

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, September 24, 1979 at 7:30 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Paul Atkinson
Lawrence R. Brenton Trustees
Connie C. Murray
Rosemarie Sugg

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
David Laubisch, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:30 PM.

There was a moment of silence observed in honor of Ed Young who died on September 10th. He was a former Trustee and Deputy Mayor of the Village as well as being a prominent local businessman. He made many lasting contributions in the Village.

ON MOTION by Trustee Sugg, seconded by Trustee Murray, the minutes of the meeting held September 10, 1979 were approved.

Unanimously carried.

Mayor Kuzon advised that we had recently received two resignations from Village Committees - one from the Planning Board and one from the Board of Appeals. Mr. Ticknor from the Planning Board has found he has too many conflicts as he has to go out of town on business a lot. Mr. Daugherty of the Board of Appeals has moved out of the Village and therefore can no longer serve on that Board. Mayor Kuzon thanked them for their interest in Village government and asked if anyone knew of someone who was interested in serving on either Board they should contact either him or the Village Office about this.

Mayor Kuzon stated his first resolution regards community development funding. Many have read in this evening's paper of the situation that has developed between the Village and Town regarding this. He stated his resolution will speak for itself on this matter.

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

WHEREAS the Village of Williamsville presently participates in a cooperative agreement with the County of Erie for purposes of application, administration, technical assistance and auditing of the Community Development Program; and

COMMUNITY DEVELOPMENT
Decision to remain
with county

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WHEREAS the County annually notifies municipalities of their option to withdraw from participation in the 39-member Consortium; and

WHEREAS on September 10, 1979, the Town of Amherst notified the Village of its intention to withdraw from the Consortium and urged the Village to join in this action as a necessary party; and

COMMUNITY DEVELOPMENT

WHEREAS the Village was given until September 21 to make its decision; and

Decision to remain with County

WHEREAS upon due deliberation the Village Board determined that the financial advantages to the Village as proposed by the Town for withdrawing from the Consortium were based on estimates and that there were no assurances that the proposed funding would be economically advantageous over the next three years; and

WHEREAS in order to accept and administer Community Housing & Development Act funds independent of the Consortium, the Town and Village would have to implement a variety of required programs, such as Fair Housing, Affirmative Action, and other programs meeting the needs of low-to-moderate income persons, at an additional administrative cost and in duplication of existing programs at the County level; and

WHEREAS the Village has enjoyed a good working relationship with the County,

THEREFORE, BE IT RESOLVED that the Village of Williamsville continue its agreement of cooperation with the County Consortium, and

BE IT FURTHER RESOLVED that the Village of Williamsville designate an official to examine and investigate the immediate and long-range implications of withdrawing from the Consortium at a later date.

Unanimously carried.

Mayor Kuzon advised that his second resolution concerns a request by International Cable to amend its franchise agreement. This was tabled at our last meeting for further consideration because the full Board was not in attendance and the amendment has to be approved by the 13 municipalities in which the cable company does business and at that time there was some concern over what some of the

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municipalities might do. We decided to take more time to decide what we wanted to do. At this time three or four of the municipalities have approved this.

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

WHEREAS Amherst Cablevision, Inc. has made application to the Village of Williamsville for an amendment to its cable television franchise to provide for an increase in the monthly rate for basic cable service, and

CABLEVISION

Rates increased
in December 1979 and
December 1980

WHEREAS, a public hearing pursuant to prior notice duly published as required by law has been held at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof, and

WHEREAS the municipality has fully and adequately considered the application for rate increase;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the aforementioned application is granted and the franchise is amended as follows:

1. The monthly rate for basic cable television service is increased from \$7.50 to \$8.50 to be effective as follows:

a. The monthly rate shall be increased to \$8.00 effective December 1, 1979.

b. The monthly rate shall be increased to \$8.50 effective December 1, 1980.

2. No further increases in the monthly rate for basic cable service shall be permitted prior to December 1, 1981.

3. Implementation of the aforesaid increase in rates is contingent upon the prior approval of the New York State Commission on Cable Television.

Unanimously carried.

Trustee Sugg reported that the Winter Assistance Emergency Repair Program has come to an end. It was a CETA related program and the CETA program has been terminated. Those people who would be seeking assistance would no longer be able to do so under this program. We have been given a report on our community's involvement in this program. Those who need assistance may be able to apply under another program.

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Trustee Sugg advised that the Youth Committee has been informed by the YMCA and Amherst Youth Program that Sue Munderville has resigned to pursue other interests. The YMCA is currently seeking a replacement. We thank her for her services.

ON MOTION by Trustee Atkinson, seconded by Trustee Murray, vouchers in the sum of \$77,454.56 were approved as follows:

Payroll Fund	W/E 9/14/79	\$ 3,544.16
	W/E 9/21/79	<u>3,704.67</u>
Payroll Total		\$ 7,248.83
General Fund	Abstract # 449	29,600.95
Trust & Agency Fund	Abstract # 69	1,467.80
Community Development Fund	Abstract # 40	3,246.50
Federal Revenue Sharing	Abstract # 77	314.50
Water and Sewer Fund	Abstract # 30	<u>35,575.98</u>
Total Vouchers		\$77,454.56

Unanimously carried.

Trustee Atkinson stated his second resolution deals with an item that has been of concern for some time. Back in May, he was enlisted to undertake a review of the state of our insurance program in the Village. Trustee Atkinson stated the Britting-Gelia Insurance Agency has handled our municipal insurance for years and have done a commendable job. However, we are all concerned with the skyrocketing costs of municipal insurance and there are only a few companies who continue to write this type of insurance. With these costs going up, we felt we should begin to review where we stood at this time. He stated that he and the Village Clerk had numerous meetings with our current agent and had discussions with other municipalities about their programs. In July he presented a report to the Board and as a result we are proposing to establish an Insurance Advisory Committee for the Village. The Committee will comprise no more than five individual agencies who will work collectively as a group to provide us with information on what insurance is available to us and their recommendations regarding it. This will provide us with three advantages. Instead of having an individual agency providing recommendations to us we will have the possibility of having five agencies working for the betterment of the Village at no cost to us. The insurance business has become so complex that it is very difficult for one agency to be aware of all the options and lines available. By expanding this reference source we will be able to take advantage of the best coverage available. The insurance committee will create

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a competitive atmosphere in the bidding of premiums. Each year we will review our specifications and solicit bids. With costs rising each year, we want to be sure we get the most for our dollars.

Trustee Atkinson stated there are not enough words of praise that we as a Board can extend to the Britting-Gelia Agency for the years of conscientious service they have provided us. Mr. Gelia has already offered to be a member of this committee and has offered to contact and help select the people for the committee. We thank them for their efforts throughout the years.

ON MOTION by Trustee Atkinson, seconded by Trustee Sugg, the following resolution was adopted:

RESOLVED that the Village hereby establishes an Insurance Advisory Committee. There shall be no more than five members, comprising independent agencies from the community who have demonstrated experience in the field of municipal insurance coverage. These members shall serve at the pleasure of the Village Board.

INSURANCE ADVISORY
COMMITTEE
ESTABLISHED

Unanimously carried.

Trustee Atkinson asked anyone knowing anyone who has experience in the municipal coverage field to contact the office so we can get going on this. We want to have this in effect by the end of the fiscal year and have it fully functioning into 1980-1981.

Trustee Atkinson stated we have lost the services of our Deputy Treasurer in August. Since that time we have been interviewing potential candidates for the job and think we now have the right person for the right job.

ON MOTION by Trustee Atkinson, seconded by Trustee Murray, the following resolution was adopted:

RESOLVED that Elaine Garono is hereby appointed Deputy Village Treasurer in the Village Clerk-Treasurers Office, to serve at the pleasure of the Village Board, at a salary of \$7,188 per year.

APPOINTMENT
Elaine Garono - Deputy
Treasurer

Unanimously carried.

Trustee Brenton stated that when we took office last Spring we were confronted with a decision as to whether the Village should pick up the garbage itself or go into contract with a private firm. He stated he was given the task of determining which way we should go. He stated he had completed his study and given a report to the Board on it. The Board subscribes to my recommendation that we continue in the private sector as we

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believe it can be to our advantage economically as long as the bids remain in the neighborhood of where they have been and as long as the service stays as it has been.

Trustee Murray stated that Mrs. Slick reports that the senior citizens recreation program is progressing nicely. A seniors theatrical group is forming. They will meet on October 4th at the Landmart Homes Office on Main Street and will be under the direction of Ann Daly who is with the Amherst Players and is on the program at the Packet Inn. The senior citizen swimming class will meet at Mill Middle School on October 4th at 3:30 PM. A slide program is being planned. Mrs. Slick has reported that in the first week of the program 17 seniors were served.

Trustee Murray reported that the Parks and Recreation Committee is planning its second annual Christmas Carolling for December 21st at 7:00 PM. Invitations are being sent to various groups in the area to participate in this. We will probably be unable to use the Village Meeting House as we did last year and hopefully will be able to use the Nature Building in Glen Park which has a wood burning stove.

Mr. Laubisch had no report from the Department of Public Works.

Mayor Kuzon reported that many of the residents have been reading in the paper for the last week or ten days about the Village being notified by the non-profit agency, People, Inc., acquiring a residence at 74 Mill Street. Under the Mental Hygiene Law, the Village has 40 days in which to respond. This law specifically states our three options: 1) We can approve the site as recommended by the non-profit agency; 2) We can suggest alternative sites; and 3) We can object based on lowering of assessments, or that it would substantially alter or change the character of the neighborhood, or that there is a high concentration of this type of home or facility in our area already. Although a municipality responds by either approving the site, suggesting alternatives or objecting to it, the final decision rests with the Commissioner of Health at the State level. Those residents on Mill Street should contact the Board regarding any questions or comments they have. Dr. Babcock of the non-profit group is willing to meet with the residents to discuss the proposal and answer any questions. It is difficult for this Board to make a decision without the input of the residents involved.

PEOPLE, INC.
Home on Mill
Street
Report
by Mayor

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

Unanimously carried.

James Saia, 20 Belmont, asked for clarification on when the Town notified the Village regarding withdrawing from the consortium. Mayor Kuzon stated they notified us about September 10th and they wanted an answer by September 21st, as we had to enter into an agreement with the Town by this date.

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Mr. Saia stated he had attended the Town meeting pertaining to their fee for sewers in the Town. He stated he had asked if the IRS would honor a deduction made for this fee and they informed him that you could make a deduction for this on your income tax. They will bill this once a year on a gallonage basis and then put on the tax roll. Mr. Saia stated he also asked them if after the first of the year when they start taxing the sewer, if they will stop the practice of pumping raw sewage into the storm drains. The reason for doing this is to alleviate some problems they have during hard rainfalls but when they do this we are paying for sewage that is not being treated. Mr. Saia stated that Councilman Collier stated they will not stop doing this. He stated this would not probably be stopped for five years.

Mr. Saia stated that in the past he sent a letter to Village residents stating the sewer fee was not deductible. He stated he felt this is an illegal charge, and that it should not be based only on water consumption. Councilman Collier was present at the time of our hearing on this setting of the rate and he commended the Village for handling this on water consumption basis. Now the Town has done it on three factors: water consumption, lot size and assessment. He stated he feels this is the way it should be done in the Village also as it provides a much more equitable way of charging for this. He stated that Village residents should not pay more than the Town residents for this and the Board should do something about this.

Mayor Kuzon stated that with respect to whether or not this is a deductible item, no definitive statement has been made on this. There has been talk to the effect that a certain percentage of it was deductible. Mr. Saia stated that part of that fee is not deductible on the Village tax. To make that deductible the Village has to file a report with the IRS to find out what portion for the forthcoming year is deductible.

Mayor Kuzon stated we recently reduced the percentage of water consumption on which the fee is paid to 50%. It had been 70%. At that time we had discussed more equitable methods of charging for this. We discussed separating capital costs from operation and maintenance costs. The EPA in their agreement states that operation and maintenance costs have to be based on water consumption. The capital costs are up to the municipality. We could base operation and maintenance on water consumption and capital costs on assessment. The operation cost would be what you contribute to the system and you should pay for what you put into it. The capital costs would be based on assessment because the feeling is that everyone benefits. He stated that he and the Clerk had met recently with County officials regarding putting this on the annual tax bill. We have not changed this before because we wanted to discuss our billing procedure with the County and see what is required. We have been working on this and anticipate acting on this within the next couple of months and moving on it before the end of the year.

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Mr. Saia stated he still thinks the Village charge is illegal. Mayor Kuzon stated that at this point in time we can't answer this. We think this is still up for debate. We have to wait until someone makes a decision one way or another.

Trustee Brenton stated that this Board has never advised the public that the sewer charge was tax deductible and anyone with a question should consult their tax advisor. They should not rely on public officials regarding this. He stated the problem of pumping sewage into the storm drains is the responsibility of the Town. The Village does not do this.

Raymond J. Fisher thanked Mr. Way, the Highway Department and Mr. Schueckler. They all did a fine job during the recent flooding problems. We appreciate their fine service.

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

Unanimously carried.

Mayor Kuzon called everyone's attention to the bottom of tonight's agenda where there is a schedule of the meetings for the rest of this month and the first of October. All these meetings are open to the public.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the meeting was adjourned at 8:15 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer