

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 11, 1980 at 7:31 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 7:31 PM.

ON MOTION by Trustee Sugg, seconded by Trustee Murray, the minutes of the regular meeting held January 28, 1980 were approved.

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Brenton, the minutes of the public hearing held January 28, 1980 regarding amending Section 1.18 of the Sign Code were approved.

Unanimously carried.

Mayor Kuzon advised that the Niagara Frontier Transportation Authority has completed the second phase of their draft report for the airport master plan. A copy of that report is on file in the Village office and if anyone is interested they can request it from the Village Clerk.

Mayor Kuzon reported that Grievance Day will be February 19th between the hours of 3:00 PM and 7:00 PM. Our tax rolls are complete and residents are welcome to come in and look at them.

Mayor Kuzon advised that two building permits have been approved since the last Board meeting. One is for People, Inc. at 74 Mill Street for an exterior fire escape. The other was for the Ski Rack at 17 N. Long Street for extension of an existing building. The second one has been reviewed by the Planning Board since it is in a commercial district.

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

RESOLVED that Local Law #2 - 1980, Amend Section 1.18 of the Sign Code regarding Temporary Signs, which was the subject of a public hearing on January 28, 1980, is hereby adopted. (Copy of local law is attached.)

LOCAL LAW #2 - 1980

Sign Code
Temporary Signs

Unanimously carried.

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~
~~CITY~~ of Williamsville
~~TOWN~~
Village

Local Law No. 2 of the year 1980

A local law to Amend Section 1.18 - Temporary Signs
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Williamsville as follows:
Town
Village

1.18 TEMPORARY SIGNS

(A) A temporary sign is one which is designed to announce a special event or activity, erected in the open, on or near the exterior of any building, and which is intended to be removed upon the conclusion of the special event or activity.

(B) A temporary sign may be erected only upon the granting of a permit by the Village Building Inspector upon proper application on the form provided therefore.

(C) A temporary sign permit may be granted only to the following applicants:

(1) A charitable or not for profit educational, professional or service organization.

(2) An agency of local, state or federal government.

(3) A newly established or located business enterprise awaiting the erection of a permanent sign.

(4) An existing business enterprise which has lost the use of an earlier, legal, existing sign by reason of accident or other unanticipated event beyond the control of the operator of the business.

(5) A newly constructed multiple dwelling or other multiple residence development announcing the availability of residential leases or sales.

(D) A permit shall be granted one temporary sign for a period not to exceed thirty (30) days from the date of issue. It may be extended once for an added period not to exceed thirty (30) days, upon written application setting forth the special circumstances requiring the extension. Any extension must be granted by the building inspector and countersigned by the Mayor and at least two (2) other Trustees of the Village. Such extension shall be noted publicly at the next regular meeting of the Village Trustees and reported in the minutes of such meeting.

(E) Each applicant for a temporary sign, except those set out in section (C)(1) and (C) (2) above, shall be required to a a nonrefundable fee of \$25.00 at the time of issue of the permit, and an added fee of \$25.00 at the time of the issue of the permit, and an added fee of \$25.00 if an extension is granted. A \$25.00 security deposit will be required of every applicant to assure timely removal of any sign erected by virtue of the permit. A security deposit will be deemed forfeit if a sign is not removed promptly upon the expiration of the permit. Upon seven (7) days notice to the permit holder, the Village, through its employees, may enter onto the premises and remove a temporary sign, the permit for which has expired.

(F) Each application for a temporary sign permit shall describe the manner in which the proposed sign is to be erected, whether attached to an existing structure, free standing or otherwise. The application shall be accompanied by a drawing setting out thereon the exact dimensions of the proposed sign and the exact wording or message to appear thereon.

(G) The dimensions of any temporary sign, its placement and the message or wording thereon shall be regulated by the provisions of Section 1.14 of this ordinance.

(H) The following temporary signs are expressly prohibited within the limits of the Village of Williamsville:

(1) Portable signs, whether on wheels, skids or temporarily anchored to the ground, and all "A" frame signs.

(2) Signs containing any flashing, rotating or colored lights.

(3) Signs painted, erected or attached to any telephone, telegraph, electric or lighting pole, or on any traffic device, or on any tree, stone or natural object.

(I) The following types of temporary signs shall be excluded from compliance with the terms of this local law:

(1) Signs advertising a political campaign or election regulated by the New York Election Law.

(2) Signs advertising the sale or lease of real estate, placed on or about the premises so advertised.

(3) Garage sales, yard sales, basement sales, or other casual sales conducted from private premises by the owner or occupant of the premises.

This local law will take effect upon filing with the Secretary of State.

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 11, 1980 at 7:31 PM

Mayor Kuzon stated that along with the new code is a new sign permit application which has been devised by the Building Department and which will accompany any temporary sign permit applied for.

Mayor Kuzon stated his second resolution concerns the maintenance of sidewalks on Main Street. The State has proposed coming through the Village this summer and do preservation and restoration work on Main Street. They'd also do relocation work and repair work on sidewalks. It is State policy that sidewalk maintenance is the responsibility of the local municipality. However, here in the Village the Village ordinance states maintenance is the responsibility of the property owner who fronts on the sidewalk. Since the State wants to maintain its policy regarding this and so do we the Village Attorney has drawn up a resolution stating the maintenance of the sidewalks will continue to be the responsibility of the property owner.

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

WHEREAS, the New York State Department of Transportation proposed the reconstruction of Route 5, Main Street, SH 5061, from Union Road to Park Drive in the Village of Williamsville, and

MAIN STREET
RECONSTRUCTION

Sidewalks

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of sidewalks, pursuant to Section 10, subdivision 22, Section 46, or Section 349-c of the Highway Law, and will provide for the relocation or replacement of existing sidewalks pursuant to Section 10, subdivision 24 of the Highway Law, as shown on the contract plans relating to the project, and

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended and

WHEREAS, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the project.

NOW, THEREFORE,

BE IT RESOLVED: That the Village of Williamsville approves the relocation or replacement of such existing sidewalks

and the above mentioned work to be performed on the project as shown on the contract plans relating to the project and the Village of Williamsville will maintain the relocated and/or replaced sidewalk performed as above stated and as shown on the contract plans, including the control of snow and ice, in accordance with the local laws and ordinances of said Village.

MAIN STREET
RECONSTRUCTION
(con't)

BE IT FURTHER RESOLVED: that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

Unanimously carried.

Trustee Brenton advised that the Amherst Police Department is enforcing very strictly the parking limitations on Main Street which in the business area is one hour and east of the business area is two hours. It is to the benefit of everyone involved that they don't overextend their allocated time limit.

Trustee Brenton stated his first three resolutions on the agenda tonight are related to our New York State Highway Safety Project grant. These will be withdrawn at present pending further clarification on some aspects of the project.

Trustee Brenton reported that the Village has a storm sewer line which drains approximately 65% of the Village. It comes in a westerly direction from Mill Street and it used to come straight through to Ellicott Creek. When the Amherst Racquet Club was built it was deemed necessary to relocate the line and in doing so it made a 90 degree turn to the front of the club and then another 90 degree turn, exiting to the creek. Over the years, this has created a problem for Mr. Sivyer at the Club because the lines have blown out and when you have a heavy flow the lines cause geysers above his property. They shoot two to three feet in the air. This situation has been scheduled for Village consideration over the years. Mr. Sivyer has been very patient. We feel the original design of this changed line was not the best one and feel it is necessary to relocate it. The Club has given us a new easement to do so. They have abandoned their old easement where the new line will intercept the old line so will not have any responsibility for the old line once the new one is in operation. He stated his resolution authorizes the Mayor to enter into the easement agreement with the Club.

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

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 11, 1980 at 7:31 PM

RESOLVED that the Mayor is authorized to sign amended easement agreement with the Amherst Racquet Club, Inc.

AUTHORIZATION

Mayor to sign amended easement with Amherst Racquet Club

Unanimously carried.

Trustee Brenton stated his next resolution deals with the transfer of some community development funds. Funds in the amount of \$26,119.66 that were left over from the 1976-1977 year had been allocated for Glen Park. They are deemed to be surplus funds and we want to put them into the Mill Street water line where we have some basic firematic and other problems relating to flow. We want to consolidate the two four inch lines into one 6" or 8" line. This money will not complete this task but give us a start on it. There will be \$1,400 transferred to the survey done to enlarge the target area in the Village. This is needed to enable us to use the funds for the water lines. The survey showed we had a significantly higher portion of low to moderate income people in this area and so were able to enlarge the target area. We are also transferring an additional \$409.50 to the Mill Street water line.

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

RESOLVED that the following Community Development Fund transfers be approved:

COMMUNITY DEVELOPMENT FUNDS

\$26,119.66 from 1976-1977 Glen Park Entranceway into a new project called Mill Street water line
1,400.00 from Glen Park Handicapped Project into Low Income Survey
409.50 from Glen Park Handicapped Project into Mill Street Water Line.

Reallocation to other projects

Unanimously carried.

Trustee Brenton stated his next resolution deals with the awarding of the Danbern Lane water line bid. We have selected the low bidder to put the new line in.

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

WHEREAS the Village of Williamsville advertised for sealed bids for construction of Danbern Lane Water Line, and

CONTRACT AWARDED

Danbern Lane Water Line

WHEREAS Tomar Contr. Corp. submitted the lowest bid meeting specifications.

NOW, THEREFORE, be it resolved that the contract for the Danbern Lane Water Line be awarded to Tomar Contracting Corp. for their low bid of \$14,452.00.

OPENING OF BIDS - VILLAGE CLERKS OFFICE

PROJECT: CONSTRUCTION OF 4" D.I.P. WATER MAIN IN DANBERN LANE
VILLAGE OF WILLIAMSVILLE

DATE: JANUARY 24, 1980 4:00 P.M.

CONTRACTOR	PROPOSAL BID AMOUNT	CERTIFIED CHECK OR BID BOND PROVIDED
① Kissell Landscaping Inc. 650. Creekside Dr. Alden, NY 14004	19,381. -	Bid Bond
② Eval Earth Boring Inc 6984 E. Canal Rd Lockport, NY 14094	29,932. -	Bid Bond
③ m.c. Morgan Contrs 3690 Sheridan Dr. Amherst NY 14226	17,520. -	Bid Bond
④ Tomer Conting Corp. 3811 Moyer Rd N. Tonawanda NY 14120	14,452. -	Bid Bond
⑤ Nick Costa Const. 1010 Rein Rd Cheek NY 14225	19,998. 13	Bid Bond
⑥ Nickel City Contr. 53 Arlington Rd Wmsv NY 14221	23,752. -	Bid Bond
⑦ Northrup Contr. 5243 Lake Rd Brookport NY 14420	27,282. -	Bid Bond
⑧ John R Schuler Inc 7070 112111 St Warrence NY 14031	23,877. 40	Bid Bond
⑨ Dan Mirzecz Plumbing 5029 Broadway 10 Depew NY 14043	17,674. 80	Bid Bond
⑩ L.D.C. Constr. Co Inc 1022 Whitehaven Rd Grand Island 14072	22,924. 00	Bid Bond
⑪ Warren Miller Miller Enterprises Wmsv. 14221	17,468. 20	Bid Bond
⑫ Beeline Contg. Inc 125 Rehm Rd Depew 14043	31,705. 20	Bid Bond

4" P WATERMAIN IN

ABSTRACT OF BIDS

BISSELL, MERRILL & ASSOCIATES
CONSULTING CIVIL ENGINEERS
WILLIAMSVILLE NY 14221

DANBERN LANE
VILLAGE OF WILLIAMSVILLE
BID DATE Jan. 24, 1980

FOR VILLAGE OF WILLIAMSVILLE
LOW BIDDER TOMAR CONTRACTING CORP.

JOB No. 35631 BY P.J.B.
DATE 1/24/80 SHEET 2 OF

NAME OF BIDDER	UNIT PRICES			TOTAL BID
	Item 9 D.I.P. Fitting 1000 lbs.	Item 10 Bid. comple. per. blowoff 1.5	Item 11 Rock Excavation.	
BAR CONTRACTING	0.75 750.00	500.00 500.00	25.00 750.00	\$14,452.00
MILLER ENTERPR.	1.05 1050.00	1265.00 1265.00	64.00 1920.00	\$17,468.20
MORGAN CONTR.	0.50 500.00	950.00 950.00	75.00 2250.00	\$17,520.00
MARZEC PLBG.	0.10 100.00	1000.00 1000.00	180.00 5400.00	\$17,674.80
BISSELL LANDSC.	1.00 1000.00	1500.00 1500.00	50.00 1500.00	\$19,381.00
CK COSTA CONST.	0.98 980.00	1185.00 1185.00	59.20 1776.00	\$19,998.13
J.E. CONSTR.	1.00 1000.00	2000.00 2000.00	100.00 3000.00	\$22,924.00
CEL CITY CONTR.	1.00 1000.00	1000.00 1000.00	75.00 2250.00	\$23,752.00
SCHULER INC.	1.25 1250.00	1400.00 1400.00	0.01 0.30	\$23,877.40
THRUP CONTR.	0.50 500.00	2500.00 2500.00	20.00 600.00	\$27,282.00
BORING	0.01 10.00	930.00 930.00	70.00 2100.00	\$29,932.00
LINE CONTR.	1.00	5000.00	50.00	\$31,705.20

JOB - 4 - D.L.P. WATERMAIN IN

DANBERN LANE

VILLAGE OF WILLIAMSVILLE

Jan. 24, 1980

BID DATE

ABSTRACT OF BIDS

FOR VILLAGE OF WILLIAMSVILLE
LOW BIDDER TOMAR CONTRACTING CORP.

BISSELL, MERRILL & ASSOCIATES
 CONSULTING CIVIL ENGINEERS
 WILLIAMSVILLE NY 14221

JOB 35631 BY P.J.B.

DATE J24/80 SHEET 1 OF

UNIT PRICES

NAME OF BIDDER	Item 1 4" D.I.P. Watermain 488 L.F.	Item 2 Disconnect ex.-conn.new main- L 5	Item 3 Con. Thrust Blocking 3 C.Y.	Item 4 Driveway Replacement 30 L.F.	Item 5 Road Section Replacement 488 L.F.	Item 6 Repl. Far side Serv. conn. 2 each	Item 7 Repl. Near side Serv. conn. 1 each	Item 8 Topsoil-re- seed etc.
TOMAR CONTRACTING	16.50 8052.00	500.00 500.00	20.00 60.00	10.00 300.00	5.00 2440.00	200.00 400.00	200.00 200.00	500.00 500.00
W.MILLER ENTERPR	22.48 10970.24	210.00 210.00	38.00 114.00	7.00 210.00	0.92 448.96	200.00 400.00	160.00 160.00	720.00 720.00
M.G MORGAN CONTR.	16.75 8174.00	900.00 900.00	30.00 90.00	4.00 120.00	3.25 1586.00	800.00 1600.00	450.00 450.00	900.00 900.00
DAN MARZEC PLBG.	19.50 9516.00	400.00 400.00	20.00 60.00	5.00 150.00	0.10 48.80	250.00 500.00	150.00 150.00	350.00 350.00
KISSELL LANDSG	17.00 8296.00	500.00 500.00	35.00 105.00	10.00 300.00	10.00 4880.00	300.00 600.00	200.00 200.00	500.00 500.00
NICK COSTA CONST.	16.80 8198.40	844.61 844.61	80.00 240.00	10.00 300.00	5.58 2723.04	1579.78 3159.56	481.52 481.52	110.00 110.00
L.D.E. CONSTR.	25.35 12370.80	500.00 500.00	80.00 240.00	9.00 270.00	2.65 1293.20	500.00 1000.00	250.00 250.00	1000.00 1000.00
NICKEL CITY CONTR.	14.00 6232.00	1500.00 1500.00	50.00 150.00	15.00 450.00	15.00 7320.00	500.00 1000.00	250.00 250.00	2000.00 2000.00
JOHN SCHULER INC.	27.25 13298.00	590.00 590.00	60.00 180.00	10.25 307.50	4.45 2171.60	1120.00 2240.00	390.00 390.00	2050.00 2050.00
NORTHRUP CONTR.	35.00 17080.00	1500.00 1500.00	50.00 150.00	10.00 300.00	4.00 1952.00	750.00 1500.00	200.00 200.00	1000.00 1000.00
EVAL BORING	42.00 20496.00	630.00 630.00	4.00 12.00	8.00 240.00	8.00 3904.00	300.00 600.00	110.00 110.00	900.00 900.00
BEE LINE CONTR	26.15 13271.20	1500.00 1500.00	80.00 240.00	20.00 600.00	8.00 3904.00	1200.00 2400.00	800.00 800.00	2000.00 2000.00

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 11, 1980 at 7:31 PM

Unanimously carried.

Trustee Murray advised she has a list of the senior citizens recreation program for February and if anyone is interested they can pick up a copy of it after the meeting.

Trustee Murray stated her first resolution is to call for a public hearing on the proposed landscape ordinance and changes in the code to correspond with the proposed new ordinance.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held on March 10, 1980 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a local law which would add a new Section 24.00, the Landscape Ordinance, to the Village of Williamsville Code.

PUBLISH NOTICE OF
PUBLIC HEARING
Landscape Ordinance

Unanimously carried.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held on March 10, 1980 at 7:40 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a local law which would amend the following section of the Village Code to coincide with the new landscape code: Zoning Section 70.83 and 70.160.

PUBLISH NOTICE OF
PUBLIC HEARING
Amend Zoning Code
70.83 and 70.160

Unanimously carried.

Trustee Sugg reported that the Glen Park Joint Board met last Tuesday and reviewed the budget. The budget will be presented to the Village and Town Boards. Mr. Way and a representative from the Town's Parks Department added greatly to the discussion regarding maintenance in 1980 and offered a plan for it.

Trustee Sugg advised that the Village has received word from the Department of State regarding their weatherization program and we have a new brochure on this. There are still guidelines to be developed so it is not fully operational yet. This program has been changed from the winterization program to the weatherization program. The purpose is to make housing energy efficient. Renters are eligible for the first time. As we are notified of the

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 11, 1980 at 7:31 PM

guidelines we will report further on this so anyone who is interested can apply for funds.

Trustee Sugg reported that the Village Meeting House Committee has hired Bonnie Albert for work on the Meeting House. They are about ready to complete the remedial drawings, the as is drawings are ready.

Trustee Atkinson advised that back in September the Village was approached by the Town regarding withdrawing from the County consortium regarding community development funds. We cited a number of reasons at that time for turning this down. The Village has recently been in contact with the Town through George Schanzenbacker and hopefully will have enough time between now and August to completely explore all the avenues of concern we voiced so that if the Town approaches us again we will be more fully informed and have had more than a sufficient amount of time to consider this proposal.

ON MOTION by Trustee Atkinson, seconded by Trustee Brenton, vouchers in the sum of \$28,964.28 were approved as follows:

Payroll Fund	W/E 2/1/80	\$ 3,895.01
	W/E 2/8/80	<u>3,877.31</u>
Total Payroll		\$ 7,772.32
General Fund	Abstract #458	17,043.83
Sewer & Water Fund	Abstract #39	582.16
Federal Revenue Sharing "	#86	1,910.00
Trust & Agency Fund	Abstract #78	206.68
Capital Fund	Abstract #97	49.28
Community Development "	#45	<u>1,400.00</u>
Total Vouchers		\$28,964.28

There were large vouchers for - Niagara Mohawk, \$3,459.69; and Amherst Disposal, \$7,169.09.

Unanimously carried.

Mr. Way had no report.

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

Unanimously carried.

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 11, 1980 at 7:31 PM

Mrs. Rita Andrews, 128 S. Union Road, asked what the status was on the barber shop business on Union Road. Mayor Kuzon stated an enforcement meeting was held last Thursday and this matter was discussed. The case is being prepared. Rather than present only half a case it is best to have all the facts documented before taking the matter to court. If you go in with half a case and lose you could be stopped from proceeding further because of double jeopardy. At this time our attorneys and the Building Department are getting the facts together. Most of the information at present seems to be circumstantial and we want more substantial facts before going to court.

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

Unanimously carried.

Mayor Kuzon called the public's attention to the bottom of tonight's agenda where there is a list of different Village meetings. The German Day Committee is a subcommittee of Old Home Day Committee and will meet on Tuesday night. The next Board meeting is in two weeks and we will be back in the Council Chambers at that time.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the meeting was adjourned at 7:53 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer