

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, February 26, 1979 at 7:38 PM

Roll Call

Present

Warren D. Miller, Acting Mayor

Gordon J. Kuzon
Rosemarie Sugg Trustees
Neil M. Frank

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Acting Mayor Miller called the public hearing to order at 7:38 PM.

The Clerk read the notice of public hearing regarding a local law which would amend the Water Code by providing for Cross Connection Control by requiring the installation of a backflow prevention device at the service connection and internal protection as required. PUBLIC LAW

Acting Mayor Miller stated cross connections are where the drinking water system is connected with possible sources of contamination and biological hazards. The plumbing fixture is the end of the potable water system and the beginning of the sewage system. We need protection to separate the two and keep out any chemical contamination. Chemicals can be found in boilers and chillers and coolers in buildings. A source of contamination could even be a garden hose filling a swimming pool. Any pressure drop in the feed line or supply line would cause a reverse flow situation. The flow is from high pressure to low pressure and the chemicals in the pool would go back into the hose and into the potable water. CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION DEVICE

In December, 1975 the EPA passed guidelines on to the states for protecting the drinking water. Most of the states have passed programs for this purpose. New York State passed their program in June, 1977 under subparts 5-1 and 5-3 of the State Sanitary Code regarding cross connection control to protect the underground and surface water sources. The Board is bound by that legislation. We are also bound by other state programs we have adopted, such as the New York State Plumbing Code, which speaks to protecting the drinking water by backflow protection devices, etc. The Village has also adopted the New York State Fire Prevention Code which has sections regarding cross connections between sprinkler systems and drinking water. The Board is bound by the state plumbing, fire and health regulations as a municipality and is bound by the state sanitary code as a water purveyor. We are now, and have been responding to this law since it has been on the books.

Acting Mayor Miller stated we are trying to get information out to the public with the public hearing to let them know what it is all about and why it is important.

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Acting Mayor Miller stated that we have heard of Legionnaires disease. This disease is felt to be transmitted in the water system with the original contamination in the cooling tower in the hotel in Philadelphia which got into the drinking water system and into the various parts of the hotel contaminating it. It was very hard for the health department to pinpoint the source due to the widespread nature of the disease. Acting Mayor Miller also stated there was a case where the Holy Cross football team and coaches (69 people) contracted infectious hepatitis because of a backflow situation where contaminated water got into the drinking water system. He stated the Village is not alone in their concern in protecting the public water system.

PUBLIC
HEARING
(con't)

CROSS
CONNECTION

Acting Mayor Miller stated that generally the average residence does not pose sufficient hazard to require installation of a backflow device. If they had a hobby of photodeveloping they could install a device costing about \$7.00 or \$8.00 to attach to a faucet to prevent backflow. If they have a swimming pool they can attach a device costing about \$10 to the hose faucet for protection. If there is no such protection and there is a drop in line pressure, which could be caused by the fire department in putting out a fire, it could cause a backflow into the main. We have had experience with a similiar situation when we replaced some of our valves. We have opened the main and a building in the area with no backflow device is drained because of the drop in pressure. Before the main is put back into service it is given a charge of chlorine to take care of any bacteria that may have entered the system.

CONTROL
AND
BACKFLOW
PREVENTION
DEVICES

Acting Mayor Miller stated the local law will speak to how we would handle the certification of devices and the qualifications of testors to test them annually. Also would provide for licensing, bonding, etc. There are various approved designs for the fixtures and the Village can take standard details or designs and adopt them as the Village standard. According to the latest information the cost for a 3/4" device would be about \$190. This would not include any plumbing changes that might be necessary to install the device.

The Village is not the only one responding to the State mandate. The City of Buffalo has a full program and the Erie County Water Authority also has a program. Every municipality in the state and every water purveyor is governed by the same state regulations, including the Town. The code is very clear and has been in existence for some time. The Village has sent a member of the Water Department to the cross connection school that was held at Erie County Community College. He was in the first class. Under state law we have been making monthly tests, about six per month and then sending them to an independent laboratory for chemical and bacteriological examination. We keep records on this. Also, under our fire inspection program we have been doing backflow inspections also. The results are that many locations in the Village, especially in the commercial district, need these devices. The property owners will have to install devices as soon as possible.

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James Saia, 20 Belmont, asked why a public hearing was needed on this if we are under state mandate to do this. Acting Mayor Miller stated we need this for administration of the law. There are a couple of options available and we have to decide which way to go. We want to decide what the standard devices will be and adopt them. We also need regulations for certification of testors and how often they require testing.

PUBLIC
HEARING
(Con't)

Mr. Saia asked if this law was for the commercial district or if the residential areas are also included. Acting Mayor Miller stated it was mainly for the commercial area. It is a rare case when a residence is included. If there is photodeveloping being done in a home they should have some type of a vacuum breaker which costs under \$10 for protection. Washing machines have built in air gaps for protection, as does a sink faucet.

CROSS
CONNECTION
CONTROL
AND

Mr. Saia stated he thought the EPA should pay for this program or at least for part of it. He asked if the Town has passed a program regarding this. Acting Mayor Miller stated the Town is not a water supplier and are supplied by Erie County Water Authority. The authority has its own program.

BACKFLOW
PREVENTION
DEVICES

Mr. Saia stated our lines run through the Town and they could be contaminated by the Town residents.

Mr. Saia stated that in 1969 the Fire Department was told by the underwriters not to use hard suction hose at the hydrant and they use soft suction hose and these do not cause a vacuum. Acting Mayor Miller stated that if you have a pressure differential of one or two or five pounds the water will go from higher to lower pressure.

Mr. Saia stated we have leaks in our lines and and many of these are near sanitary sewers which are also in bad shape. Would this not cause a contamination problem. Acting Mayor Miller stated we have pressure in the main but there is no pressure in the sewer line.

Roy VanDeBogart of the Erie County Water Authority stated backflow has been a silent killer for some time. We don't read of all the things that happen from backflow situations that occur. The Legionnaires disease is one example. It was not at first identified as a backflow problem but it was. A number of people from the Disease Control facility tried to identify what caused the disease. A waterworks person identified the backflow problem at the cooling water tower. A large boiler that has been in operation for a number of years with no protection could cause some chemicals to backup into the water system. The case that started the backflow investigations occurred in 1943 and has been documented in the EPA manual. A defective valve caused contaminated water to get into the drinking water of Navy boats going to war and the ships had to turn back when so many of the men became ill. Following this a program was

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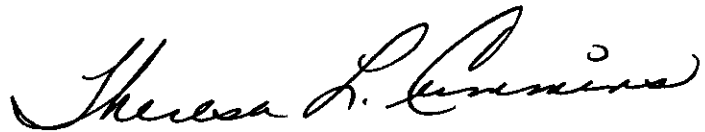
set up at USC to study this and we have come to realize the full extent of the backflow problem. The EPA and State have mandated this, and we have to protect our water supply. Residents should be happy that the Village is taking the initiative to put this into effect. Residents should have their own premises protected. For example an arsenic problem can result if you are spraying chemicals to kill bugs with your aspirator attached to your hose. A pressure drop could result in the poisons going into the water system. A simple device attached to the hose faucet could prevent this.

Mrs. Carolyn Schlifke, 192 Evans Street, stated she has a swimming pool she fills by using the hose. She asked if they were filling the pool and there was a pressure drop would the water from the pool go back into the water supply. Also should a device be installed on the hose faucet to prevent this. Acting Mayor Miller stated the best protection would be to leave an air gap by not immersing the hose in the pool water while it is being filled.

Mrs. Schlifke asked if someone developing photos in the laundry tubs in a basement should put in a device and Acting Mayor Miller stated a device could be put on the faucet. If an air gap is left, however, you don't have this problem.

ON MOTION by Trustee Frank, seconded by Trustee Sugg, the hearing was closed at 8:17 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

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, February 26, 1979 at 7:36 PM

Roll Call

Present

Warren D. Miller, Acting Mayor

Gordon J. Kuzon
Rosemarie Sugg Trustees
Neil M. Frank

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Acting Mayor Miller called the meeting to order at 7:36 PM.

ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, the minutes of the regular meeting held February 12, 1979 were approved.

Unanimously carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, the minutes of the public hearing held February 12, 1979 regarding a local law relating to Self-Service Fuel Dispensing were approved.

Unanimously carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, the rules were suspended at 7:38 PM in order to hold a public hearing regarding a local law which would amend the Water Code by providing for Cross Connection Control by requiring the installation of a backflow prevention device at the service connection and internal protection as required. (The hearing was closed at 8:17 PM.)

Unanimously carried.

Acting Mayor Miller stated we have received and filed correspondence from the Department of Environmental Conservation regarding the restrooms on Island Park. The letter states they are pleased with the Village's proposed method of resolving the sewage problems in the park. They offered their assistance in this matter. By applying our community development funds to this problem we do not have to go to the taxpayer by increasing their taxes to pay for this.

ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, vouchers in the sum of \$52,392.30 were approved as follows:

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Payroll Fund	W/E 2/16/79	\$ 3,089.49
	W/E 2/23/79	<u>5,447.16</u>
Total Payroll		\$ 8,536.65
General Fund	Abstract #435	18,181.37
Sewer and Water Fund	Abstract #16	22,412.74
Special Assessment	Abstract #8	65.00
Community Development	Abstract #25	399.75
Trust and Agency Fund	Abstract #61	<u>2,796.79</u>
Total Vouchers		\$52,392.30

There were large vouchers as follows: Muck Motors - \$10,695.00; Bissell Merrill Assoc. - \$1,800.00; Erie County Water - \$20,627.13; and M. C. Morgan - \$1,341.67.

Vote on Roll Call: Trustee Sugg - aye; Trustee Kuzon - aye; Trustee Frank - abstain; Acting Mayor Miller - aye. Ayes - 3; Noes - 0; Abstain - 1.

Carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Kuzon, 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 7:40 p.m. on March 12, 1979 for the purpose of hearing all persons interested in a local law which would amend the Sanitary Code by providing that PVC pipe may be used for underground sanitary sewers.

PUBLISH NOTICE OF
PUBLIC HEARING

Use of PVC pipe for
Sanitary Sewers

Acting Mayor Miller stated PVC pipe has been accepted by the State for use as underground sanitary sewers. The Town has amended their plumbing code to include it and after investigation the Village is going to hold a public hearing to allow its use. Those who will have to tap into the Mill Street sewer after final acceptance of it will be able to use this pipe. It will save them money and also takes less time to install.

Unanimously carried.

Acting Mayor Miller stated his next resolution deals with assessment questions that came up on Grievance Day.

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ON MOTION by Acting Mayor Miller, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that the Village Board sets the real property assessment on various pieces of property as follows for the 1979-1980 fiscal year:

ASSESSMENT
ADJUSTMENTS

As a result of
Grievances on
Grievance Day

<u>Address</u>	<u>Tax #</u>	<u>Assessment</u>
53 Park Drive	202-499	\$ 4,100
5842 Main Street	201-79	18,000
75 N. Cayuga Rd.	201-276-100	8,550

Unanimously carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Frank, the following resolution was adopted:

WHEREAS the Village of Williamsville is conducting cross connection and backflow inspections of premises served by the Village of Williamsville Water Department pursuant to the requirements of the New York State Sanitary Code, subparts 5-1 and 5-3; the New York State Plumbing Code and the New York State Fire Prevention Code.

WATER DEPARTMENT

Cross connection and
backflow
inspections

IT IS HEREBY RESOLVED that the Village of Williamsville continue this program covering protection at the service (meter) connection (containment) and at all applicable internal plumbing connections under the guidelines as established by the New York State Department of Health.

Vote on Roll Call: Trustee Kuzon - aye; Trustee Sugg - aye; Trustee Frank - aye; Acting Mayor Miller - aye. Ayes - 4; Noes - 0.

Unanimously carried.

ON MOTION by Acting Mayor Miller, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that the water bill covering service to Mr. Paul Larmana, 125 Glen Avenue, for the period February 1, 1978 to February 1, 1979 be adjusted to the amount of \$584.85, said amount being the adjusted figure, as computed by applying water rates as in effect during said period to a pro rated consumption figure. Further that the amount be paid in full on or before March 15, 1979, with no extension.

ADJUSTMENT TO
WATER BILL

125 Glen Avenue

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Trustee Kuzon asked what the reason was for the adjustment. Acting Mayor Miller stated there was a problem with not paying the bill on time and also the possibility of a meter malfunction. We tested the meter here and found it to be accurate and it was also tested by the Erie County Water Authority testing facility and found to be well within prescribed limits. This is the adjusted figure and follows the same method we have been following by pro rating the consumption figure.

Unanimously carried.

Trustee Frank advised that he had abstained on the voucher voting because as an agent he had done the insurance on the Williamsville Fire Department insurance for the home portable units. The amount was taken out of the Chief's budget and the voucher for this was included in tonight's voting.

Trustee Frank stated the Fire Department, under former Trustee Roger Walker, had purchased a four-wheel vehicle. It has been received and will be put into service by the end of March.

Trustee Frank stated the senior citizens program in the Village is very active. We encourage all senior citizens to use the program being put together by Jerome Nirschel and Bea Slick. There is plant arranging, exercise classes, crafts and so on.

Trustee Frank stated he was not going to present his resolution tonight that was on the agenda. The Board has decided that all the park regulations should be looked at and done at one time.

Trustee Kuzon stated that in relation to the question of rezoning the Berryman property we have requested an opinion from the State Attorney General regarding the voting procedure on this. We received petitions with the signatures of more than 20% of property owners living adjacent to the Berryman property and Village law requires a 3/4 vote. We want to find out if this is 3/4 of the total Village Board or 3/4 of those present.

Trustee Kuzon stated the Traffic and Safety Committee met last Thursday. At that meeting they discussed in detail the question of prohibiting commercial vehicles from parking on Village streets between the hours of 1:00 AM and 7:00 AM. There will be a public hearing at our next meeting regarding this. They also discussed parking problems and solutions and the street light at Los Robles and Main Street. With respect to the public hearing on parking of commercial vehicles, they discussed other possible solutions.

Trustee Kuzon advised his resolution related to self-service fuel dispensing. Two public hearings have been held on this. It has been the subject of much discussion between myself and operators of self-service stations in the Village. Basically, the proposal will improve the safety of these types of stations within the Village, not only from the standpoint of motorists but also for residents living nearby. It will also give us some leverage for improving safety as we see fit.

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

RESOLVED that Local Law #2 - 1979 - Amend Section 19.60 of the Village Code - Self-Service Fuel Dispensing, which was the subject of a public hearing on February 12, 1979 is hereby adopted.

LOCAL LAW #2 - 1979
Adopted
SELF SERVICE FUEL
DISPENSING

(Copy of Local Law attached.)

Unanimously carried.

Trustee Sugg stated a post office contract station will be operated at the Main Village Pharmacy starting March 1st.

Trustee Sugg reported the Beautification Committee under Connie Murray has begun the planning for the spring tree planting on Main Street. 17 to 18 trees will be planted this spring. 24 were planted last fall and this project is in the fourth year of a 10 year program.

With respect to Glen Park, Trustee Sugg reported they have finally reached a decision on the furniture for the park. With respect to the benches a search was made for the best quality at the least amount of money. We came to our own backyard. Benches with backs will be made by the Parks Department of the Town and our own Public Works Department will be making the backless benches. They have forms for these already. The trash receptacles have been ordered and will be coming in in the spring.

John Anstett had no report for the Department of Public Works.

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

Unanimously carried.

Richard Hill, 18 Brookside Drive, asked Trustee Sugg to check on the handicapped parking area at Glen Park. It looks like they are planting trees and bushes in front of the parking area so that when you drive in you will not be able to see the falls.

Connie Murray, 47 Oakgrove, stated there are residents of the Village Square Apartments who are interested in registering for the forthcoming election. They wish to know if they have to come in person to the Clerk's Office or if they are allowed to telephone in their registration. The Village Clerk advised they can telephone in their registration. Acting Mayor Miller stated any election inspector can put anyone on the rolls that they know live in the Village. Trustee Kuzon advised this could only be done on registration day on March 3rd.

Section 19.60 of Village Code

SELF-SERVICE FUEL DISPENSING

A self-service station shall mean all or that portion of the property where flammable and/or combustible liquids used as motor fuels are stored and subsequently dispensed into the fuel tank of motor vehicles by persons other than the service station attendant.

Approved special fuel dispensing devices such as, but not limited to, commercial operated, card-operated and remote preset types are permitted at service stations provided that:

1. There is at least one (1) attendant on duty while the facility is open to the public.
2. The attendant's primary function shall be to observe, control and supervise the dispensing of gasoline.
3. The attendant shall require the engine of the vehicle to be shut off and shall prohibit smoking in the fueling area.
4. Signs reading: "No Smoking-Shut Off Motor" shall be conspicuously posted at each dispensing island. Further, the Board of Trustees may require and approve such additional signs as the Board may deem necessary.
5. The attendant shall prevent the dispensing of fuel into portable containers other than those constructed of metal or durable fire-proof plastic, which close with a screw or spring cap.
6. The attendant shall immediately clean up accidental spills and employ a fire extinguisher in the event of fire.
7. At all times while the facility is open to the public, there shall be unobstructed vision between the controlling mechanism and the dispensing island and further constant contact between the controlling mechanism and the dispensing island by means of a voice intercommunication system which shall be maintained in proper operating condition at all times.
8. Clearly identified emergency power controls, capable of disconnecting power to all dispensers, shall be installed at a location not less than 65 feet from any dispenser and not more than 75 feet from the most distant dispenser and in a location where all dispensers are visible to the attendant.
9. Fire extinguishers acceptable to the Fire Chief or duly approved deputies shall be maintained in proper operating condition at the site of the emergency power controls at all times.

10. Dispensing devices (and delivery nozzles) shall be of the type approved under the Fire Prevention Code. Those meeting the standards of Underwriter's Laboratories of Factory Mutual Engineering Division may be considered in compliance with this code.
11. A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its cradle on the dispensing unit and the switch on the dispensing unit is manually activated. The control shall also stop the pump when the nozzle is returned to its cradle.
12. The control mechanism permitting operation of the pumps shall be under the observation of the attendant at all times while the pumps are dispensing fuel.
13. There shall be no catch-open device on any self-serve dispensing nozzle.
14. An approved impact valve, designed to close automatically in the event of severe impact or fire exposure, shall be installed in the dispensing line at the base of each dispensing device.

The Village may revoke any permit issued pursuant to this section in the event of any violation of the regulations contained herein.

Plans for the installation of self-serve fuel dispensers shall be approved by the Building Inspector and the Board of Trustees before applying for a building permit.

Self-serve fuel stations presently in operation and not in compliance with this code shall be given one (1) year from the date of enactment of the code to come into compliance.

SEPARABILITY - If any part of this code is repealed or found unlawful, it shall not effect the remainder of the code.

This local law shall become effective immediately upon filing with the Secretary of State.

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Mr. Hill asked if the election inspectors could go down and gather names if they wanted to. The Clerk advised they could as long as it was on registration day, March 3rd. Mr. Hill stated this would help the handicapped alot. He asked if the inspectors knew they could do this because when he was an inspector he was not aware this could be done. Acting Mayor Miller stated they should be aware of it but that we would remind them.

James Saia, 20 Belmont, stated that in August he had asked the Board if it was possible to pass a resolution that once a year, perhaps sometime in January, they would advise the public of what the water loss for the previous year had been. Acting Mayor Miller stated he will report on this at the next meeting. He stated we not only do weekly and monthly checks of the water but also some daily checks. Through this method we discovered the leak at the Main Street bridge. It appears that during excavation done by National Fuel Gas they damaged the water line and they will stand the cost of the leak in the amount of the loss and repairing the pipe.

Mr. Saia stated the water loss should be reported every year. He asked how the meter sealing program was coming along and Acting Mayor Miller advised that some 30% had been sealed.

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

Unanimously carried.

Acting Mayor Miller asked the public to take notice of the agenda of March meetings listed on tonight's agenda.

ON MOTION by Trustee Kuzon, seconded by Trustee Frank, the meeting was adjourned at 8:40 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer