

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, October 27, 1980 at 7:35 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Paul Atkinson
William Bancroft Trustees
Lawrence R. Brenton
Connie C. Murray

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
Edward Way, Dept. of Public Works

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

The Clerk read the notice of hearing regarding a local law which would eliminate parking on the south side of Glen Avenue from the extended westerly pavement edge of Howard Avenue to a point 55 feet west of that point.

Mayor Kuzon then turned the hearing over to Trustee Brenton who is the Board's liason to the Traffic and Safety Committee. Trustee Brenton stated the reason for the elimination of parking on the south side of Glen Avenue is to provide a walkway for the school children so they can cross from one side to the other with safety. The area will eventually be striped. This comes about as a result of a request from the Principal of St. Peter & Paul School which was referred to the Traffic and Safety Committee. The committee concurred with his request. This will eliminate approximately three or four parking places but will give motorists a clear view of the school crossing to protect the children as they cross.

No one appeared to speak in favor of, or in opposition to this proposed local law.

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

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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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.

Mayor Kuzon advised that the first order of business was the presentation of awards for the poster contest held by the Environmental Council. The theme was Kids Can Save Energy Too. He turned the presentation over to Trustee Murray who is the Board's liaison to the Environmental Council and who has worked closely with the committee on this project.

Trustee Murray and Mayor Kuzon presented awards to the following winners:

Primary -	1st - Mark Covelli - Academy School
	2nd - Denise Sperduto - Forest Elementary
	3rd - Douglas Fyda - Academy School
Intermediate -	1st - Kelly Congilosi - Forest Elementary
	2nd - Steve Krentz - Forest Elementary
	3rd - Martha Oswald - St. Peter & Paul
Junior -	1st - Scott Wiseman - Mill Middle School
	2nd - Jamey Vohwinkel - St. Peter & Paul
	3rd - Stephanie Berjian - Mill Middle School

Trustee Murray thanked the parents and children for coming tonight. She stated it was nice to see so many people here and hoped they would come again.

ON MOTION by Trustee Bancroft, seconded by Trustee Murray, the minutes of the regular meeting held October 14, 1980 were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, it was moved to suspend the rules at 7:35 PM in order to hold a public hearing regarding elimination of parking on the south side of Glen Avenue from the extended westerly pavement edge of Howard Avenue to a point 55 feet west of that point. (The hearing was closed at 7:38 PM.)

Unanimously carried.

Village of Williamsville

5583 Main Street
Williamsville, New York 14221

ENVIRONMENTAL COUNCIL POSTER CONTEST WINNERS

"KIDS CAN SAVE ENERGY TOO!"

* * * * *

PRIMARY

1st - Mark Covelli	3rd grade	Academy Street School
2nd - Denise Sperduto	3rd grade	Forest Elementary School
3rd - Douglas Fyda	3rd grade	Academy Street School

INTERMEDIATE

1st - Kelly Congilosi	5th grade	Forest Elementary School
2nd - Steve Krentz	5th grade	Forest Elementary School
3rd - Martha Oswald	5th grade	St. Peter & Paul

JUNIOR

1st - Scott Wiseman	8th grade	Mill Middle School
2nd - Jamey Vohwinkel	6th grade	St. Peter & Paul
3rd - Stephanie Berjian	6th grade	Mill Middle School

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Mayor Kuzon reported that he recently received a letter regarding a resolution that had been made by the Board concerning a sign that may be erected welcoming motorists to the Village of Williamsville. The letter writer stated we should also seriously consider replacing the street signs on Main Street with green and white signs. The letter was signed "Senior Citizen". Mayor Kuzon stated he read the letter at the meeting tonight because there was no return address or signature. Mayor Kuzon advised that the Village is participating in a Traffic Safety Grant and part of the grant relates to a survey or inventory of all of our traffic control signs on Main Street and off of Main Street. The signs will eventually be in conformance with the standards of the New York State traffic safety control devices.

Mayor Kuzon asked if anyone has a concern and writes a letter they should put their name and address on it so we can respond personally to them.

Mayor Kuzon reported that we have had correspondence from International Cable. It notifies us that in 1979 a rate increase of \$1.00 was approved with \$.50 effective on December 1, 1979 and an additional \$.50 increase effective December 1, 1980. The letter advises us that the \$.50 increase will take effect on December 1st.

Mayor Kuzon reported that the Village Officials Association of Erie County has sent a questionnaire to the Board members in an attempt to get information and suggestions from them so that the Village Officials meetings can be made more valuable and useful to everyone. He asked that the Trustees take the time to complete the questionnaires and return them to the Clerk-Treasurer of the Village of Hamburg so they can be used at the next meeting.

Mayor Kuzon stated that with respect to a resolution to be presented by Trustee Atkinson tonight it deals with signing an agreement with the State of New York for a work study program. It is funded 80% by the federal government and 20% by the Village. Our intention is to employ a third year law student as a legislative assistant to the Board and the Village Attorney to do legal research regarding proposed laws and to work on specific projects the Village Attorney has in mind. Basically, it will cost the Village \$260.00 and we feel this is a good investment of our money. He will work 20 hours a week at \$3.55 per hour.

Mayor Kuzon reported that Trustee Brenton will have a resolution tonight concerning an agreement with the Town on a sewer contract. We have been in negotiations with the Town over this contract for the last year or 14 months. It concerns treatment of sewage at the new treatment plant No. 16. The Village Board has carefully scrutinized every item in the contract and are sure we have protected the rights of our residents in this agreement.

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ON MOTION by Mayor Kuzon, seconded by Trustee Atkinson, vouchers in the sum of \$47,733.40 were approved as follows:

Payroll Fund	W/E 10/15/80	\$ 4,218.82
	W/E 10/22/80	4,110.95
General Fund	Abstract #475	18,207.60
Sewer & Water Fund	Abstract #56	15,388.00
Trust & Agency Fund	Abstract #95	2,515.53
Capital Fund	Abstract #106	527.50
NPP Fund	Abstract #3	<u>2,765.00</u>
Total Vouchers		\$47,733.40

The largest vouchers were: Amherst Disposal - \$8,426.27; M. C. Morgan - \$13,700.52; and Olive King/Moellers Bldrs. - \$2,765.00.

Unanimously carried.

Trustee Murray advised that the Parks and Recreation Committee has met and is making plans for the annual Christmas caroling on December 19th. We will be able to hold it this year in the Village Meeting House. Trustee Bancroft has informed us that it will be ready by that time. She asked that people put it on their calendars and join us for the Christmas caroling on December 19th.

Trustee Murray called everyone's attention to the list of meetings at the bottom of tonight's agenda. The Glen Park committee would normally meet on November 4th but since that is election day they will meet on November 3rd instead at the same time as the Planning Board.

Trustee Atkinson stated he had two resolutions tonight, the first dealing with the College Work Study Program mentioned by the Mayor.

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

RESOLVED that the Mayor is authorized to sign agreement with State University of New York at Buffalo as a participant in the College Work Study Program. Total grant award is \$1,300.00, the Village share of project \$260.00.

AUTHORIZATION -
Mayor to sign agreement for College Work Study Program

Unanimously carried.

Trustee Atkinson advised that his second resolution deals with the rezoning petition for 44, 50 and 54 S. Cayuga Road. Over the past several months numerous questions have been proposed relative to the Hogan property, relative to rezoning and the use of the property.

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Trustee Atkinson stated he has looked at this question closely and has reached the following conclusion. As the property is presently zoned it will continue to attract tenants and not owners and with the present two family status the property will not be improved but will continue to deteriorate. The idea of converting the property to three separate one family dwellings is unrealistic. For use as professional offices the buildings and property would have to be rezoned to commercial. Building rehabilitation is not likely to occur. For soft zoning between the commercial and residential districts, the use of single family townhouses with single owners is the most effective, socially and esthetically. One need only look across the street north of Main Street to see what harsh zoning can do. The development of townhouses on this side of Main Street would have a positive impact on the tax base of the Village where you would have permanent residents who would be contributing community members. Single family townhouses are not high rises such as apartments. They are like single family houses without the need to maintain front or rear yards. This is not high density. With respect to the number of units on the site, the exceptional development process which the Village has will address itself to the quantity and quality and he stated he would personally address the quantity of townhouses by limiting the number to 12. He stated that for these reasons he would vote yes for the rezoning and allow the quality of life to develop on a now deteriorating site.

REZONING

ON MOTION by Trustee Atkinson, seconded by Trustee Bancroft, the following resolution was proposed: 44, 50 &
54 S. Cayuga

RESOLVED that the rezoning of 44, 50 and 54 S. Cayuga Road to R-3M is hereby approved.

Denied

Vote on Roll Call: Trustee Atkinson - aye,
Trustee Bancroft - no,
Trustee Brenton - no,
Trustee Murray - no, and
Mayor Kuzon - made the following comments before voting:

Mayor Kuzon stated we should consider the rezoning according to the regulations set forth in our zoning ordinance. Zoning regulations should be made in accordance with a comprehensive plan to prevent the overcrowding of the land and provide for adequate light and area and made with a reasonable consideration of the character of the district, suitability of use and most appropriate use of the land. We have to examine this proposal under the criteria of our comprehensive plan. It was made in 1966 and the plan was then updated in 1972 and is under further study now. As originally planned it was limited in scope of further land use, to protect the existing residential areas. There is a priority to protect the

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existing developments and land use. Examined against this criteria, Mayor Kuzon stated he feels the present zoning category is a reasonable one. The proposed use presents overcrowding of land and a dramatic increase in density. The Planning Board has recommended against this plan because of the excessive density.

Mayor Kuzon - no.

Motion fails.

Trustee Bancroft read a resolution that was recently passed by the Erie County Legislature under Mary Lou Rath. It dealt with the Senior Recreation Program and their new name and logo - Evergreen. The Village was congratulated on its success in providing for the needs of its senior residents and the selection of the name and logo for its program. Trustee Bancroft stated this is a fine commendation for the program which the Village has developed over the last 2½ years. It is very definitely growing and recognizing the needs of the seniors in this community. He thanked Bea Slick, the program coordinator, and the senior citizens committee under the chairmanship of Jerome Nirschel for their efforts in this area.

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

RESOLVED that Erma Weatherbee, 94 Eagle Street, is hereby appointed to the Senior Citizens Committee until the end of the official 1980-1981 Village year.

APPOINTMENT

Erma Weatherbee to Sr. Citizen Committee

Unanimously carried.

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

RESOLVED that Friday, October 31st is designated "Trick or Treat" night.

HALLOWEEN -

Trick or Treat Night designated

Unanimously carried.

Trustee Brenton asked the media present to address the matter of the median strip on Main Street. As a result of the Main Street preservation project, a two-way turn lane has been put in. When making a turn you should straddle the center strip. You can make a left turn using the median strip unless there are yellow striping marks prohibiting it. The yellow striping will be put in shortly.

Trustee Brenton stated that pertaining to the vouchers approved tonight, there was one to M. C. Morgan & Company which is the Village's primary water and, if necessary, sewer maintenance firm. The amount of the voucher was \$13,700.52. Of that amount \$6,250 was paid to them to close off five corporations. These were in areas where

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buildings had been torn down but the lines were not removed from the main at the corporation. These five were done as preventative maintenance because we have found substantial leaks at abandoned corporations where the pipe was just crimped assuming it would never leak but they do leak as time goes by. By closing these off we hope to prevent future problems. Just one such leak can eat up this amount of money in a very short time.

Trustee Brenton stated his first resolution deals with Niagara Mohawk installing a light pole. They have to have a resolution to do this.

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

RESOLVED that the Village Clerk notify
Niagara Mohawk to restore to service
light standard in front of 37 Oakgrove -
12 foot Niagara Mohawk pole, transformer
base type, 175 watt mercury vapor, colonial
PTL, luminaire.

LIGHTING

Niagara Mohawk to restore
standard at 37 Oakgrove

Unanimously carried.

Trustee Brenton reported that his second resolution deals with the Fire Department's purchase request through our budgetary process for replacement equipment. Present rescue vehicle No. 5 will be replaced and will probably end up in the Department of Public Works where they can use it for many more years as a water and general utility truck. This resolution calls for advertising for bids for a new rescue vehicle.

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

RESOLVED that the Village Clerk is authorized
to advertise for bids for a 1981 model Rescue
Truck for the Hutchinson Hose Fire Company.
Bids to be opened at 4:00 p.m. on November 19,
1980 in the Village Clerk's Office, 5583 Main
Street, Williamsville, New York. The Clerk
shall advertise for the bids 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.

ADVERTISE FOR
BIDS

Rescue Truck

Unanimously carried.

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Trustee Brenton's third resolution deals with the aforementioned sewage treatment agreement with the Town. We have negotiated this with the Town for a long time to totally assure that Village residents were getting the best possible agreement to have our sewage treated. We think the Board has acted in the best interests of the Village.

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

RESOLVED that the Mayor is hereby authorized to sign sewer agreement with the Town of Amherst for sewage treatment.

AUTHORIZATION

Mayor to sign sewer agreement with Town of Amherst

Unanimously carried.

Trustee Brenton stated his next resolution deals with contracts with the Hutchinson Hose Company for fire protection.

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

RESOLVED that the Mayor execute, on behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for fire protection for 1981 in the following districts:

AUTHORIZATION

Mayor to sign fire protection contracts for 1981

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

Unanimously carried.

Trustee Brenton advised that his fifth resolution pertains to our New York State Traffic and Safety Grant. We have previously stated that it has been approved for another year and this resolution authorizes the Mayor to enter into the agreement with the State for continuation of this agreement for one year.

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

RESOLVED that the Mayor is hereby authorized to execute on behalf of the Village of Williamsville, agreement with the State of New York for Highway Safety Project Grant, Traffic Control Survey #CD 80-013 (002) in the amount of \$20,558.48.

AUTHORIZATION

Mayor to sign agreement with NY State for Traffic Control Grant (Year 2)

Unanimously carried.

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Trustee Brenton reported that his next resolution pertained to a problem that was brought to our attention some months ago with respect to septic systems on S. Union Road. A resident was unable to use his existing septic system and this was discussed with other residents in the neighborhood. They petitioned the Board for a sanitary sewer in front of their residences. In light of the time that would be needed to undertake the normal bidding procedures, and the immediacy of the problem, the Board has decided to employ a firm to put the sewer in. We are making a public record of doing this in case there are any questions now or later as to what our intentions are or why we are going about it this way.

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

WHEREAS, residents of premises #56, #58, #62, #66 and #70 South Union Road have petitioned the Village for the installation of an extension to the existing sanitary sewer serving South Union Road, and

SEWERS -

Emergency extension
of sanitary sewers
on S. Union Road

WHEREAS, the Erie County Department of Environment and Planning has served notice on the Village demanding immediate action to remedy conditions resulting from the defective private septic system serving one of the petitioners' premises, and

WHEREAS, the need for immediate action to protect the health and safety of the citizens of the Village cannot await the process of competitive bidding regularly required for public works contracts,

IT IS RESOLVED, that M. C. Morgan Contractors, Inc., 3690 Sheridan Drive, Buffalo, New York 14226, be employed to provide necessary labor and material to install a six (6") inch sanitary sewer on South Union Road along the east side of the street for a distance of 176 feet more or less at a total cost, including blasting, sewer installation and restorative work, not to exceed \$12,150.00.

Vote on Roll Call: Trustee Atkinson - aye
Trustee Bancroft - aye
Trustee Murray - aye
Trustee Brenton - aye
Mayor Kuzon - abstain

Mayor Kuzon advised he was abstaining for the reason that one of the residents who filed the petition are his parents. They will not directly benefit since they are already tapped into an existing sewer but will abstain so there is no question of conflict of interest.

Carried.

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Mr. Way had no report.

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

Unanimously carried.

Richard Hill, 18 Brookside Drive, asked what other areas of the Village are not covered by the sanitary sewer. Mayor Kuzon advised there were some areas south of the creek - Creek Heights, Danbern Lane and Ellicott Creek Road. There are also some individual residences that also have septic systems. If a sewer is available and they are within 50 feet they must tap into the sewer.

Richard Sweeney, 325 Mill Street, asked about the sewage treatment contract with the Town. Since this has been previously raised as a major expense of the Village he asked about the terms within the contract relating to the expense and the basis for determining it.

Mayor Kuzon stated it is a lengthy agreement and detailed in its scope as we wanted to adequately insure our rights. The formula used is one of water consumption and property value. The water consumption is on a sliding scale. The water consumption is 100% as part of the formula in the first year and on a sliding scale over 10 years going to actual sewage flow. He stated he could show Mr. Sweeney the agreement after tonight's meeting if he wished to see it. The basic formula is water consumption and property value with water consumption being 10% and property value 90%. The water consumption figure will be 10% of the actual water consumption for the first year and then go on a sliding scale into actual sewage flow. As Trustee Atkinson reminded him, one of the things detailed in the contract is that any increase in the cost of the project be agreed to by the Town and the Village so no project is included that we do not receive direct benefit from or have approval of.

Mr. Sweeney asked if this was a ten year contract and Mayor Kuzon advised it was for the length of the bonds for the plant which is 30 years. There is a termination clause which we wanted included which gives the Village the option of getting out of the contract if future developments warrant this.

Trustee Brenton commented on the contract and the change from water consumption to actual flow. The sewage flow is the actual flow from the Village to the plant. The plant is owned by the Town and the agreement is for treatment of our sewage. The formula goes from water consumption into flow. The flow is what enters our sewers and our sewer evaluation survey and rehabilitation program will help us to eliminate the storm water from entering the sanitary system and therefore, we will only be charged for sewage that is treated rather than being charged for treating storm water that infiltrates the system. The rehabilitation will be done primarily at federal and state expense.

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Mayor Kuzon stated there is a user charge system which is incorporated in the contract. This was reviewed by the Board and our attorney and also by an engineering firm which has worked for us on and off over the years. They have a great deal of expertise in sewer contracts and user charges. They assure us the user charge is most equitable to the Village and we feel comfortable with it.

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

Unanimously carried.

Mayor Kuzon advised that the Village Offices will be closed on November 4th for Election Day and on November 11th for Veterans Day. The next Board meeting is scheduled for November 10th.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:14 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer