

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, November 13, 1979 at 7:33 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
Edward Way, Dept. of Public Works

Mayor Kuzon called the meeting to order at 7:33 PM.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the minutes of the regular meeting held October 22, 1979 were approved.

Unanimously carried.

Mayor Kuzon reported that at the last Planning Board meeting three sign permits were approved for businesses along Main Street. There was also a discussion of various codes, two of which (Sections 70.404 and 1.14(2)) will be coming up for public hearings. The third code discussed related to political signs and the Planning Board will be investigating the Town code to see what their regulations are.

Mayor Kuzon advised senior citizens that they may be eligible for a New York State tax credit or rebate under a new program. If they are 65 or older and their income does not exceed the limits they may qualify. It depends upon the amount of property taxes paid or the size of the adjusted monthly rental payment and the amount of income. Even if a person does not file a tax form they may file a form IT-214 with the State Tax Department before December 31st. We will enclose this form with the form for senior citizen real property tax exemption that we will be sending out in the next 10 days. We will also have 100 available at the senior housing on Main Street.

Mayor Kuzon reported that the Clerk has advised him that we have invested \$100,000 in an account with an interest rate of 13.85% for a 90 day period and this will be of great benefit to the Village.

Mayor Kuzon reported that the Town and Village have been recently notified by the State Department of Transportation that they plan a reconditioning and preservation project on Main Street. The last work done was in 1961 when they completely rebuilt the street. This project will have drawings available by December 1st and is tentatively scheduled for bid letting in March, 1980. The State's reason for this is that they have a 20 year plan for reconditioning and preserving streets and Main Street would be coming up in 1981. Since they have some unallocated funds they will undertake this project now instead of waiting. The work will be done from the

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exit at the Youngman and extend East to Park Drive. They intend to make Main Street uniformly 72 feet across from curb to curb. This means certain sections of Main Street will be widened by two feet to four feet. They also will put in left turn lanes at all intersections. We will retain Main Street parking. There will be four 11' driving lanes and a turning lane.

Mayor Kuzon stated his first resolution relates to the Sanitary Sewer Code and the method for setting the charges. It calls for a public hearing to discuss this.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held November 26, 1979 at 7:40 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 a Local Law which would amend Sections 41.20 and 41.30 and add a new Section 41.40 to the Sanitary Sewer Code of the Village of Williamsville.

PUBLISH NOTICE OF PUBLIC HEARING

Local Law to amend Sanitary Rents Code

Unanimously carried.

Mayor Kuzon stated the Planning Board discussed Section 1.14(2) of the Sign Code and there will be a public hearing on this.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held December 10, 1979 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 a Local Law which would amend Section 1.14(2) of the Sign Code to include C-3 and R-4 districts, which districts are not now controlled by the existing ordinance.

PUBLISH NOTICE OF PUBLIC HEARING

Local Law to amend Sign Code

Unanimously carried.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held December 10, 1979 at 7:40 p.m. in the

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Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in expressing an opinion on a Local Law which would amend Section 70.404 of the Zoning Code concerning Open Off-Street Parking.

PUBLISH NOTICE OF
PUBLIC HEARING

Local Law to amend
Zoning Code - Section
70 - 404

Unanimously carried.

Trustee Murray spoke regarding the effect of the Main Street widening on the tree planting program. She stated we have held up on the planting this fall in anticipation of the work by the State and we will probably not plant next spring also. The State will probably be taking out some of the trees we have planted but when they come through they will replace them with other trees, some bigger than those taken out. They will probably put in more trees than they take out and at State expense. When this is done perhaps we will have the chance to pursue sidestreet planting program which has been suggested by several residents.

Trustee Murray reported that the senior citizens program is going very strongly. Twenty-seven were at the recreation program today and its success is due to Bea Slick.

Trustee Murray advised that the Environmental Council had met with the Village Attorney last week and he has been a great help to us in putting the proposed landscape ordinance into legal language. We hope it is in its final form now and will be reviewed with the Trustees soon.

Trustee Murray stated her resolution concerns an appointment to the Environmental Council.

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

RESOLVED that Ronald L. Pierce,
160 Eagle Street is hereby appointed
to the Environmental Committee until
the end of the 1979-1980 official
Village year.

APPOINTMENT

Ronald L. Pierce to
Environmental
Committee

Unanimously carried.

Trustee Murray stated her second resolution concerns the elections for next spring.

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

WHEREAS the next general Village election for officers will be held on March 18, 1980 and

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,

VILLAGE ELECTION
1980

Election day
designated and
offices to be filled
designated

NOW, THEREFORE, BE IT RESOLVED:

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 18, 1980 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.

Trustee Sugg advised we have received a letter of resignation from Peter Tuyn of the Village Meeting House Committee due to business commitments. Trustee Sugg reported that since September they have been conducting interviews with engineers and contractors as a preliminary step in preparing proposals for the Village Meeting House. We have six proposals to date. These will be reviewed carefully by the Board to decide what the next step should be in rehabilitation of the Meeting House. The priorities discussed have to do with specific needs that must be corrected in the building before occupancy. They are primarily structural. The electrical system must be repaired. We must install a second exit for safety and handicapped individuals. Community Development funds are available and have been allocated for this work.

Trustee Sugg reported that yesterday several of us went with the Landscape Architect, Mr. Ward, the project foreman, Mr. Ames and a representative of Four Winds Nursery to tour Glen Park. This was in preparation for final acceptance of the park. The park was conditionally accepted in June. There were some final things to be done then that precluded final acceptance of the park. She stated there has been a fine relationship between all those involved in working on the park. This has been a challenging project.

We have had a great deal of cooperation along the line. It has been a very rewarding experience for all of us. Mr. Ward has said the park is his most successful venture to date. She stated that only 1% of the plants put in the ground had to be replaced. Sixteen percent is the usual amount that needs to be replaced. There is still going to be some replacement. There is a one year guarantee so a year from the spring and fall plantings there could still be some additional plantings. Mr. Ward will inspect the park in spring and fall regarding this.

Trustee Sugg stated there has been some concern expressed about the grass in the park. It is a problem for some of us because we are used to seeing manicured parks but the grass planted here is not like that at Garrison and Island Parks. Glen Park is supposed to be a natural park and is not intended to be cut. It grows to six or eight inches and lays over.

Trustee Sugg stated she had a letter from Joe Bachovchin of the Amherst Youth Board which states that the summer youth conservation program in Glen Park has been submitted to the Department of Labor as an outstanding youth program. It is an honor just to have it submitted and he will notify us when he hears anything on this. The idea for this program came from the Village and we think the program will be repeated next summer.

Trustee Sugg stated her first resolution is for final acceptance of Glen Park.

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

RESOLVED that the landscaping work performed by Four Winds Nursery in Glen Park be accepted. The conditions of the conditional acceptance on July 23, 1979 have been resolved as follows:

FINAL
ACCEPTANCE
OF GLEN PARK

1. The turf in the Amphitheater, island and area east of the handicapped parking space as well as various species of ferns are now found to be acceptable.

2. Three sassafras trees have been replaced by a suitable substitute.

3. An inspection of the park was made by the Village Board on November 12, 1979 prior to this final acceptance.

4. Based on this final acceptance, the Village Board now releases the unpaid funds payable to Four Winds Nursery.

Unanimously carried.

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

APPOINTMENT

RESOLVED that Paul Reidel is hereby appointed to the Village Meeting House Committee until the end of the 1979-1980 official Village year.

Paul Reidel to Meeting House Committee

Unanimously carried.

Trustee Sugg stated that the Village is required to have a Community Development Citizens Advisory Committee in connection with receiving Community Development funds.

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

APPOINTMENT

RESOLVED that Neil Frank is hereby appointed to the Community Development Citizens Advisory Committee until the end of the 1979-1980 official Village year.

Neil Frank to Community Development Advisory Committee

Mayor Kuzon stated that during his tenure on the Board, Mr. Frank handled community development funding and is familiar with the strict requirements that are placed on municipalities for getting these funds. With his expertise and background we think he can capably fill this position.

Unanimously carried.

Trustee Sugg stated that she and the Village Clerk had attended a community development informational meeting on October 30th. The County has revised its calendar this year, not to our advantage as there is less time to submit our proposals than in the past. This is because they did not have adequate time to screen the proposals submitted last year. We have at least two public hearings so the public may come forth with their suggestions on using the funds that are available.

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

COMMUNITY DEVELOPMENT FUNDS

RESOLVED that the Village Clerk publish a notice of two (2) public hearings to be held November 26, 1979 and December 10, 1979 at 7:30 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 community development and housing needs and to discuss possible projects or programs to meet those needs, in particular projects which would benefit low and moderate income persons in the Village of Williamsville.

Publish notice of 2 public hearings for 1980 funds

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Unanimously carried.

Trustee Atkinson stated it is a great feeling for everyone when such a large project as Glen Park becomes a reality.

ON MOTION by Trustee Atkinson, seconded by Trustee Murray, vouchers in the sum of \$83,308.89 were approved as follows:

Payroll Fund	W/E 10/26/79	\$ 6,344.34
	W/E 11/2/79	3,744.52
	W/E 11/9/79	<u>3,990.22</u>
	Total Payroll	\$14,079.08
General Fund	Abstract #452	39,479.25
Water Fund	Abstract #33	16,130.19
Special Assessment	Abstract #10	8,838.40
Federal Revenue Sharing	Abstract #80	193.43
Trust & Agency Fund	Abstract #72	<u>4,588.54</u>
	Total Vouchers	\$83,308.89

Unanimously carried.

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

RESOLVED that the Mayor is hereby authorized to renew existing lease agreements with Edward C. Gelia of 5576 Main Street and Sydney L. Teibel and John R. Hannay, III of 5578 Main Street for the purpose of continuing a public parking lot on premises owned by the above and the Village.

AUTHORIZATION
Mayor to sign leases for parking lot behind Gelia's and Eagle House

Unanimously carried.

Trustee Brenton stated he was unhappy to report that the Erie County Water Authority has rejected our request to enter into an agreement for them to take over our water system. They state this is due to the cast iron pipes they would have to maintain and the rock strata which makes it difficult to determine where there are leaks. We will, however, continue to pursue this matter. They indicated to us that if our leakage could be brought to the acceptable standard or percentage (15%) they would consider taking it over. At present our leakage is in the neighborhood of 35%. If we have to spend the money to do this we might as well stay in the water business if we get the percentage of leaks down to 15%. Trustee Brenton

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said he was unhappy to report that one of the things he thought would be possible appears not to be so. We will continue to pursue this and continue to seek out the leaks in our system.

Trustee Brenton reported that they have been testing the fire hydrants for flow and pressure and this has now been completed. The results of the tests are available for the Fire Department and can be used by the Fire Underwriters when they come into the Village.

Mr. Way stated they are continuing to try and pick up all the leaves before the snow falls. They are working seven days a week and hopefully will be able to pick them all up before the snow arrives.

Mayor Kuzon stated that not only are the men working seven days a week but they are working nine hours a day.

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

Unanimously carried.

Mr. James Saia, 20 Belmont, stated that when the State comes through to do Main Street any hydrant or sewer work that needs to be done should be done then when they have the street torn up. Mayor Kuzon stated this has been discussed. We will coordinate any water or sewer repair with the State. Unfortunately, we did not know about the proposed work until a couple of weeks ago or we would have waited with the valve repair that was done recently.

Mr. Saia stated that when the Village took over the Christian Church the repair estimate was given as \$50,000. We questioned this at that time as a study done by private citizens had come up with an estimate of \$70,000. There is a possibility of using federal funds to do the work. This raises a constitutional question in light of the deed restriction requiring a non-denominational meditation area and the fact that the building reverts to the Northeast Conference if the Village abandons it. Mr. Troy stated we are required to place a plaque at the appropriate time on the face of the premises regarding the building's historical background. Trustee Sugg stated we are also required to pursue historical designation for the building.

Mr. Troy stated he did not like the deed restrictions at the time the Village took over the church, and still did not, but he does not believe that if it were declared unconstitutional it would affect the rest of the ownership rights we have in the building. In the agreement we drew up with the attorneys for the church and the religious committee, we inserted a clause that if any restriction violated the law it would not affect or alter any other sections or ownership status. He stated that

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with respect to the question of whether or not reserving space for meditation and reflection violates the First Amendment of the Constitution he did not think we would run into trouble unless we put up religious articles. If we put in a separate area with maybe something opaque on the windows and a couple of chairs he doesn't think we will have a problem. There is more relaxation of the interpretations by the courts now. Mr. Troy stated he would recommend that this area never be set up. The people who insist upon it being done would have to compel us and we would defer on constitutional grounds.

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

Unanimously carried.

Mayor Kuzon stated there is a list of the meeting schedule for the month at the bottom of tonight's agenda. The next Board meeting will be November 26th.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, the meeting was adjourned at 8:09 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer