

Minutes of the Regular Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, November 14, 1977 at 7:30 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
Thomas V. Troy, Village Attorney
Edward Way, Dept. of Public Works

Mayor Sheffer called the meeting to order at 7:30 P.M.

Mayor Sheffer read from the writings of Benjamin Cardozo, one of the significant people in our history as Chief Judge of the New York Court of Appeals and as a United States Supreme Court Justice.

ON MOTION by Trustee Walker, seconded by Trustee Idzak, the minutes of the regular meeting held October 24, 1977 were approved.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Walker, the minutes of the public hearing held October 24, 1977 regarding a local law to amend the Fire Code, Section 16.32 were approved.

Unanimously carried.

Mayor Sheffer stated the Board was pleased to have present tonight the new Village Attorney, Thomas V. Troy. Former Village Attorney Joseph Tisdall left the area to take a new job in Delaware and Mr. Troy was appointed after interviewing more than a dozen attorneys.

Mayor Sheffer reported that the agreement between the Christian Church and the Village for transfer of the building to the Village for \$1.00 is being finalized and we hope this matter can be completed in the next few weeks.

Mayor Sheffer stated his first resolution dealt with setting the salary for the Village Attorney. Appointment of the Village Attorney rests with the Mayor but the Board sets the salary. He stated the amount for the Attorney has been budgeted for this year and is pro rated from now through the end of the Village year in March.

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

RESOLVED that the salary of Thomas V. Troy, Village Attorney, shall be set at \$6,750.00 annually until the end of the 1977-1978 official Village year. This retainer will be paid

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to cover all advice and counsel rendered to the Village Board and for attendance at all Board meetings. The retainer does not include fees for appearances in New York Supreme Court. Any such appearance will be paid separately.

Thomas Troy
Attorney - Salary set

Unanimously carried.

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

WHEREAS the next general Village election for officers will be held on March 21, 1978, and

1978
ELECTION

WHEREAS the Board of Trustees must designate by resolution and publish the offices which are to be filled in such election and the terms thereof.

Date of Election Set

NOW, THEREFORE, BE IT RESOLVED:

Positions to be filled named

Section 1. That the Board of Trustees designates the following offices as vacant at the end of the current official year, to be filled at the Village election to be held on March 21, 1978 for the following terms: two (2) trustees for a two (2) year term each.

Section 2. The Village Clerk is hereby directed to publish this resolution in full in the Amherst Bee.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

Mayor Sheffer reported that two years ago the Village Justice was elected and the question has come up as to when he next comes up for election. He will be elected in 1979. This is a four year term. Judge Dougherty is filling out Judge Prah1's term.

Trustee Miller reported that as soon as the snow melts the Village will be picking up the rest of the leaves. They have been working two shifts to get the leaves picked up and they are doing a good job.

Trustee Miller stated his first two resolutions are more of a communication to keep people aware of what we are doing rather than being necessary as far as legalistics are concerned.

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

RESOLVED that Trustee Miller be authorized to draw specifications for: Painting and Repair of flood gate structure, Glen Avenue bridges and the Rinewalt Street water storage tank.

AUTHORIZATION

Trustee Miller to draw specs for painting

Trustee Miller stated the painting and repair of the flood gates are funded in this year's budget. We anticipate some assistance in funding for the bridges and tank work.

Unanimously carried.

Trustee Miller stated his next resolution deals with some equipment that the Village could utilize in the Department of Public Works. This type of equipment is not in continual use and we could use rebuildable and used equipment due to the low work load.

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

RESOLVED that Trustee Miller be authorized to draw specifications for the purchase of the following equipment: Asphalt paver, 2-5 ton roller, vacuum leaf machine. This equipment may be in used and rebuildable condition if compatible with the work load envisioned.

AUTHORIZATION

Trustee Miller to draw specs for DPW Equipment

Mayor Sheffer asked if this would require the expenditure of any funds and Trustee Miller stated the first and second resolutions required no expenditure of money. The purpose was to prepare and outline a course of action.

Mayor Sheffer reminded the people present that they were allowed to speak on any resolution before it is voted on. No one spoke.

Unanimously carried.

Trustee Miller stated his next resolution dealt with advertising for bids for construction of a collector sewer to be located on the west side of Mill Street from Main Street to the North Village Boundary line. He stated the preliminary work has been done some time ago and we presented our application through the Town of Amherst. We have now gotten word that the funding has been allocated. The Town has been very helpful to us in this matter and we want to thank them for their assistance.

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

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RESOLVED that the Village Clerk be authorized to advertise for sealed bids for the construction of a collector sewer to be located on the West side of Mill Street from Main Street to the North Village Boundary line to be opened at the Village Clerk's Office, 5583 Main Street, Williamsville, New York on January 5, 1978. The Clerk shall advertise for the bids in the official Village newspaper at least five days before the date on which the bids are to be opened and upon opening of the bids shall make a record by listing the name and address of each bidder, the amount of his bid, the nature and amount of security furnished, and all alternate bids and tradéin allowance, if any, and present such records to the Board of Trustees at the first regular or special meeting of the Board following the opening of the bids.

ADVERTISE FOR
BIDS

Mill Street
Sanitary
Sewer

Unanimously carried.

Trustee Miller stated his next resolution dealt with the standard contract that the Village annually signs with the County. It basically sets a fee for reimbursement for Village plowing and sanding of public highways in the Village.

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

RESOLVED that the Mayor execute on behalf of the Village of Williamsville a contract with the County of Erie to provide plowing and sanding of the County highways by the Village at a rate of \$550 per lane mile for the winter 1977-1978.

AUTHORIZATION - Mayor
to sign
contract for
snow
plowing

Trustee Kuzon asked how the amount of reimbursement compared with that of last year. Trustee Miller stated it was not based on the severity of last winter. It is a basic average rate that is paid. Perhaps it is increased a bit over last year's. Trustee Miller stated this was the most formal of our relationships with the County and we work with the County and the Town in a cooperative vein. Mayor Sheffer asked if the amount is comparable with that paid in other municipalities and Trustee Miller stated it was.

Unanimously carried.

Trustee Walker welcomed Attorney Troy to the Board and wished him well.

Trustee Walker stated the Board had held a public hearing in October on a local law to amend the Fire Code by making the Village Zoning Board of Appeals the Appeals Board under the Fire Code.

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

RESOLVED that Local Law #12, 1977 providing to amend Fire Code Section 16.32 which was the subject of a public hearing on October 24, 1977 is hereby adopted. (Copy attached)

LOCAL LAW #12-1977
Adopted
Amend Fire Code
Section 16.32

Unanimously carried.

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

RESOLVED that the Mayor execute on behalf of the Village contract with the Town of Amherst and the Hutchinson Hose Co. for fire protection in the following districts:

AUTHORIZATION -
Mayor to sign

Autumn Harvest District	#1
Lamm Post	" #2
Lehn Springs	" #3
Mill Street	" #4
Park Club	" #15
Williamsville	" #16

contracts for fire
protection

Unanimously carried.

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

RESOLVED that the resolution adopted at October 24, 1977 regarding the Village Clerk's attendance at a one-day workshop be amended to read:

AUTHORIZATION -

RESOLVED that the Village Clerk, Theresa L. Cummins, be authorized to attend a two-day workshop on Unemployment Insurance, Fixed Assets, Housing and Community Development, Block Grants and Accounting and Reporting requirements for Federal Grant funds in Syracuse, New York on December 1st and 2nd and the expenses to be paid by the Village of Williamsville.

Village Clerk to
attend 2 day workshop
in Syracuse

Trustee Walker stated the reason we want the Clerk to go to the second part of the conference is that she will be able to obtain a lot of valuable information relating to community development funding and how to file the necessary forms for funding and the information that will be required on the forms.

Unanimously carried.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held December 12, 1977 at 7:35 P.M. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the Village of Williamsville proposed use of funds to be received under Title 1 of the Housing and Community Development Act of 1974. General discussion will deal with outlining the needs of low income residents (especially housing) and urgent community needs of the Village of Williamsville.

PUBLISH NOTICE OF PUBLIC HEARING

Community Development Funds for 1978

Mayor Sheffer stated the law requires two public hearings on use of the funds. He stated Trustee Walker's next resolution sets the date for the second hearing. The 1978 funds will be about \$46,000.

Unanimously carried.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held December 27, 1977 at 7:35 P.M. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on the Village of Williamsville proposed use of funds to be received under Title 1 of the Housing and Community Development Act of 1974. General discussion will deal with proposals to meet urgent community needs and those projects which would benefit low and moderate income persons in the Village of Williamsville.

PUBLISH NOTICE OF PUBLIC HEARING
Community Development Funds for 1978 -

Proposed uses

Unanimously carried.

Trustee Idzak welcomed Attorney Troy to the Board and wished him good luck in his new undertaking.

Trustee Idzak stated that as was reported in the papers the senior citizens survey information has been compiled. There were 193 replies. 162 of these came from those over 62 years of age. 131 people are living alone. Only 24 reported incomes of over \$9,000. All the rest were under \$9,000. 139 persons stated they were interested in living in the senior citizens apartment building. One of the prime objectives of the survey was to determine how many wanted to live in the senior citizens housing and to determine the process used to select the tenants. This is to insure they will be selected in a fair manner when the Forest City Dillon rental group comes into the Village. We hope to be able to

Sr. Citizen Housing Survey

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Mayor Sheffer stated the senior citizens survey conducted by Trustee Idzak and Mr. Daugherty, was exactly the type of information that the Board contemplated when we insisted on having input into the tenant selection process for the senior citizens building. The County Planning Department stated this is the most comprehensive survey done in the County. It more than documents the need for the building in the Village. He commended Trustee Idzak for this excellent work.

Trustee Kuzon welcomed Attorney Troy to the Board and wished him well in his new position.

Trustee Kuzon stated one of his resolutions deals with an appointment to the Planning Board. This is necessitated by the resignation of Norman Wolf who has been an invaluable member of the Planning Board and also the Board of Appeals. He thanked him for his dedicated and unselfish service to the community and stated we need more like him.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, vouchers in the sum of \$89,245.58 were approved as follows:

Payroll Fund	W/E 10/28/77	\$ 6,102.53
	W/E 11/4/77	3,164.29
	W/E 11/10/77	<u>3,441.23</u>
Total Payroll Fund		\$12,708.05
General Fund	Abstract #404	20,244.97
Water Fund	Abstract #394	5,013.53
Federal Revenue Sharing Fund	Abstract #41	6,691.85
EDA Fund	Abstract #6	41,383.40
Trust & Agency Fund	Abstract #43	<u>3,203.78</u>
Total Vouchers		\$89,245.58

Trustee Kuzon stated there were several large vouchers this week - one was for \$10,813 to George Herman for Contract #3 relating to the Nature Center, one was for \$30,014 to Four Winds Nursery for the landscape work in Glen Park, one was for \$6,706.65 to Amherst Disposal for garbage pickup and one was for \$6,543 to Muck Motors for the new pickup truck.

Unanimously carried.

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

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RESOLVED that the following appointment is made effective as provided below: APPOINTMENT -
Planning Commission

<u>Name</u>	<u>Board or Comm.</u>	<u>Effective Date</u>	<u>End of Term</u>
Richard Delo 55 Monroe Drive Williamsville, N.Y. 14221	Planning Commission	11/14/77	End of the 1977- 1978 Official Village Year

Mayor Sheffer stated Norman Wolf had served since the early 1960's on both the Planning Board or Board of Appeals and he was invaluable to them for almost two decades. He stated we can appreciate his reason for resigning but will look forward to the time when he is able to come back.

Unanimously carried.

Trustee Kuzon stated his next resolution deals with the question of parking restrictions on Hirschfield Drive. It calls for a public hearing on this matter. This will be the second public hearing on this matter. The first was held July 11th but the second is necessitated by the fact that the Board did not act within 60 days as the law states.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held in the Municipal Building, 5583 Main Street, Williamsville, New York at 7:35 P.M. on November 28, 1977 for the purpose of hearing all persons interested in a local law which would amend Section 60.32(16)(B) of the Traffic Code of the Village of Williamsville by allowing parking along the west side of Hirschfield Drive for a period not to exceed one-half hour between a point 30 feet south of the south line of Main Street and a point 180 feet south of the south line of Main Street between the hours of 7:00 A.M. and 5:00 P.M. on Monday thru Saturday excluding holidays.

PUBLISH NOTICE OF
PUBLIC HEARING
Amend Traffic Code -
allow parking on
Hirschfield for 1/2
hour

Trustee Kuzon stated the current parking restrictions would remain in effect from a point 180 feet south of the south line of Main Street and Scott Drive. This will allow for approximately four parking spaces along side of the Shopping News property.

Mayor Sheffer asked if the Traffic & Safety Committee had recommended the change and Trustee Kuzon replied that at the time of the first hearing they found the change to be okay. Mayor Sheffer stated we have now had sufficient public input about this that the Traffic and Safety Committee and Hirschfield Drive residents should be consulted about this prior to the hearing. Trustee Kuzon stated

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provide senior citizen transportation in the near future. We are in contact with several agencies who can help us in getting a van for this purpose.

Trustee Idzak stated Mr. Daughtery's help has been invaluable with the survey and she thanked him for his assistance.

Trustee Idzak stated her first resolution had to do with a change order on the Glen Park landscaping work.

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

RESOLVED that the Mayor be authorized to sign Change Order #2 for Glen Park Contract #2, the Landscaping Contract, for the purpose of substituting topsoil for rock on this project.	AUTHORIZATION - Mayor to sign change order for Glen Park project
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Mayor Sheffer advised the change was recommended by the Joint Glen Park Committee, which is responsible for reviewing all matters pertaining to the park before they go to the Town and Village Boards.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, it was moved to suspend the rules to consider a resolution not on the agenda.

Unanimously carried.

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

RESOLVED that the Mayor be authorized to sign the deed conveying an undivided one-half interest in Glen Park to the Town of Amherst, pursuant to the enabling legislation enacted by the State of New York this spring and previous actions of this Board.	AUTHORIZATION - Mayor to sign deed conveying 1/2 interest in Glen Park to Town of Amherst.
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Trustee Idzak stated the State has to approve any transfer of dedicated park land. The Town and Village Attorneys are presently doing the title examination and title is ready to be transferred.

Unanimously carried.

ON MOTION by Trustee Idzak, seconded by Trustee Kuzon, it was moved to return to the regular agenda.

Unanimously carried.

Trustee Idzak stated her other resolution listed on the agenda was being withdrawn at this time. It will be brought up at a later date.

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the Traffic & Safety Committee meets this Thursday and he would contact them about this.

Unanimously carried.

Mr. Way had no report from the Department of Public Works. He welcomed Attorney Troy to the Board.

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

Unanimously carried.

James Saia, 20 Belmont, asked what the court decision was on the Miller property. Attorney Troy stated he understood the court had dismissed the complaint relating to the 10' zone. Mr. Stoeckl is moving for a reargument on the facts. This is an argument to rehear and not an appeal.

Mr. Saia stated he believed Trustee Miller should not be sitting on the Board when he was involved in a case pending before the court in the Village. Mayor Sheffer advised Trustee Miller would be barred from voting on any resolution that came before the Board pertaining to that court action, but he is not considered to have a conflict of interest on other matters.

Mr. Saia stated the guard rails on the bridge protecting the water lines is going to cause problems when the snow plows come through as they will stay farther away from the guardrails, making the street narrower and dumping snow on his property before the bridge when they have to go onto the bridge. He stated there should be signs on Main Street stating the road is narrowing on the bridge. He asked what had happened to the study that was done relative to moving the water lines below the bridge.

Trustee Miller stated the street will be no narrower than it was before and Mayor Sheffer stated this will keep the plows from hitting the water lines. He added that the concept of moving the lines was considered but that this was thought to be the better method.

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

Unanimously carried.

ON MOTION by Trustee Kuzon, seconded by Trustee Idzak, the meeting was adjourned at 8:15 P.M.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer