

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, March 24, 1980 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 hearing to order at 7:33 PM.

The Clerk read the notice of public hearing regarding the proposed Federal Revenue Sharing expenditures for the Village for the 1980-1981 fiscal year. The Village expects to receive approximately \$40,000 in Federal Revenue Sharing Funds in the coming year and it is anticipated there will be unappropriated funds in the amount of \$2,500 remaining from the 1979-1980 Federal Revenue Sharing Budget.

Mayor Kuzon then stated that this is the first of two public hearings to be held regarding use of these funds. The purpose of this evening's hearing is to get suggestions as to how we can best use these funds. The second hearing will be held April 14th and at that time we will discuss the tentative budget for use of the funds.

PUBLIC
HEARING

Mayor Kuzon summarized what these funds have been used for in the past few years. Generally they have been used for equipment purchases. In 1977-1978 the funds were used for such things as a dump truck and roller, as well as \$5,000 for fire truck repairs and \$12,000 for Main Street water line repairs. In 1978-1979 we used the funds for fire truck repairs, maintenance equipment and a sidewalk plow. We also used funds for trees and planting. In 1979-1980 the \$42,600 in funds was used for equipment for Village Hall, equipment for the Department of Public Works, equipment for the Treasurer and Fire Department apparatus repairs and materials such as first aid supplies. We also used the funds for street maintenance equipment, parks equipment, shade trees and soil and erosion control.

PROPOSED
USE OF FEDERAL
SHARING FUNDS

Mayor Kuzon stated the purpose tonight is to get suggestions as to how the funds should be used in the forthcoming year. While we are anticipating a \$40,000 budget, it is contingent upon the action of the Congress and the President. We are guaranteed \$20,000 for Federal Revenue Sharing but the remainder is contingent upon the action of the government.

No one in the audience spoke on this matter.

Trustee Brenton stated that in view of our water system and the bad shape it is in with the unaccounted for water loss we should put as much funding as possible into the water system. If we

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have to repair these areas with our normal funds we will have to raise the water rates. It will benefit the community at all levels and appropriately disburse the funds.

Mayor Kuzon again stated that this is the first of two hearings on the funding. We will present the tentative budget at the next hearing.

ON MOTION by Mayor Kuzon, seconded by Trustee Atkinson, the hearing was closed at 7:38 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 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 7:30 PM.

There was a moment of silence in honor of Phil Scaffidi. Hopefully we can all learn a little bit about courage from him.

ON MOTION by Trustee Brenton, seconded by Trustee Atkinson, the minutes of the regular meeting held March 10, 1980 were approved.

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, the minutes of the public hearing held March 10, 1980 regarding the Landscape Ordinance, Section 24.00, were approved.

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Sugg, the minutes of the public hearing held March 10, 1980 regarding amending Sections 70.83 and 70.160 of the Zoning Code were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Sugg, the minutes of the special meeting held March 18, 1980 to accept the election results were approved.

Unanimously carried.

ON MOTION by Trustee Sugg, seconded by Trustee Murray, it was moved to suspend the rules at 7:33 PM in order to hold a public hearing regarding the proposed Federal Revenue Sharing expenditures for the Village for the 1980-1981 fiscal year. (The hearing was closed at 7:38 PM.)

Unanimously carried.

Mayor Kuzon stated that 1980 is a census year and the Census Bureau has notified us that if we know of any interested and qualified individuals who could work on the census we should have them contact the district office for the area and schedule an appointment for a test to see if they are qualified for this work. The telephone number is in the book.

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Mayor Kuzon advised that we have received notification from the State Comptroller that as part of their examination they have reviewed our retirement recording practices and they find we are in accordance with the retirement system requirements.

Mayor Kuzon reported that he, Trustee Atkinson and the Village Clerk attended the Village Officials Meeting this past Thursday. Mrs. Cummins was reelected Treasurer for the second year and we congratulate her on this and appreciate her continued dedication to Village government. Mayor Kuzon also advised that he had been elected second Vice President of the organization.

Mayor Kuzon stated his first resolution calls for the Annual Re-organizational Meeting of the Board on April 7th to appoint and re-appoint members to various Village committees as well as to give out Village and Department assignments to the Trustees.

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

RESOLVED that the Annual Reorganizational Meeting of the Board of Trustees of the Village of Williamsville will be held April 7, 1980 at 7:00 p.m. in the Village Conference Room, Municipal Building, 5583 Main Street, Williamsville, New York.

REORGANIZATIONAL
MEETING SET

Unanimously carried.

Mayor Kuzon stated his second resolution calls for a public hearing for the purpose of discussing our General Fund, Water Fund, Sewer Fund and Debt Service Fund budgets. The tentative budget has been compiled and is available to the public. There would be a slight tax increase in the proposed budget. At the public hearing we will go into the budget in detail.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 14, 1980 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the 1980-1981 General Fund, Water Fund, Sewer Fund and Debt Service Fund Annual Budget for the Village of Williamsville.

PUBLISH NOTICE OF
PUBLIC HEARING
GENERAL, WATER, SEWER
AND DEBT SERVICE
FUND BUDGETS

Unanimously carried.

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Mayor Kuzon stated his next resolution calls for the second public hearing on the Federal Revenue Sharing Funds.

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 April 14, 1980 at 7:40 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussing the 1980-1981 Federal Revenue Sharing Fund Budget for the Village of Williamsville, New York.

PUBLISH NOTICE OF
PUBLIC HEARING

FEDERAL REVENUE SHARING
BUDGET

Unanimously carried.

ON MOTION by Trustee Atkinson, seconded by Trustee Brenton, vouchers in the sum of \$89,491.55 were approved as follows:

Payroll Fund	W/E 3/14/80	\$ 3,927.13
	W/E 3/21/80	<u>4,006.04</u>
Total Payroll		\$ 7,933.17
General Fund	Abstract #461	28,926.76
Sewer & Water Fund	Abstract #42	26,711.93
Trust & Agency Fund	Abstract #81	25,268.01
Federal Revenue Sharing	Abstract #88	8.64
Capital Fund	Abstract #99	543.04
Community Development Fund	Abstract #46	<u>100.00</u>
Total Vouchers		\$89,491.55

There were large vouchers for: Williamsville Fire Dept. - \$22,793.75; Erie County Water Authority - \$16,260.60 and \$7,344.60; Hutchinson Hose Company - \$13,399.90 and \$10,395.77.

Unanimously carried.

Trustee Atkinson stated his second resolution calls for a public hearing to consider a proposed local law, a copy of which is attached to tonight's agenda. It relates to the defense and indemnification of Village officers and employees in carrying out their duties in the Village.

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

RESOLVED that the Village Clerk publish notice of a public hearing to be held April 14, 1980 at 7:45 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York, for the purpose of hearing all persons interested in a local law relating to the defense and indemnification of Village officers and employees.

PUBLISH NOTICE OF
PUBLIC HEARING

Local Law Re:
Indemnification of
Village Employees

Unanimously carried.

Trustee Atkinson stated it has been a pleasure to work and serve with Trustee Sugg who will be leaving us tonight and going back into semi-private sector. Her contribution personally and as Trustee are most appreciated and valued and she will be missed.

Trustee Brenton seconded what Trustee Atkinson said regarding Trustee Sugg. Although they have had differences of opinions on some issues they have been able to resolve them and Trustee Sugg helped him a lot in his first year as a Trustee. She has done an admirable job. When we drive by Glen Park and admire the view we can remember the efforts she has put into that project which was basically her responsibility. We wish her the best in her endeavors in the future.

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

RESOLVED that the Village Board sitting as Board of Fire Commissioners and acting upon the recommendation of the Review Board of Hutchinson Hose Company, hereby appoints the following as firemen in the Hutchinson Hose Company:

APPOINTMENTS

Firemen

David Militello 102 Surrey Run
Edward J. Senecal 127 Bridle Path

Unanimously carried.

Trustee Murray stated we thank Trustee Sugg for her two years of service to the Village. She stated she has seen her acting as a Trustee liason and as a Committee Chairman. Trustee Murray served under her on the Beautification Committee where she did a fine job. As a Trustee she gave her advice and support in her first year on the Board. She stated Trustee Sugg has grown in her position. She worked for the Village's rights and identity. She has insisted on the fair and equal employment of Village law and policy and on Village rights in negotiations with the Town. She has followed through on the Village concerns expressed by residents. We thank her very much.

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Trustee Murray stated her resolutions relate to adoption of the Landscape Code. It was discussed at length at the public hearing. It sets the standards for landscaping within the Village in the commercial, multiple family and manufacturing districts.

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

RESOLVED that Local Law #3 - 1980, Add Landscape Code - Section 24.00, which was the subject of a public hearing on March 10, 1980 is hereby adopted. (Copy of Local Law attached.)

LOCAL LAW #3-1980
Adopted

LANDSCAPE CODE

Vote on Roll Call: Trustee Brenton - aye; Trustee Atkinson - aye; Trustee Sugg - aye; Trustee Murray - aye; Mayor Kuzon - aye.

Ayes - 5; Noes - 0.

Unanimously carried.

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

RESOLVED that Local Law #4 - 1980, Amend Zoning Code - Sections 70.83 and 70.160, which was the subject of a public hearing on March 10, 1980 is hereby adopted. (Copy of Local Law attached.)

LOCAL LAW #4- 1980
Adopted

AMEND ZONING CODE
70.83 & 70.160

Unanimously carried.

Trustee Sugg gave an update on the Village Meeting House. We have again had meetings with the architect and the bid package should be ready by mid-April and we hope for completion by around July 4th. She listed the kinds of tenants they are looking for for the building. They are looking at community groups who need a meeting place such as the Meeting House. There are three groups for use of the building at present. One is the senior citizens. They are one of the primary reasons for acquiring the building. Also, the Historical Society will use the building. A new group under consideration is a theatre group which is not to be named publicly at the present time. Negotiations are continuing with this group and a final proposal is about ready to be presented to this Board. If the proposal is acceptable the group's name will be made public at that time. The private sector has also been suggested as a possible user of the building. The building itself will hopefully be ready for use in July. The kinds of uses may be more varied as the years go on.

With respect to her resolution, Trustee Sugg stated it relates to the Governor's 1980-1981 budget as it affects youth funding.

DRAFT	6 September 1978
REVISED	10 January 1979
ADOPTED IN CONCEPT	10 January 1979
REVISED	6 June 1979
REVISED	7 November 1979
REVISED	6 February 1980

24.00 Section 1 - LANDSCAPE LAW

24.01 Intent

It is the purpose and intent of this local law to protect and promote the public health, safety and general welfare through the enactment and enforcement of a comprehensive and uniform plan regulating the landscaping of all commercial and certain residential construction hereafter erected and developed within the Village of Williamsville, and to establish a set of minimum standards to serve as a guide to all persons affected by this local law.

24.02 Definitions

- A. Landscaped area - that part of any development regulated by this local law which is to be devoted to greensward, shrubs, ornamental and shade trees, ground covers of all types, berms, lighting, street furnishings and other ornamental features designed to produce an integrated and harmonious environment.
- B. Parking Area - the area in any development regulated by this local law which is designated and reserved for the routine parking of automobiles and any area designed to serve for loading and unloading of motor vehicles.

24.03 General Provisions

- A. Any building permit issued for construction in an "M", "R-3M", "R-4" or any "C" district as defined in the Village Zoning Law, except in the case of a single one-or-two-family residence, shall require compliance with the Landscape Law in the following instances:
 - 1. All new construction or development.
 - 2. All renovation, repair, alteration, or redevelopment of existing structures where the value of the proposed improvement as stated in the permit application is \$50,000.00 or more, and the existing structures in the affected premises covers less than 50% of the total lot area.
- B. In all cases subject to the requirements of this local law, the application for a building permit shall be accompanied by three (3) copies of a proposed landscape plan, drawn to scale and sealed by a landscape architect. The plan shall be submitted and approved by the Environmental Advisory Council before the issuance of a building permit. The landscape plan shall include the following:
 - 1. Title of drawing, including name and address of applicant and person who prepared the drawing.
 - 2. North Point, scale and date.
 - 3. Lines of existing and proposed streets and sidewalks immediately adjoining and within the proposed site and the names of all proposed streets. Show curb cuts on adjacent properties.
 - 4. Layout, number and dimensions of lot(s).
 - 5. Locations, dimensions and proposed use of all structures. The location and dimensions of all parking, loading and stacking areas with access drives.
 - 6. Greenspace calculations.
 - 7. Location, type and size of existing trees and vegetation identifying those to be preserved. Location type and size of trees, vegetation and other amenities to be provided.
 - 8. Proposed easements and location of areas to be in common ownership or to be offered for dedication.
 - 9. Location of lighting facilities, fences, screenwalls, street furniture and directional signs.
 - 10. Existing and proposed watercourses and direction of flow.
 - 11. A grading plan showing existing and finished grades and proposed methods of handling storm runoff from roofs and paved areas.

Section 1 - LANDSCAPE LAW - continued -

12. Paving details, including typical cross-sections for parking areas. For subdivisions, profiles of proposed streets are also required.
13. Design of lighting fixtures (hooded only), fences, walls and signs.
14. Location and dimensions of all signs for which use permits are required and a uniform sign plan, if required.

24.04 Standards and Criteria for any Development Subject to this Local Law

- A. The landscaped area shall be not less than fifteen (15%) percent of the total lot area of the development.
- B. Landscape treatments shall be designed as an integral part of the entire development with the arrangement and spatial location of the landscaped areas dispersed throughout the development site.
- C. Wherever possible, existing natural features and vegetation shall be preserved and incorporated into the landscape plan.
- D. Any landscape plan submitted shall include trees as a dominant feature of the plan. Shrubs, hedges, greensward and other vegetation shall be used as a compliment to the trees in the proposed plan, but shall not form the exclusive landscape treatment.
- E. Any area of the proposed landscape plan to be set aside as a parking area for ten (10) or more automobiles, shall reserve part of the interior of the proposed parking area of not less than five (5%) percent of the total parking area, which reserved area shall be devoted exclusively to landscape treatment. Landscaped areas shall be located in a manner designed to minimize the unsightly and monotonous aspect of parked automobiles.
- F. The interior dimensions of any area or median shall protect the plant materials planted therein to insure proper growth.
- G. Garbage pick-up areas shall be fully screened with fencing or evergreen shrubs. Screening is to be property maintained.
- H. Where any "R-3M", "R-4", "C" or "M" district abutts an "R"-district, screening shall be provided of either a six foot (6') high solid fence or six foot (6') high dense evergreen planting. Character of the screening material should harmonize with the existing character of the plantings in the abutting "R"-district. Fencing or evergreen planting shall be in accordance with the requirements in the Zoning and Traffic ordinances of the Village.
- I. New development adjacent to or effecting any historic landmark or natural feature of the Village shall harmonize with the existing character of the adjacent area.
- J. Schedule of planting;
Zone R-3M and R-4 - One tree shall be planted in the landscape area for each unit of occupancy, plus one tree for every five parking spaces.
- M, C-1, C-2 and C-3 - One tree shall be planted in the landscape area for each 30' of street frontage, plus one tree for every 10 parking spaces.
- K. All trees planted shall have a minimum caliper of 2.5", 6" above the ground.
- L. Plastic or other types of artificial plantings or vegetation shall not be permitted.

24.05 Enforcement and Maintenance

- A. An approved labor and material bond or other acceptable security, in an amount as established by the Environmental Advisory Council, shall be provided prior to the issuance of the Certificate of Occupancy to insure that planting conforms in all particulars to the landscape plan as submitted and approved by the Environmental Advisory Council. The bond or other acceptable security, shall be for a nine month period, and the landscape work completed within that time. A designated member of the Environmental Advisory Council shall inspect the work to insure that the plantings conform to the approved landscape plan before the labor and materials bond is cancelled or security returned.
- B. The owner shall submit an approved maintenance bond or other acceptable security in an amount as established by the Environmental Advisory Council, to insure that all landscape work shall be maintained in a healthy and growing condition, and that all replacements will be made one year from the date of the original planting. Replacement shall be with plantings of a similar nature. A designated member of the Environmental Advisory Council shall inspect the replacements before the maintenance bond is cancelled or security returned.

(Please Use this Form for Filing your Local Law with the Secretary of State)

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. 4 of the year 19 80

A local law Amend Zoning Code Section 70.83 and 70.160
(Insert title)

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

~~County~~
~~City~~ of Williamsville as follows:
~~Town~~
Village

§ 70.83 BUILDING PERMIT REQUIRED

The provisions of the Building Code and other applicable regulations shall control the issuance of building permits. In addition to such provisions, every application for a building permit shall be accompanied by a plat, in duplicate, drawn to scale, and showing the dimensions of the plot to be built upon, the size and location of the building or other structure on the plot and adjoining plots, a description and history of any non-conforming uses, three (3) copies of a proposed landscape plan where required, and such other information as may be necessary to provide for the enforcement of this local law, No building permit shall be issued unless the provisions of this local law are complied with.

§ 70.160 ARCHITECTURAL REVIEW BOARD

The Architectural Review Board shall review and evaluate all building plans proposed in the C-1, C-2, and C-3 Zoning Districts which are concerned with the exterior design of buildings or structures fronting on a public street, including alteration and repair, as well as signs, fences and site plans, including walks, drives, parking areas, and, except in cases regulated by the landscape law, landscaping visible to passers-by on the public street.

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

The proposal would eliminate local control of the youth programs and eliminate all but \$2 Million from the budget for current projects. It would mean the elimination of such projects as the one initiated last year that hired disadvantaged youths to work in Glen Park, the Youths Engaged in Service program and our own Cayuga Road Youth Center because they would be too expensive to operate. Trustee Sugg stated we do need these projects. She had some doubts about it when she was first made liason but she has seen some of these alienated youths who go to the center and whose needs have not been met by the community, school, home, church, etc. Some of their needs are being answered at the center. We must look out for this valuable resource.

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

WHEREAS the Amherst Youth Board, working in cooperation with the New York State Division for Youth for the past seven years, has been able to fund a network of community youth services throughout the Town for Youth Development and Delinquency Prevention purposes, and

YOUTH

Governor's Budget

WHEREAS the Amherst Youth Board firmly believes that these services are critical resources to the development of youth in these complex times, and

WHEREAS the Amherst Youth Board is aware that the wording of the Governor's 1980 Budget for the New York State Division for Youth Local Assistance program requires that the New York State Division for Youth satisfy some \$19 million of past debts out of the \$21 million recommended, and

WHEREAS such a requirement will cause the demise of local assistance for Youth Development and Delinquency Prevention programs to municipalities, long recognized as a national model for supporting Statewide youth service networks,

BE IT RESOLVED that the Village of Williamsville Board of Trustees on Behalf of the Amherst Youth Board urgently and emphatically calls upon the Governor and all State Legislators to rescind this Budget requirement and allow the New York State Division for Youth Local Assistance Program to utilize the full \$21 million recommended in 1980 that is necessary to support ongoing Youth Development and Delinquency Prevention Services throughout New York State.

Unanimously carried.

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Trustee Sugg thanked all the volunteers in the community who worked so actively on her committees. She particularly thanked Edna Cope and Rita Andrews for their work on the Youth Committee. She stated the Village is well represented on the Glen Park Joint Board and have a nice relationship with the Town appointees and Councilman Moses. The Village Meeting House Committee has been very active and are a dynamic group of people. Chairman Gary Diehl has assured me that he will continue as Chairman of this group. She then thanked the Trustees who worked with her. They are fine people and the Village is well represented. They are bright and hardworking and really committed to the best interests of the Village. The people in the Village office were of immeasurable assistance to her and she thanked them all for their help.

Mr. Way wished Trustee Sugg all the best upon her retirement from the Board.

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

Unanimously carried.

Robert Smith, 388 Cadman Drive, stated he had talked to the Mayor and Trustee Brenton regarding the flooding problems on Cadman Drive which are getting worse. We have had flooding last Friday, on Christmas and last September. The problem appears to be three-fold. The sewers are in bad shape, probably the worst in the Village. This is due to a multitude of reasons. This area grew fast and not enough maintenance was done. The storm sewers are in rather bad condition and not the right size or design. Mr. Smith stated he is a professional engineer licensed in California. There are 150 homes in this area that are affected, mainly south and east of Wehrle. There is sand in the storm sewers which clogs the pipes and the new construction at Youngs and Wehrle is creating run-off and enlarging the problem.

Mr. Smith stated that to do just the sanitary sewer in that area it would cost in excess of \$560,000. This would be with any necessary storm work that would be required due to the fact that the sanitary is under the storm in this area. To replace the storm only would be in excess of \$115,000. To do the total job with both the sanitary and storm would be \$632,000. This includes both the engineering and contracting. He stated he has been in touch with the State Department of Health and the County Department of Health but has not yet heard from the Environmental Conservation people yet. He has contacted them about the sewage flooding here.

Mayor Kuzon stated the Board has been aware of this problem since it first came into office. We have budgeted \$5,000 this year to be a down payment for a \$100,000 bond issue for repair of the storm sewer in that area. Regarding the sanitary sewer problem, we have met with the State Department of Environmental Conservation representative and he stated that when our Sanitary Sewer Evaluation Study is approved the Village will be eligible aid to alleviate the

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sanitary sewer problem, not only on Cadman but the majority of the Village. If we meet the federal and state guidelines there is 75% funding available for the construction work related to sanitary sewers. Unfortunately, we will not have the funding to alleviate the flooding problem this spring but will hopefully be able to have it taken care of before the spring of 1981.

Trustee Brenton stated we are trying to identify the areas of priority where there is the most infiltration in the Village. We have a problem also where the Village system enters the Town system. You have a fully charged 54" line trying to go into a 30" line and therefore, it backs up. We are hopeful of getting federal and state approval for the partial funding but it takes time to get approval. If we are successful, we would only have to pay 25% of the cost. With respect to the Mr. Smith's figure of \$560,000 to rehabilitate the area, our figures for doing the entire Village at this stage appears to be \$400,000 to rehabilitate the sanitary sewer. This figure was arrived at with our consulting firm and they should be pretty reliable. We know the weak areas in our present system. We certainly intend to pursue this matter and hope to do this area first.

Mr. Smith stated his figures were based on the total replacement cost. It was the only way he could figure it. He said there is allot of sand in the storm sewers, and this cuts down on the capacity of the sewer. He asked if anything could be done in the immediate future regarding this.

Mr. Way stated we can flush the sand from the line and this should be of some help. Mr. Way stated another area which can cause problems is that the line going into the creek does not enter at an angle to go with the flow of the creek water.

Mr. Smith stated the Village did not seem to oppose the new construction at Wehrle and Youngs Road and this has contributed to the run-off in this area.

Mayor Kuzon stated that because the rezoning was within 500 feet of the Village the Town did ask us to respond to it and we passed a resolution opposing it.

Mr. Smith stated we were promised there would be no run-off into our area. He stated it would be appreciated if anything could be done about this.

Trustee Murray stated the major reason for delay in rehabilitating the sanitary sewer system is that the Department of Environmental Conservation has had a Sanitary Sewer Evaluation Study since February, 1978 and we cannot receive funding until this has been approved. We have received a call that it will be reviewed this week but they have told us this before.

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Mr. Steven Kendall, 81 N. Long Street, stated he could sympathize with the people on Cadman. He has a problem on N. Long but seems to be the only house affected. He stated he appreciates the assistance he has received from Mr. Way and Trustee Brenton over the past three to four months. At his house the sanitary sewer line makes a jog in order to slow the flow of the water as it comes from the escarpment area. Apparently for the last 25 years until last September everything went well. There have been no complaints made. About two weeks ago he had substantial basement flooding with about 6" of sewer water. When he had water in the basement during Hurricane Frederick the fire company would not pump him out. He had about \$1,600 in damages. His basement area is finished off. There is a bathroom there which is used regularly and does not want to do away with it. Even if we did not have the bathroom we would still have the laundry facilities. He stated he believes the 45° dogleg is adding to his problems. He stated he has pictures of pumping being done from the Cheektowaga sewer into another sewer the night of the recent storm and if this is being pumped into our sewer it should be stopped. The pump was at Ellen Drive and Union Road. He stated he realizes that if the 45° dogleg is changed they might have problems down the hill and he does not want this to happen but he feels something could be done to alleviate his problem.

Mr. Way stated the dogleg is there to slow the water down because it moves so fast. Trustee Brenton has a map (which was shown to Mr. Kendall) which shows where the water comes from before and after it passes his house.

Mayor Kuzon stated he is not aware of any agreements with the Town of Cheektowaga for pumping water into our sewers. However, sewage from the Autumn Harvest and Linwood area does pass through on the way to the treatment plant. We are working with the Town of Amherst to monitor the amount that enters and leaves our system so that when the Town starts billing us entirely on flow we will have an accurate reading on what the flow is.

Mr. Kendall stated it should be checked to see if Cheektowaga is pumping into our lines. Donald Schueckler, Deputy Superintendent of Highways for the Town of Amherst advised that Cheektowaga does pump at Ellen and Union area. They are, however, pumping from one of their lines to another of their lines. There is no sanitary sewer which touches the Town.

Mr. Way stated we have a problem in that the line going down Long cannot empty into the Reist Street line when it is backed up.

Mr. Schueckler said the basement of this house may be level with the sewer line and this could be causing the backup. He suggested that they use a standpipe. Mr. Kendall stated he could not use a standpipe in his situation due to the level of the water.

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Mr. Way stated the Town contributes to the picture because it is some of their sewage in the lines on its way to the plant. Mr. Kendall asked what the point is in improving the Village lines if Amherst lines are full and we can't get into them.

Trustee Brenton stated this has been discussed with Bissell-Merrill. We can't say why there have been no problems in the past with this line. The line has always been this way. If we could relieve this problem we would but we are not convinced this is a Village problem.

Mr. Kendall stated if the flow could be reduced there wouldn't be any problem. He can't see any easy solution. He has been advised that a backflow device would cost in the neighborhood of \$500 to \$800 to install and you have to be home and awake to use it. He asked if the Board knew why Hutchinson Hose Company refused to pump out his basement. It would only have taken about two hours of pumping to be where he could have used his own pump to finish it. He lost a lot of personal property because of the flooding.

Trustee Brenton stated we are on solid rock with a creek with an extremely high water table. In this particular storm a great many residents had flooding problems and the Fire Company would not have been able to help them all. They have a responsibility for the protection, safety and well-being of the entire community. They have to have priorities.

Mr. Kendall stated that if this had happened before we would have been prepared but we were not prepared for this. He stated the Trustees should consider work on No. Long Street when they are considering Cadman Drive. Perhaps we could get some money from the Town for this as their sewage is in our lines too.

Trustee Brenton stated he doubted the Town would consider this. They have other things of greater importance to consider. He doesn't think the Town would consider increasing the size of the opening into their lines. Mr. Kendall's house has been there for 25 to 30 years and it seems that this problem has just been encountered. Most residents do not complain about the sewage backup if here for any length of time. It just occurs. It is the inability of the Town to accept our surcharged line of storm water. The bulk of the backup is properly 95% storm water and only about 5% sewage. He stated we sympathize with Mr. Kendall in trying to come up with the answer but don't feel this is the fault of the Village and the problem with the Town has been there for many years. This individual problem now does not seem to be our responsibility.

Mr. Kendall asked if the Village shouldn't be getting better service from the Town. Mr. Schueckler stated the opening at Forest has been increased. He stated he could meet with Mr. Kendall about this and explain it to him.

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Mr. Kendall stated he has had a plumber in and had his line checked for blockage. The plumber did not get anything out but a few roots. Mr. Way stated they could have used a sand cutter rather than an auger, and perhaps it should be done again. Mr. Schueckler suggested that he, Trustee Brenton, Mr. Way and Mr. Kendall get together and see what we can find out.

Mr. Kendall said the Village should investigate the situation at Reist Street as it seems there may be more capacity available than what is being used and should address this at their next meeting.

Donald Schueckler, 124 S. Union, stated he wanted to discuss the barbershop in the residence on Union Road. He has called the Village Clerk, Building Inspector and Building Department about what has been going on there. He has also spoken with the Village Attorney. It is getting worse there instead of better. Instead of one or two cars there are now three or four and he is using a lot across the street for parking. This should be halted now. He stated he had been told a Certificate of Occupancy had been issued for the new addition. The Building Inspector was there and then a plumber and electrician were there and the business seems to be moving from the old to the new part. He asked what action was being taken as something should be done about this.

Mayor Kuzon stated no one to his knowledge has requested a variance and he doubts one would be granted. At our most recent enforcement meeting this matter was discussed and it will be considered at every meeting until this is resolved. A plan has been formulated to deal with this problem. With respect to a Certificate of Occupancy, one of the factors in our plan is that a Certificate not be issued. When one is issued it will be contingent upon the fact that the addition is only used for residential purposes for which the building permit was granted.

Mr. Schueckler stated they had a sign up in the house that said Willy's and also name is on the mailbox. They took the sign down for a while but now it is back up in the window. We now have cars parking in the road and also in the lot.

Mr. Troy stated he had discussed this with Mr. Schueckler last week. The situation hasn't really changed. The Building Inspector will be going down to inspect the premises and no certificate of occupancy will be issued. If evidence is found of an illegal business they will be prosecuted. In order to conduct this type of business they have to have two licenses from the State of New York. A barbering license and a premises license. If we find evidence of a business we can refer this to the State for action. He stated that as far as he knows work is not yet completed on the addition.

Mayor Kuzon stated the Building Inspector will make an on-site inspection before our next enforcement meeting to see if the work has been completed and advise them about the Certificate of Occupancy. He will also see if he can find signs of a business being conducted. The attorneys have also advised us about the

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possibility of double jeopardy in this situation. If we take them to court and lose we can't take them back on the same grounds. Therefore, we want to make sure the evidence we have is substantial.

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

Unanimously carried.

Mayor Kuzon praised Trustee Sugg for her service to the Board. She was one of our most conscientious members. We will miss her on the Board. He presented her with a Distinguished Service Award and a poster sized photograph of Glen Park. He invited the interested members of the audience to a reception being held for her in the Conference Room following the meeting.

ON MOTION by Trustee Brenton, seconded by Trustee Atkinson, the meeting was adjourned at 8:55 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer