

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 26, 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
John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

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

ON MOTION by Trustee Sugg, seconded by Trustee Murray, the minutes of the regular meeting held November 13, 1979 were approved.

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Murray, it was moved to suspend the rules at 7:35 PM in order to hold a public hearing regarding the use of Federal Community Development funds in the Village. (The hearing was closed at 7:58 PM.)

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Brenton, it was moved to suspend the rules at 7:59 PM in order to hold a public hearing regarding a local law to amend the Sanitary Sewer Code, Sections 41.20, 41.30 and add Section 41.40. (The hearing was closed at 8:30 PM.)

Unanimously carried.

Mayor Kuzon advised that fuel subsidies are available to senior citizens living on fixed incomes. Applications can be picked up at the Senior Citizens Center on N. Union Road or you can call them and request an application. It should be filed by the head of the household or the person authorized to act for it. Amount of resources does not count and the income restrictions are for a household of 1 - \$354 per month or \$4,200 per year; for a household of 2 - \$468 per month or \$5,625 per year; and for a household of 3 - \$583 per month or \$7,000 per year.

Mayor Kuzon reported that it is our intention with the coming budget year to implement a capital improvement plan for the Village. The plan will be for capital projects for a six year period. It includes the estimated cost and the proposed funding. To begin planning for this the various department heads and committees will submit projects for their individual areas of responsibility. They will estimate the cost and the method

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of financing the project. They will state the amount to be financed by budget allocation, the amount to be received from state or federal funds and the amount of any bonds that would be required. They will state the effect on the operating cost to the Village. Upon receipt of their reports a priority list will be prepared and then the total program will be submitted to the Board for their consideration.

Mayor Kuzon stated that during the hearing tonight on community development funds it was reported that a portion of the funds was allocated towards rehabilitation of housing and neighborhoods. The purpose of his first resolution is to designate the target area as a Neighborhood Preservation Program Area. In this way, if the Village uses up its total allocation it can draw additional rehabilitation money out of the county's program for this.

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

RESOLVED that the "target" area designated in 1978 for Community Development purposes is hereby designated as a Neighborhood Preservation Program Area.

COMMUNITY
DEVELOPMENT
NPP Area designated

Unanimously carried.

Trustee Sugg reported on the activities of the Village Meeting House Committee. She stated they have sensed some reluctance on the part of some of us to spend money on the building. The committee is proceeding cautiously so that the building will not become a major financial problem for the Village. With this consideration in mind we have conducted an informal study on possible community uses for the building. This does not preclude possible revenue producing uses. They are not free to speak to that specifically because we have come to no definite conclusion. We have had contact with someone who is interested in using the building in a revenue producing way. We want to have the building be used by all members of the community and to do it at the best possible economic value to all of us. Interviews for the professional services to rehabilitate the building as to structural needs for use of the building have now been completed. The Board will now interview each of the firms who have submitted a proposal so that we will be able to make a decision on the use of the building within the next month.

Trustee Atkinson stated that back in September we made a resolution to set up an Insurance Advisory Committee in the Village, to be composed of no more than five members. We have been talking to possible members and hopefully by our next meeting will be able to appoint members to the committee.

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ON MOTION by Trustee Atkinson, seconded by Trustee Brenton, vouchers in the sum of \$34,090.12 were approved as follows:

Payroll Fund	W/E 11/16/79	\$ 4,052.15
	W/E 11/23/79	<u>4,035.96</u>
Total Payroll		\$ 8,088.11
General Fund	Abstract #453	23,020.49
Water Fund	Abstract #34	1,081.52
Federal Revenue Sharing	Abstract #81	1,850.00
Trust & Agency Fund	Abstract #73	<u>50.00</u>
Total Vouchers		\$34,090.12

Unanimously carried.

Trustee Brenton stated there was a recent story in the Courier Express regarding the County Mutual Aid Snow Fighting program which the Village decided not to participate in some weeks ago. He stated the reasons for the Village's decision not to participate in the program. Since we have 28 miles of streets to maintain we could in all probability handle our own problems but we could lose control over our equipment if it gets to the southtowns and not be able to get it back if we need it. If we have finished our plowing and a surrounding area needs our assistance we should be able to assist them without being part of the county program. He stated he did not make the quote contained in the article relating to not being part of the program because the crews would be too tired out to help their own municipality if they help elsewhere.

Trustee Brenton thanked Don Dehn for the study he did on the hydrants in the Village. He did a fine job on it. A study of this type has not been done for quite a few years. The study tells us where we are weak and strong.

Trustee Brenton stated his first resolution deals with the need to replace a water line on Danbern Lane. It is about 450' long.

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

RESOLVED that the Village Clerk is authorized to advertise for bids for a water line to be installed on Danbern Lane. Bids to be opened at 4:00 p.m. in the Village Clerk's Office, 5583 Main Street, Williamsville, New York. The Clerk shall advertise for the bids

ADVERTISE FOR BIDS

Danbern Lane Water Line

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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 tradein 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.

Unanimously carried.

Trustee Brenton stated his next resolution dealt with a revision in the Traffic Code. As a result of requests from members of the community who live on Chalmers Street, the Traffic and Safety Committee conducted a survey of the residents on Chalmers between Evans and No. Ellicott Streets as to eliminating parking on the south side of the street. Eleven residents were contacted and eight were in favor of no parking on the south side of the street, one was in favor of no parking on the north side of the street, and two felt it should be left as it is. The basic feeling was that parking should be eliminated on the south side of the street.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held December 10, 1979 at 7:45 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 60.32 of the Traffic Code by removing parking on the south side of Chalmers Street between Evans and North Ellicott.

CALL FOR PUBLIC HEARING

Amend Traffic Code -
No parking on south side of Chalmers between Evans & N. Ellicott

Unanimously carried.

Trustee Brenton stated his third resolution related to providing fire protection in certain districts of the Town adjacent to the Village. The Town reimburses us for this and in order to receive the reimbursement we have to sign a contract with the Town.

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

RESOLVED that the Mayor execute, in behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for fire protection for 1980 in the following districts:

FIRE PROTECTION
CONTRACTS APPROVED

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

Unanimously carried.

Trustee Murray reminded senior citizens that forms are available in the Village Clerk's Office for property tax exemptions for those earning less than \$8,000 per year, 65 years or older and owning their homes for two years. This must be filed in December for next year. If a form was filed last year, forms have already been mailed out.

Trustee Murray stated the Beautification Committee arranged with the Lincoln Park Nursery for work on the Memory Garden in Garrison Park. Narcissus bulbs have been planted there.

Mr. Anstett reported that the leaves are still being picked up. They are working as rapidly as possible on this.

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

Unanimously carried.

Donald Schueckler, 124 S. Union, asked if a water line hadn't just recently been put in on Danbern Lane. Mayor Kuzon advised that that line had been of a plastic type pipe and had not been put in below the frost line and this can cause problems. We are soliciting bids and this line will be put in lower than the first line so we do not have problems with it.

Mr. Schueckler asked how the line would be paid for. Trustee Brenton stated the law allows for two-thirds to be paid for by the parties directly affected and one-third paid by the Village. It would be necessary for the Board to vote on that in order for it to be paid for in that manner. There are three residents involved.

Mr. Schueckler stated he can't see putting a line in and then having to do it all over again. There is also the question as to whether that was a Village street when the first line was put in. Trustee Brenton stated this is a situation that has to be remedied. We can't let the people back there go

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without water. The line does tend to freeze up. We have considered the possibility of installing an electric heating rod that would keep the line thawed but then you would have possible problems with the line going from the main to the house freezing due to the warmer water from the heated line going into the colder lines into the houses. Installing a new line seems to be the only other alternative.

Mr. Schueckler stated the Board should be more cautious in the future to see that this type of problem does not reoccur.

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

Unanimously carried.

Mayor Kuzon called the public's attention to the schedule of meetings of the various Village committees listed on the bottom of tonight's agenda. The next Board meeting will be on December 10th and at that meeting we will have our second public hearing on community development funds and two public hearings relating to the sign code and off street parking as it relates to the buffer zone.

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the meeting was adjourned at 8:52 PM.

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 Monday, November 26, 1979 at 7:35 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

John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Mayor Kuzon called the hearing to order at 7:35 PM.

The Clerk read the Notice of Hearing regarding the use of Federal Community Development funds in the Village. The Village is eligible for a sixth year grant. The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Village.

PUBLIC HEARING

1980 -1981

Community Development Funds

Mayor Kuzon advised this was the first of two mandated public hearings on community development funds. The amount we will receive this year is \$46,017.00. This amount has been allocated each year for a three year period. Mayor Kuzon stated that federal and state mandates have been placed on the usage of such money. The funds are to aid low and moderate income families within the Village. We have to use the money within the guidelines that have been established. In the past, the funds have been used for Glen Park restoration, the gazebo in Garrison Park, the infiltration and inflow study, the master plan for the Village and shade trees on Main Street. We have also used the funds for maintenance of Glen Park by the handicapped, a four-wheel drive emergency vehicle for the Fire Department and restoration work at the Village Meeting House. Mayor Kuzon stated that last year we had to put together a three year package for use of the funds. Last year the funds were allocated to designate a target area in the Village, to connect Island Park to the sanitary sewer and for the housing rehabilitation program. For 1980-1981 we anticipated spending money on the Nature Building in Glen Park, the Fire Hall, curb cuts, the Meeting House and additional housing rehabilitation.

Mayor Kuzon stated no final conclusions have been reached on how to spend this money and we want the public's suggestions on what should be done with the funds. The suggestions will be considered by our Community Development Advisory Committee in putting together our package for this year.

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Mayor Kuzon advised that Eva Umholtz from the County Community Development Office was present to take back any questions we might have concerning the eligibility of a proposal and find out whether it is or not.

PUBLIC
HEARING
(Con't)

Richard Hill, 18 Brookside, asked what the proposed plan was for the Fire Hall. Mayor Kuzon advised that the committee had talked about renovating the kitchen so it could be used as a disaster-type center. It is not for an addition to the hall.

1980 - 1981

Walter Hansen, 42 California, asked if there are any deed restrictions to the Meeting House to interfere with our using community development money for restoring it. Attorney Troy stated he did not believe that the restrictions would adversely affect the use of community development funding. Mr. Hansen asked if we did not have to provide a chapel in the building. Mr. Troy stated we have to reserve space for a nonsectarian meditation or contemplation area. There is no problem with this. We have not done so yet and do not know whether the Meeting House Committee even intends to honor this. The courts would have to find that this violates constitutional laws. Mr. Hansen asked if we could not find out now whether we are going to have a problem or not. Mr. Troy stated that there is a clause in the agreement that says if the courts find any of the conditions to be in violation of the constitution or illegal it does not affect the rest of the agreement. We would be directed to discontinue the use of the area.

CD Funds

Mayor Kuzon stated this is the first of two hearings. Between now and the second hearing the Community Development Advisory Committee will consider the proposals developed last year and any suggestions that are made this evening. They will have to review each project to see that it is within the restrictions placed on the funds. They also will have suggestions of their own. These will all be brought to the Board and aired at the next public hearing where we will discuss the more refined proposals. Tonight's hearing is for public input as to how the money should be used.

Mr. Hill asked if any of the money could be used to rehabilitate Rock Street as the entrance to Glen Park. There are safety considerations there. Miss Umholtz will look into the eligibility of such a project and advise us.

Trustee Brenton stated he believes the money could be more wisely spent. There are great needs in relation to our sewer and water lines. This is a greater priority which is a greater burden to the taxpayers as they continue to cause us problems. In determining how the money is to be spent, the committee and the Board should consider these items of greatest priority.

Trustee Atkinson stated one of the areas of use deals with housing rehabilitation. We have a number of homes within

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the target area who certainly qualify for this program. We also have some very proud people. Through the efforts of the county and their departments we have been able to take care of at least one and perhaps more families' needs before the onset of winter. This is a slow process but it is encouraging when one citizen will call about the needs of another.

PUBLIC
HEARING
(Con't)

Mr. Hansen stated that if we are putting the money to a project to benefit the entire community perhaps the money could be used to put in some new sidewalks in the Village. There are many that are in bad condition.

1980- 1981
CD Funds

Mayor Kuzon advised that one of the restrictions on the use of the funds is that it must benefit 51% low to moderate income people or be used within our target area, which has more than 51%. It would be extremely hard to document that the people using the sidewalks are 51% low to moderate income people. Also, he stated he is not sure if community development money can be used for sidewalks.

Mr. Hansen asked how the Village documented that there was 51% low to moderate income people using the Meeting House. Mayor Kuzon advised that the Meeting House is within the target area. Part of last year's money was used to document the target area within the Village. The area is predominately along Main Street. It includes the Meeting House. He stated he would infer that sidewalks within the target area would be less hard to document than to document those outside the target area. The burden of proof is on the Village.

Mr. Hansen asked if because the Meeting House is in the target area it is eligible for funds regardless of who is using it. Mayor Kuzon stated this is partially true but it is also because of the senior citizen housing in the Village. They are predominately low to moderate income people and the Meeting House can be used to serve their needs.

Mr. Hill asked how the target area was established. He asked if only one area was picked or if the entire Village was surveyed. Mayor Kuzon stated a survey was done. With 100 residents at the senior housing we started there and generated out from there. Mayor Kuzon stated there is a map of the target area and he would be glad to show it to Mr. Hill after the hearing.

Trustee Brenton advised that it is the responsibility of the property owner to keep his sidewalk in good repair. If there is a question of public safety residents should advise the Building Inspector and he will check the sidewalk out and see that it is taken care of.

Trustee Murray stated that with respect to the Meeting House, the senior citizens recreation program is going strong but they are now meeting in four different places. If we had the

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PUBLIC
HEARING
(Concluded)

1980-1981
CD Funds

Meeting House ready they could meet exclusively there. She stated she believes the Meeting House can meet the community development requirements. It could be used for all age groups. She stated she has had suggestions for possible use of the funds from different people. The senior citizens recreation program suggested using the money for the Meeting House. Also, the possibility of getting a van for the senior citizens. The money could also be used for rest rooms in Glen Park which are badly needed. She stated that since she has been on the Board we are becoming more and more aware that one of our major problems is in the sewer and water area and if we can use funds in this area she is all for it.

Mayor Kuzon advised that County Legislator Mary Lou Rath is in the audience tonight and she resides in the Village.

Mayor Kuzon stated residents should continue to think about possible projects and if they have any further suggestions they should contact the Board or Village Clerk's Office about them.

Trustee Sugg stated the first Community Development Advisory Committee meeting is tomorrow night at 7:30 PM. Anyone who would like to attend may do so and they can explore any suggestions you may have for projects.

ON MOTION by Trustee Atkinson, seconded by Trustee Brenton, the meeting was closed at 7:58 PM.

Unanimously carried.



Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor

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

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

Absent

Edward Way, Dept. of Public Works

Mayor Kuzon called the hearing to order at 7:59 PM.

The Clerk read the Notice of Public Hearing regarding a local law which would amend Section 41.20 Sanitary Sewer Rents, Section 41.30 Sanitary Sewer Rent Collections and add Section 41.40 Well Water being discharged into the Sanitary Sewers to the Sanitary Sewer Code of the Village.

PUBLIC HEARING

Mayor Kuzon stated we want to present our proposed user charge system and allow for public input on how the proposal can be improved. He gave some background on the method of assessing sanitary sewer charges in the Village. Prior to 1978-1979 all sanitary sewer charges were included in the General Fund, as part of the property tax rate and paid with the annual tax bill. With the 1978-1979 budget, sewer costs were segregated from the General Fund and a separate sewer fund established. It was collected as part of the quarterly water bill and based on a percentage. This charge stayed segregated and is billed on the water bill, but the charge is now a flat fee per 1,000 gallons used. It was our intent last spring that the present method would be in effect for one year while we reevaluated our method of assessment and worked out the problems we anticipated with this proposal.

Amend Sanitary Sewer Rent Code Sec. 41.30

Mayor Kuzon advised the proposed charges have three parts. The method would be to allocate capital costs on real property based on assessed valuation, with operation and maintenance costs based on water consumption. They would be billed annually, at the same time as the Village taxes are collected. We feel this is a more equitable method of assessing the costs. The capital costs are based on assessed value as all properties derive, or will derive benefits from the existence of the facility and they should pay their fair share. With respect to the operation and maintenance costs based on consumption, the majority of the water used is returned to the system and people should pay their fair share for the amount they put in the system. This offers residents the ability to have some control over the cost as related to how much water they use.

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Dr. William Sippel, 208 S. Cayuga, asked what the difference will be between the present method and the new proposal. Mayor Kuzon stated that to the majority of us there will be no great difference. The major change is in the commercial users. Under the present method it is strictly on a consumption basis and commercial users have a lower consumption of water and, therefore, do not pay as much as residents. It was felt that this was not equitable as we all benefit from the system and plant. All should share a proportionate share of the cost.

PUBLIC
HEARING

Dr. Sippel asked if this was now to be based on amount of water used and assessment of property. Mayor Kuzon advised this is the method being considered. In the past it was solely based on water used. Dr. Sippel asked why the method was being changed. Mayor Kuzon stated the Town charges us for treating our sewage and these costs are steadily rising. Study indicates that the people who have high assessed value have low consumption (businesses). The new method increases their charge. The majority of us will stay the same.

Amend
Sanitary
Sewer
Rent
Code
(Con't)

Trustee Atkinson stated we tried to reach a formula that would be equitable for everyone. Commercial users were deriving benefit from the system but not paying as much for it as residents.

Dr. Sippel stated the Village has only tried the water consumption method for two years. Other municipalities have used the water consumption system and have apparently had no problems with it. He stated he doesn't see why someone with two people in the house but having a larger assessment should pay more than someone with six or eight people in the house. Trustee Atkinson stated the larger share of the burden should not be on the homeowner because the costs continue to go up and up. Commercial users should pay their fair share. We did a study using tax numbers on some commercial and residential properties to see what the effect would be. He stated Dr. Sippel, or anyone, could see the study sheet to see what the effect would be using the new method. Mayor Kuzon stated the Town has adopted a method similar to the one we are proposing. He stated some communities have been having problems with the water consumption method.

Mrs. Carolyn Schlifke, 192 Evans Street, asked if this will be a separate item on the annual tax bill and be based on 70% water consumption. Mayor Kuzon stated it will be a percentage of water consumption. The first year it was 70% of consumption and last year it was a flat rate of \$.97 per thousand gallons. We are working with an estimate at this point, about \$.80 per thousand gallons. Mrs. Schlifke asked if there will be separate line for the capital charges based on assessment and one for the operation and maintenance charges based on consumption. Mayor Kuzon stated they will be separate line items. There will be a total property tax line, a sewer tax line, and a total line.

Donald Schueckler, 124 S. Union Road, stated one of the biggest users of our sewer system is using well water. He asked how the Village was going to estimate what they are putting in the system. Mayor Kuzon stated one of the provisions of the local law is Section 41.40 and relates to this. We will require well water users to install meters or other devices subject

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to Village approval in order to measure the amount of sewage that goes into the system. They will be billed on the meter reading. Mr. Schueckler stated the meter should be installed at the point of discharge. There can be bypasses of meters when you have a well.

Richard Hill, 18 Brookside, asked if this will be deductible on income tax forms since it will now be included with the annual tax bill. Mayor Kuzon stated we have heard many different answers on this. There has been no definitive word from the IRS regarding this. He stated his feeling was that if it was on the tax bill it was deductible. Mr. Hill stated we should get an answer on this. If it is not deductible, it should be put on the quarterly water bill.

PUBLIC
HEARING

AMEND
SANITARY
SEWER
RENT
CODE
(Concluded)

Mr. Walter Hansen, 42 California Drive, stated it was nice to see some positive steps in regard to water. Businesses should pay their fair share. There should be some law put into effect to penalize people who are cheating on their bills by bypassing the meters. Trustee Brenton stated we have such a law in effect now. There is a \$200 fine for tampering with our meters. We hope our meter sealing program will be completed within the not to distant future. We have only one employee working on this.


County Legislator Mary Lou Rath asked if when the county revaluation becomes effective the charges will be changed to adjust for this. Mayor Kuzon stated there should be no problem with this.

Mayor Kuzon stated sewer costs have been a topic of great concern to this Board for two years and the costs have been more visible to the public since the charges were placed on the quarterly water bills. The costs are rising dramatically every year. This proposal is to try and spread the cost equitably among those who use the system. Our former Mayor and present Assemblyman, John Sheffer, has introduced legislation in Albany that would increase from 25% to either 33% or 50% the State assistance towards the sewage bills. Obviously, if the law passes there would be some reduction in our local costs.

Mayor Kuzon stated this is just a hearing tonight. Our normal procedure is not to act on a topic the same night we hold the public hearing. This proposal will be on our agenda at our next meeting on December 10th and he stated he would anticipate taking some action at that time.

ON MOTION by Trustee Sugg, seconded by Trustee Brenton, the hearing was closed at 8:30 PM.

Unanimously carried.


Theresa L. Cummins,
Village Clerk-Treasurer