonight's minutes. The letter stated the second pickup represents approximately \$8,000 or about \$.39 on the tax rate for a yearly cost of \$2.50. There was substantial input from residents who are willing to pay for the second pickup. The \$20,000 is the difference between the budget of the previous Board and the amended budget passed by this Board. This Board's projection was for \$80,000 which was only off \$480.00 from the bid.

Vote on Roll Call: Trustee Kuzon - aye; Trustee Idzak - aye; Trustee Walker - aye; Trustee Miller - aye; Mayor Sheffer -aye. Ayes - 5; Noes - 0

Unanimously carried.

ON MOTION by Trustee Miller, seconded by Trustee Walker, the following resolution was adopted:

RESOLVED that the County of Erie is hereby authorized to stripe Mill Street and Cayuga Road and bill the Village of Williamsville for the costs incurred.

COUNTY OF ERIE
Authorization to
stripe Mill Street
and Cayuga Road

Trustee Miller stated Cayuga Road is not a county road any more as it was turned over to the Village and Town.

Trustee Kuzon asked what the approximate cost would be and if they would be doing the crosswalks also. Trustee Miller stated it would be about \$300 and the reason for having the County do it is that they have the equipment to double stripe the center and we do not have equipment for doing this. He stated the Village will be marking the crosswalks.

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Vote on Roll Call: Trustee Miller - aye; Trustee Walker - aye; Trustee Idzak - aye; Trustee Kuzon - aye; Mayor Sheffer - aye. Ayes - 5; Noes - 0.

Unanimously carried.

ON MOTION by Trustee Miller, seconded by Mayor Sheffer, the following resolution was proposed:

RESOLVED that Federal Anti Recession Funds in the amount of \$4,081.00 received November, 1976 be obligated effective June 1, 1977 as follows:

6.8340.11	Transmission and Distribution	
	Personal Services	\$4,081.00

Trustee Miller stated that basically this account is in the Water Department. This department needs the most financial assistance with a deficit of \$70,000 to the General Fund. Since we have lost five employees we cannot do all that we want to. These funds will help to reduce the operating debt and we also have serial bonds to consider, with payment of principal and interest. By putting this money towards the debt we will have more money for salaries.

Trustee Miller stated this resolution is in conflict with another resolution on the agenda later. The other resolution would apply these funds to the parks account and the account of the Department of Public Works. The Water Department comes under the guidelines of the act. He stated it is not anti recession to provide employment. The other resolution provides funds for the hiring of uniformed off-duty Amherst policemen to patrol our parks. He stated he opposes this use of the funds. We are already paying for police services in our taxes and this should cover curbing the vandalism problems. We should be able to work out something with the Town police so we would not have to hire any guards. He encouraged the Board members to support these funds for the Water Department. He also stated any funds that are available should be assigned to this department. If we hire these guards we are setting a precedent and it will cost more when Glen Park opens.

Mayor Sheffer stated these funds of \$4,081.00 were in a check received in November, 1976 and they have to be assigned by June 1, 1977. This is not the only funding we will receive under this program. In fact, we have almost this amount which could also be allocated, and we could cover both resolutions.

ON MOTION by Mayor Sheffer, seconded by Trustee Idzak, the following amended resolution was proposed:

RESOLVED that Federal Anti Recession Funds in the amount of \$4,072.00 received in January and April, 1977 be obligated effective June 1, 1977 as follows:

FEDERAL ANTI-
RECESSION FUNDS
Recd. 1/77 and 4/77
obligated

6.8340.11	Transmission and Distribution	
	Personal Services	\$4,072.00

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Mayor Sheffer stated he was suggesting amendment of this resolution rather than the later one because the later one was more complicated. He stated the difference is only \$9.00 and does not affect the significance of the resolution at all.

Trustee Kuzon asked if the money would be for hiring another employee and Trustee Miller said it could be used to defray some of employment costs.

A Roll Call Vote was taken on whether to consider Mayor Sheffer's motion to amend the resolution.

Vote on Roll Call: Trustee Kuzon - aye; Trustee Idzak - aye; Trustee Walker - aye; Trustee Miller - No; Mayor Sheffer - aye. Ayes - 4; Noes - 1

Carried.

A Roll Call Vote was then taken on whether to adopt Mr. Miller's resolution as amended by Mayor Sheffer.

Vote on Roll Call: Trustee Idzak - aye; Trustee Kuzon - aye; Trustee Walker - aye; Trustee Miller - aye; Mayor Sheffer - aye. Ayes - 5; Noes - 0

Unanimously carried.

Trustee Kuzon stated that the Building Department is in the preliminary stages of undertaking a survey to ascertain how the services of the building department can be improved. Forms will be sent out to recent permit applicants regarding this.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, vouchers in the sum of \$93,534.12 were approved as follows:

Payroll Fund	W/E 4/29/77	\$ 4,876.12
	W/E 5/6/77	<u>2,839.11</u>
Total Payroll		\$ 7,715.23
General Fund	Abstract #392	84,332.31
Water Fund	Abstract #382	1,284.15
Federal Revenue Sharing	Abstract #31	198.78
Community Development	Abstract #15	<u>3.65</u>
Total Vouchers		\$93,534.12

Trustee Kuzon stated that \$74,445.52 was for payment to the Town of Amherst for sewage treatment. This will be approximately \$145,000 for next year. The bill from the Town will be received about March, 1978.

Unanimously carried.

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Trustee Walker stated that Spencer Schofield had wanted to serve on the Environmental Council, but finds he will be unable to do so. We would like to invite him to attend any meetings he can.

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

RESOLVED that Federal Anti Recession Funds FEDERAL ANTI-
RECESSION FUNDS
in the amount of \$4,081.00 received November,
1976 be obligated effective June 1, 1977 as Recd. 11/76 Obligated
follows:

\$3,300.00 - to account 1.7140.11
\$ 781.00 - to account 1.5110.11

Trustee Walker stated the \$3,300 is for the hiring of park guards. He stated he believes they are needed. There is vandalism in Island Park and that is behind the police station. This is not unique to the Village. The Town is hiring guards for Basset Park and Tonawanda is talking to the Sheriff's Department about Isle View Park. We must do something to stop the vandalism now. If the kids learn their lesson this year perhaps next year we won't need the guards.

Trustee Miller stated we need to have the vandalism problem kept in check and remedied. The question is who should pay for this. We are already paying taxes for the police department and it should be them who handles this problem. If we need a local law to enable the police to better enforce the rules we should do this.

Trustee Walker stated the park regulations have already been rewritten so we can enforce them better.

Trustee Miller stated he had to call the police the other night about Garrison Park and they were there within four minutes and the situation was taken care of. The Board should be able to cooperate with the police and come up with a program of enforcement.

Mayor Sheffer stated he agrees the police should take care of this but it doesn't seem to work out this way. We went through this last year and came to the conclusion that guards were needed. We can't expect more than hourly police checks and this is not enough to prevent the vandalism.

Vote on Roll Call: Trustee Idzak - aye; Trustee Kuzon - aye; Trustee Miller - No; Trustee Walker - aye; Mayor Sheffer - aye. Ayes - 4; Noes - 1

Carried.

ON MOTION by Trustee Walker, seconded by Trustee Idzak, the following resolution was adopted:

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Trustee Kuzon stated he believed there should be an upset figure on the consultant's fee. Mayor Sheffer stated this could be set at \$2,500, which is the amount budgeted at present.

ON MOTION by Trustee Idzak, seconded by Trustee Miller, the following resolution was adopted:

RESOLVED that Jack E. Daugherty, 323 Evans Street be appointed as Rental Consultant for the Senior Citizens Housing, at a figure not to exceed \$2,500.

SENIOR CITIZEN
HOUSING

Rental Consultant
Appointed
Jack E. Daugherty

Mayor Sheffer stated there is no difficulty in coming up with tenants for the housing but we want to be completely fair in their selection. We want to be sure those without a telephone or those who don't belong to the Senior Citizens Center can be surveyed as to whether or not they want to live in the housing. The Village could do this, but we want to be completely fair and make sure the selections are non-political and not related to someone's involvement in Village matters.

Trustee Kuzon stated he agreed with the idea of having the consultant but his problem was that he did not know enough about the individual being appointed. He stated he met him only once for about a half hour or 45 minutes. It was an interesting and educational session but he would like more information about the individual and perhaps see a resume before he voted.

Mayor Sheffer stated he was voting on the basis of his meeting with the individual and the research he has done into his background with federal government and other municipalities. The problem is with the alternatives. Who else has this expertise and we have found that to be in short supply.

Trustee Kuzon stated he was not against hiring a consultant or against this individual but he felt he needed more information to vote intelligently.

Mayor Sheffer stated he would be glad to meet with any of the Board members about the individual to be appointed.

Trustee Idzak stated we had found no one else to fill this kind of job and that she was impressed with him.

Vote on Roll Call: Trustee Walker - aye; Trustee Miller - aye; Trustee Kuzon - No; Trustee Idzak - aye; Mayor Sheffer - aye. Ayes - 4; Noes - 1.

Carried.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the following resolution was adopted:

RESOLVED that the Resolution of this Board adopted February 22, 1977 is hereby amended

INTERNATIONAL CABLE
Rate Increase

Resolution of 2/22/77
amended

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to provide that it shall be effective upon approval of an increase in rates of International Cable by all communities in its service area except for the Village of Blasdell.

Mayor Sheffer stated that International Cable had applied to the Village and other municipalities for a rate increase. The Village held a public hearing and approved the rate increase of \$1.00 contingent upon approval by all of the other municipalities that are served in this area. One other municipality, Hamburg, did the same thing. As it happens, the Village of Blasdell has not approved it and, therefore, according to our resolution we have not approved it either. Therefore, we need the new resolution to take into account the rejection of the increase by Blasdell.

Vote on Roll Call: Trustee Walker - aye; Trustee Miller - aye; Trustee Kuzon - aye; Trustee Idzak - aye; Mayor Sheffer - aye. Ayes - 5; Noes - 0.

Unanimously carried.

Mr. Way stated the department will be picking up the trash on the north side of Main Street as of 11:00 A.M. tomorrow.

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

Unanimously carried.

Mrs. Leslie Petrie, 70 Garden Parkway, asked Trustee Miller why those living outside the Village have to pay a higher rate for their water. She stated they were being billed \$2.64 per thousand while in the Village it was \$1.60 per thousand. She stated she thought this was unfair. She stated that about \$20.00 of her bill could be explained by the fact that her children had had to move into her house when their water lines froze but she thought \$200 was extremely high for the year. She stated their house is just over the line and she pays the higher rate while her neighbor pays the lower rate. She stated they are on a fixed income and can't afford to pay this much for their water. They may have to cut into the other line and that would cost them \$260 for the tap in but would make for lower water bills. If her sons could not put in the line itself it would cost even more to tap into the other line.

Trustee Miller stated he was new to the Water Department but would try to find out why there was this difference in the rate.

Attorney Tisdall stated the rate is 1-1/2 times the Village rate. Historically the reason for the differential has been that people outside the Village do not pay Village taxes and therefore, do not contribute to any of the costs of operating the Village or Water Department. When the water cost was low, the rate differential was not as noticeable. Now that the rates are higher, the Board may want to study the rates and see if they want to change the rate. There should be some differential, however.

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ON MOTION by Trustee Walker, seconded by Trustee Kuzon, it was moved to return to regular session.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the meeting was adjourned at 10:43 P.M.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, May 10, 1977 at 8:07 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker
Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 8:07 P.M.

PUBLIC HEARING

The Clerk read the Notice of Public Hearing regarding a local law which would amend Section 65.20(1) of the Water Code of the Village of Williamsville to provide that the Village instead of the owner will be responsible for water service line maintenance between the water main and the curb stop.

AMENDMENT TO WATER CODE

Mayor Sheffer then turned the hearing over to Trustee Miller who stated this hearing was precipitated by the fact that several water service lines (around 23) in the Village suffered freezing in the Blizzard of 1977. The costs to the water users were in two forms - the thawing of the water pipes and opening of their faucets to prevent freezing by leaving the water run a little bit. Most of the pipes that froze were installed too shallow. The law requires the pipes to be at least 4 feet down. There were two letters sent to residents about this. One from the water department indicated the higher consumption of water than normal could be due to the running faucets. The second letter encouraged attendance at this hearing based on the possibility that funding might be available to reimburse loss due to the storm. The funds would be from the Federal Disaster Assistance Agency. Our most recent information is that frozen water lines are not covered under the funding program. The Village cannot reimburse the loss as this would be unconstitutional.

Village instead of owner
to be responsible for line

Spencer Schofield, 153 Highland, stated he had frozen pipes from curb stop to water main. He had to thaw these out and leave the water running. He stated he was in favor of the amendment. maintenance between

main & curb stop

Milo Simmonds, 34 Hirschfield, stated he had never had any problems with the pipes. He stated this is a utility we are operating. When pipes put in was a collective decision of the Village and the maintenance should be a collective responsibility. The Gas Company, Electric Company and Telephone Company do not send you a bill when they have to come and repair something in their system. They repair up to the meter. He stated the Village should have control of the complete system and should consider going from the curb stop to the meter.

Trustee Miller stated the Water Department has an approximate \$70,000 indebtedness to the General Fund so it is not a department that is working in the black. We also have \$622,000 outstanding in serial bonds for construction of water mains and facility at foot of

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Rinewalt Street. With principal and interest payments on these bonds, the department is at the point where expenses just about equal funds coming in. From a business standpoint, we are faced with the question of whether to take over an unknown quantity in the form of old water lines. The ordinances have always had the owner responsible for this section of the line. The other utilities operate on a different basis. Some one would have to pay for the extra cost involved in the form of higher Department of Public Works costs or higher water rates. The chance of getting funding is not good enough to take the risk. Some of the repair jobs could cost as much as \$800 and the cost to thaw a line could be \$300. He stated he could not see that the Village had anything to gain by taking over this service. The frozen lines affected only about 1% of the total water users.

PUBLIC HEARING (Continued)

Attorney Tisdall stated that historically the Village has never been responsible for this service. It was a taxpayer decision for the Village to supply the utilities and a taxpayer decision that the owner was responsible for the service. The same holds true for the sewers. The owner is responsible for providing the lateral sewer lines from the house to the main. If you change the water policy you have to consider changing the sewer policy. If you change now, you should have a substantial consensus because the situation we are dealing with here involves 1% of the water users. The Board has to give a lot of thought to whether to change the rules now when they were set by the taxpayers many years ago and continued up to now. This question has come up from time to time, especially with respect to sewers. We want to keep taxes as low as possible.

Amendment to Water Code

Trustee Miller stated another problem to consider is that the lines between the main and curb stop are older lines. If residents know the Village will take this over, they will neglect to fix lines and let the Village do it.

Mrs. Nancy Petrie, 20 S. Long Street, stated she had frozen pipes. The lines were laid about 1970 or 1971 and are only about two feet below the surface. Does the ordinance state specifically what the depth should be? Trustee Miller stated the ordinance states the lines shall be 4 feet and this means they are required to be 4 feet. Attorney Tisdall stated this was in effect in 1971 and goes back beyond that. He stated they may have a claim against the Village or an individual who put the line in.

Mrs. Petrie asked if the Village inspects the lines and Building Inspector Freeman stated we generally do not inspect the water lines. We do inspect the sewer lines. Attorney Tisdall stated a permit has to be obtained, basically to make the sure the street is restored properly. Mrs. Petrie stated the lines should be checked if it is required they be a certain depth. She also stated the installer had put a "Y" in the middle of the street for the water from two houses. Attorney Tisdall stated it is difficult to catch everyone. If she feels the Village was negligent she can file a claim as we have insurance coverage. Mrs. Petrie stated she was in favor of the ordinance.

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Trustee Miller stated Mrs. Petrie may have a claim against the individual who installed the pipe. Attorney Tisdall stated if there is a claim against the Village has to be within 90 days of notice.

Trustee Miller stated the permit was for the tapin and the street cut and Attorney Tisdall advised we require plumbers in the Village to be licensed to be sure if they are working in the Village they understand the Village ordinances.

A student at Daeman College asked verification that the maintenance between the main and the house was the responsibility of the homeowner. Trustee Miller stated this was true. The student stated that if the ordinance is not followed by the installer it would seem that he would be liable for the problem.

James Saia, 20 Belmont, stated that if you had to go to repair an old water line you could very well disturb an old sewer line in the same area and would have that to fix too. Trustee Miller stated these could easily be disturbed. Mr. Saia also stated if you ever went from the curb stop to the house it could cost a lot to fix a line in the areas where the house is way back from the street.

Mr. Simmonds stated the water and sewer lines are usually together. When we start paying for metered sewage and pay for any leaks between main and meter we should have control over this infiltration problem.

ON MOTION by Trustee Miller, seconded by Trustee Idzak, the hearing was closed at 8:43 P.M.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call: Present John B. Sheffer, II, Mayor

Lois S. Idzak
Gordon J. Kuzon Trustees
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Roger C. Walker

Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the Public Hearing to order at 8:44 P.M.

The Clerk read the Notice of Public Hearing regarding the adoption of a fiscal impact statement for the Village of Williamsville.

Mayor Sheffer stated the fiscal impact statement came as a result of his concern that we should be aware of how much a program will cost before we adopt it. He stated he had looked at similar laws in effect at other levels of government to see how we could put together one for the Village. This started as only a fiscal impact statement to require that with any proposal a Trustee made a statement should be included as to how much it would cost and the source of the funds. In addition to the budgeted items there are other matters that come up during the year that have to be paid for. By having this statement with the resolution it will answer many of the public's questions about the cost of the program before the matter is voted on. As the Village Attorney and legal assistant worked with the statement it developed also into an operational impact statement. When the proposals are submitted, a statement is included as to its purpose, the program it applies to and its ramifications.

PUBLIC HEARING

No one appeared to speak on this matter.

Adoption of Fiscal
Impact Statement

Mayor Sheffer stated at least one other public hearing will be held before this is voted on, as it has been amended, and the Board will want to study it further.

Trustee Miller stated he hoped this statement would apply to any committee or departmental proposals and the Mayor stated it would apply to them also.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, the hearing was closed at 8:50 P.M.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Tuesday, May 10, 1977 at 8:50 P.M.

Roll Call: Present John B. Sheffer, II, Mayor
Lois S. Idzak
Gordon J. Kuzon Trustees
Warren D. Miller
Roger C. Walker
Theresa L. Cummins, Village Clerk
Joseph C. Tisdall, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the public hearing to order at 8:50 P.M.

Mayor Sheffer stated there was no formal public notice of this hearing which will deal with the offer by the Williamsville Christian Church for donation of the Church building to the Village for the sum of \$1.00.

Mayor Sheffer stated that when the Church's Board of Trustees and congregation made the decision to discontinue services and stop operating as a separate congregation, the decision was made to see if the Town or Village wanted to take over the building and have it designated a historical monument for use for public and historical purposes. The Town and Village have given the matter considerable thought. Engineers have looked at the building to see what type of cost is involved if it were taken over. There were also questions regarding the relationship of church and state and what use we would get out of the building. The church has requested several conditions to such a take over. A portion of the building would remain as a chapel for non-sectarian services. They want the Village or Town to follow-through with the procedure to put this building on the National Register as a historical monument. There are other procedures which can be followed to have this named a historical monument and there are some funds available for restoration. There would be a plaque in the building stating it was the Williamsville Christian Church. As long as the building is not torn down or defaced the Town is more than happy for the Village to take this on. Out of our 1976 community development funds, the Village has designated \$15,000 to be used in making some necessary repairs to the church. Mayor Sheffer stated we have received many opinions on this subject. It is important to come to a decision as soon as possible. The Williamsville Historical Society is interested in preserving the building. If we take title we can have all types of groups meet there. Acquisition of Williamsville

James Saia, 20 Belmont, asked if the community development funds are available shortly. Mayor Sheffer advised the funds were from some that were originally allocated for Glen Park. When we got federal funding for the park, these funds became available. Mr. Saia stated we should have a better idea of what this will cost the taxpayers. The \$15,000 is only the beginning. If there are public affairs held there, there would have to be changes made to conform to ordinances. Mr. Saia also asked about the separation of church and state if part of the building is maintained as a chapel. Christian Church

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Mayor Sheffer stated the \$15,000 figure is the amount that was mentioned as the cost of structural repairs at the peak of the building. Mr. Saia stated the condition of the roof is bad and that it has sagged a lot. He stated we should have a financial impact statement on this project to find out exactly what it will cost us to put the building in proper condition to hold public meetings.

Attorney Tisdall stated with relation to the separation of church and state that the building could not be used for a particular religious denomination. It could be used for religious purposes as long as the public can attend. It could not be leased to a church or allow a church to operate from there on a regular basis. PUBLIC HEARING (Cont)

Mayor Sheffer then invited any member of the church who was present to elaborate on any information they had regarding the repairs required in the building or anything else regarding the building.

Daniel Hein, a Trustee of the Church, stated he was there to answer any questions that might come up. We are not for or against the Village taking over the church. The wishes of the congregation are that if it can be done they would like to see it happen. If it cannot be done, the building will be turned over to the Northeastern Church Council for their disposal. Whether or not the Village takes over the Church it would be turned over to the Council. They would be the ones to sell it to the Village for \$1.00. If the church were sold to someone besides the Village the money would go into a trust fund for the Christian Churches in the Northeast. \$70,000 was mentioned as a possible sale price for the building. He stated they had the church examined by structural engineers and the estimated repair cost was roughly \$20,000 to \$25,000. Acquisition of Williamsville Christian Church

Mr. Hein stated church services were terminated about a year ago. It is the trustees responsibility to maintain the church and pay bills until a determination has been made as to its disposition. The Town and Village were approached within a month or two after services were terminated. We agreed to go along with you while you considered whether or not to take over the building. It has been almost a year and we have to terminate that obligation within a reasonable length of time. We feel 10 months is reasonable. If we have positive progress we are willing to go along with any reasonable request. If the matter is going to be pigeonholed and go on and on, we will turn it over to the Northeastern Council and they will put it up for sale.

Mr. Leslie Simmons, 125 Monroe Drive, stated he understood there was a restriction in the deed that requires the property only be used for religious purposes. Mr. Hein stated he was not aware of any restriction at this point and it would be up to the attorneys to go over this. Mr. Simmons asked if the Village could take title if there was such a restriction on the deed and Attorney Tisdall advised the Village could not take it.

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Mr. Simmons stated it would not be wise for the Village to become embroiled in what could be a difficult situation regarding restrictions. He stated he did not conceive of what use the non-sectarian chapel would be. It could cause objections. Many people who contribute to support other churches would not be using this chapel and they might feel some objection to using their tax money to supply a place for services. He stated perhaps this should be conveyed to the Historical Society and felt there would be no objection to them accepting this requirement.

Mr. Hein stated the Church trustees are trying to accommodate the wishes of the congregation. They would like to see at least a portion of the church retained as a chapel. They also want it named an historical site. He also said we're transferring title for \$1.00 and if at any time it were to be sold or the use changed, it would revert back to the church and proceeds from the sale would go into a trust for the churches.

Attorney Tisdall stated he had not known of the reversion condition and it might make it impossible for the Village to accept the offer. There is no way the Village can accept the property on some sort of life tenancy. There would be all kinds of problems. If capital improvements were made on the building how would these be reimbursed.

Mr. Hein stated the Village attorney and church attorney should meet and discuss the matter to see what can or can't be done to eliminate a lot of the questions that are coming up.

PUBLIC HEARING

(Continued)

Mr. Simmons suggested the church should perhaps find another group that can accept the conditions attached.

Mayor Sheffer asked that Mr. Tisdall make arrangements to meet with the church's attorney to discuss the matter.

Acquisition of Williamsville
Christian

Mr. Saia stated this is the first time the public has had a chance Church to debate the offer from the church.

Gartley Weller, 129 Mill Street, stated he is a member of the Historical Society. He stated the problems seem to be mounting up. There are many questions to be answered before we proceed. The people of Williamsville are very interested in this matter. We need to keep more of the past in the Village. It makes the Village a good place to live. We have lost a great many of our historical buildings. We do not want to see the church turned into a hamburger place, or parking lot. The donation of the building has been a fine gesture on the part of the church trustees.

Allan Christman, representing the church, stated we would like to know how interested the Village is in taking the church. He also stated the turning over of the church to the Village would have to be approved by the Supreme Court.

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A gentleman in the audience stated many commercial enterprises are taking over old buildings and restoring the outside of the buildings and using the inside for their businesses. A business buying the church would not necessarily tear it down.

Trustee Miller commended the church and its trustees for their very generous offer.

Mr. Christman stated he would like to know how the residents felt about the offer. Attorney Tisdall stated the Board is in favor of the plan if the problems can be worked out but they can make no firm commitment at this time. Mayor Sheffer stated the public input he has at present is mostly in favor of the Village taking title. He asked for an informal show of hands in the audience and the majority was in favor.

ON MOTION by Trustee Kuzon, seconded by Trustee Walker, the hearing was closed at 9:37 P.M.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer