

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 23, 1981 at 7:40 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

William Bancroft  
Lawrence R. Brenton Trustees  
Michael Kibby  
Connie C. Murray

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

Mayor Kuzon called the hearing to order at 7:40 PM.

The Clerk read the notice of hearing regarding the proposed Federal Revenue Sharing expenditures for the 1981-1982 fiscal year. The Village expects to receive approximately \$39,000 in Federal Revenue Sharing Funds for the 1981-1982 fiscal year. It is anticipated there will be unappropriated funds in the amount of \$13,000 remaining from prior Federal Revenue Sharing Budgets.

Mayor Kuzon advised that this is the first of two required public hearings regarding the expenditure of Federal Revenue Sharing Funds. This hearing is to inform the public that we will have approximately \$52,000 in Federal Revenue Sharing Funds to expend and tonight we want to solicit ideas on how we should use these funds.

PUBLIC  
HEARING

When the hearing was opened to the public no one initially appeared to speak.

Federal  
Revenue  
Sharing  
Funds

Mayor Kuzon stated the Board has a preliminary list of appropriations made up. They would spend about \$1,500 in the Treasurers and Clerks Office, primarily for the purchase of a typewriter. The Department of Public Works would receive about \$9,000 to repair their building and for energy conservation repairs. There would be approximately \$28,000 for the Fire Department for major equipment and radio repairs. Approximately \$3,000 would go for snow removal for cleats for the Bombadier, which is the sidewalk plow. There would be \$4,300 for doors and tables and the Garrison Park pool. There would be \$5,700 for shade tree maintenance.

Mayor Kuzon advised there will be one more hearing on this and if anyone has any additional comments they can call the office or write a letter to us regarding this.

Nicholas Laratonda, 1211 Wehrle Drive, asked if some of the funds could be used to fix up the property the Village is purchasing on Wehrle Drive. Mayor Kuzon advised these funds could be used for that purpose but none have been appropriated so far for this. Mr. Laratonda stated he thought the purpose of purchasing the land was to fix it up. Mayor Kuzon stated that while funds may not be allocated from the Federal Revenue Sharing Funds, there may be funds

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allocated from the General Fund.

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, the hearing was closed at 7:45 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer

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, March 23, 1981 at 7:38 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

William Bancroft  
Lawrence R. Brenton Trustees  
Michael Kibby  
Connie C. Murray

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

Mayor Kuzon called the meeting to order at 7:38 PM.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the minutes of the regular meeting held March 9, 1981 were approved.

Unanimously carried.

ON MOTION by Trustee Bancroft, seconded by Trustee Brenton, the minutes of the special meeting held March 17, 1981 for accepting the Village Election vote were approved.

Unanimously carried.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, it was moved to suspend the rules at 7:40 PM in order to hold a public hearing regarding the expenditure of Federal Revenue Sharing Funds. (The hearing was closed at 7:45 PM.)

Unanimously carried.

Mayor Kuzon announced that the General, Water and Sewer Fund Budgets have been prepared and are available in the Village Clerk's Office for review. If anyone wishes to take out a copy of the budget there will be a charge of \$2.00 for this.

Mayor Kuzon announced that during the week of March 30th he will be in the office every afternoon from 3:00 to 5:00 PM for the purpose of discussing the budget and anyone interested in discussing the budget is welcome to stop in or call him during those hours.

ON MOTION by Mayor Kuzon, seconded by Trustee Bancroft, vouchers in the sum of \$104,187.69 were approved as follows:

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Payroll Fund	W/E 3/11/81	\$ 4,461.99
	W/E 3/18/81	4,537.52
General Fund	Abstract #485	19,147.32
Sewer & Water Fund	Abstract #66	52,122.12
Trust & Agency Fund	Abstract #105	1,990.12
Capital Fund	Abstract #113	12,848.10
Federal Revenue Sharing Fund	Abstract #106	2,113.10
Glen Park Jt/Activities Fund	Abstract #5	166.24
Community Development Fund	Abstract #56	<u>6,801.18</u>
Total Vouchers		\$104,187.69

The largest vouchers were: URS Company, Inc. (our sewer rehabilitation consultant) - \$11,241.49; Erie County Water (for the purchase of water) - \$33,038.19; Williamsville Capital Fund - \$24,287.54.

Unanimously carried.

Mayor Kuzon stated his second resolution is to publicly call for the Annual Reorganizational Meeting of the Village which is required by New York State Village Law to be held on the first Monday in April. This year it will be held on April 6th. Basically what happens is the designation of depositories, Trustee assignments, and appointments and reappointments to committees of the Village.

ON MOTION by Mayor Kuzon, seconded by Trustee Murray, 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 6, 1981 at 7:30 p.m. in the Village Conference Room, Municipal Building, 5583 Main Street, Williamsville, New York.

REORGANIZATIONAL  
MEETING

Date Set

Unanimously carried.

Mayor Kuzon stated his next resolution calls for a public hearing to discuss the General, Water & Sewer Fund Budgets. This will be held at our next regular meeting on the second Monday in April. He reminded residents again that he will be in the office next week between 3:00 and 5:00 PM for discussion of the budget with anyone interested in it.

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

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RESOLVED that the Village Clerk publish a notice of public hearing to be held April 13, 1981 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 1981-1982 General Fund, Water Fund & Sewer Fund Annual Budget for the Village of Williamsville.

PUBLISH NOTICE  
OF PUBLIC  
HEARING

General, Water,  
Sewer Budgets

Unanimously carried.

Mayor Kuzon stated that earlier tonight we held the first of two required public hearings regarding our Federal Revenue Sharing Funds. He stated his next resolution calls for the second hearing.

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

RESOLVED that the Village Clerk publish a notice of public hearing to be held April 13, 1981 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 1981-1982 Federal Revenue Sharing Fund Budget for the Village of Williamsville, New York.

PUBLISH NOTICE  
OF PUBLIC  
HEARING

Federal Revenue  
Sharing Budget

Unanimously carried.

Mayor Kuzon stated his next resolution calls for a public hearing to discuss proposed sewer rates for the 1981-1982 fiscal year. The charges are subject to an annual public hearing under Village Law.

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville, Monday, April 13, 1981 at 7:45 p.m. to hear all persons interested in expressing an opinion on the proposed sewer rent rates for 1981-1982 year per Section 41.20(D) of the Sewer Rent Code.

PUBLISH NOTICE OF  
PUBLIC HEARING

1981-1982 Sewer  
Rates

Unanimously carried.

Trustee Bancroft had no report.

Trustee Brenton stated it was interesting to see Mr. Laratonda at the hearing tonight. Trustee Brenton stated he had just sent a letter to the New York State Thruway Authority asking them for a reply to our letter to them of November, 1980 in which we agreed to purchase the property on Wehrle Drive under the conditions set forth by the

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Thruway Authority. We have not heard from them since we wrote in November. We still intend to purchase that property. He stated he will be talking to Mr. Laratonda soon regarding his purchase of Village property on Wehrle Drive.

Trustee Brenton stated we are working on relief for the Brookside and Cadman storm sewer problem and hopefully we will have something positive on this in the not too distant future.

Trustee Brenton stated his first resolution deals with the contract that we put up for bids every two years for garbage pickup and this expires this year. The Board feels it is in the best interests of the community to attempt to have the trash pickup combined with the garbage pickup so we will advertise for both with the thought that whoever is the successful bidder can pick up both at the same time and thus relieve us of purchasing a new packer. If we use the packer this summer it will be about the last year for it and we feel it is advisable to put these services into the private sector and relieve our Department of Public Works personnel of this duty of picking up the trash during the spring, summer and fall months and not have to pay \$75,000 for a new packer. We are hoping to get bids low enough to make this a viable option for the Village. We will analyze the bids we receive to see if it is fiscally responsible to pick up both things at one time.

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

RESOLVED that the Village Clerk is hereby authorized to advertise for sealed bids for Garbage and Trash pickup within the Village of Williamsville. Bids to be opened on April 20th, 1981 at 4:00 p.m. 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 trade in 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

Garbage and Trash  
Pickup

Unanimously carried.

Trustee Brenton stated his second resolution deals with the continuation of a seasonal employee in the Department of Public Works. Mr. Farrar has been working with us on a temporary basis. The resolution as listed on tonight's agenda has been changed in that his status goes from temporary to seasonal and there is a time limit.

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Trustee Brenton stated Mr. Farrar has done an admirable job and we intend to continue him as a seasonal employee in that we have had continued illness of one employee and another employee is to undergo ear surgery. We are in need of his services because of this. Mr. Farrar receives \$3.15 per hour so it is not a tremendous fiscal burden to the Village.

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

RESOLVED that the appointment of Ronald Farrar, seasonal laborer in the Department of Public Works be extended for a period of time not to exceed September 7, 1981.

APPOINTMENT  
Seasonal Laborer  
in DPW

R. Farrar

Unanimously carried.

Trustee Brenton stated his third resolution deals with completion of the bidding process for a rescue vehicle which is really a work truck for the Hutchinson Hose Company. We have already awarded the bid for the chassis and this has been manufactured. This is for the body of the truck and the contract is being awarded to the successful low bidder, William Shoemaker Associates.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for one custom built heavy duty apparatus for the Hutchinson Hose Fire Company, and

CONTRACT AWARDED

William Shoemaker  
Associates -

WHEREAS William Shoemaker Associates, Inc. submitted their low bid meeting specifications,

for custom built  
heavy duty  
apparatus

NOW, THEREFORE, BE IT RESOLVED that the contract for the Custom Built Heavy Duty Apparatus for the Hutchinson Hose Fire Company is awarded to William Shoemaker Associates, Inc. for their low bid of \$74,995.00.

Unanimously carried.

Trustee Brenton stated his fourth resolution deals with a fairly long-time employee of the Department of Public Works who has had a continuation of illness over the last few years which has caused him to use up his sick time. He has had three separate occasions of major surgery and it is deemed by the Board to be appropriate to grant him additional sick leave in that without his knowledge he went over his allotted sick time and without Board action would have to pay the money back.

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

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RESOLVED that Norman Peacock, laborer in the Department of Public Works be granted 5 days additional sick leave due to a combination of exceptionally long illnesses.

EXTENDED SICK LEAVE  
GRANTED

Norm Peacock in  
DPW

Vote on Roll Call: Trustee Murray - aye  
Trustee Bancroft - aye  
Trustee Kibby - no. Trustee Kibby stated his vote was based on that fact that he feels this could easily set a bad precedent. This is no reflection on Mr. Peacock or Mr. Peacock's work as he is a good employee of the Village, but rather is based on the fact that he feels there is a better way to do this.  
Trustee Brenton - aye  
Mayor Kuzon - aye

Ayes - 4; Noes - 1.

Carried.

Trustee Kibby had no report.

Trustee Murray had no report.

Mr. Way had no report but wanted to welcome the Mayor and Trustees Murray and Brenton back for an additional term of office.

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

Unanimously carried.

Marjorie McNabb, 16 Cadman Drive, presented the Board with the names of people she has consulted in her quest to have the Board allocate some community block grant money to making the Academy School building accessible to the handicapped. She feels that if the School Board can be given a way to make Academy accessible to the handicapped without it costing them a lot of money they may reconsider their action closing Academy and keep it open. Even if the H.E.R.E. people fail in their suit to keep Academy open (which suit they are going to pursue as far as possible) she feels this would be a good way to utilize the community development funds to make this historical community building accessible to the handicapped. Mrs. McNabb passed on the information she had received in her discussions with the various people listed on the papers presented to the Board.

Mrs. McNabb stated she had discussed this with Charles Brown as to the allocation of community development funds. Academy School  
discus-  
sion

Mrs. McNabb stated she had discussed this with Joseph A. Day, Assistant Superintendent of the School District. He informed her that in

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relation to the state aid ratio if a project is funded partially by the School District or monies that have been received from some other source, then in Amherst 56% of the project will be funded by State Aid if the project is eligible.

She stated she had called John Clancy and Basil Hick in Albany. Mr. Clancy advised that money is available for aiding any individual school building that wants to make its building accessible to the handicapped. The money has already been approved for that purpose. Mr. Hick confirmed this and added that while he never heard of a School Board applying for block grant funds he felt it was a reasonable thing for the School Board to do and there was no problem as far as he was concerned at the HUD level with granting these funds. It was quite all right with him if we could get the School Board to apply for the funds. She hopes they can persuade the School Board they can make Academy accessible without spending a lot of money.

She stated she also talked with Jay Leavitt of the Governor's Commission for the International Year of Disabled Persons. If anyone would know where some funds were available from private or other public sources he would know. He stated that while the state has approved making buildings accessible to the handicapped they have not yet allocated the money for this. Also, cutbacks by the Reagan government in the federal programs may cut into this type of funding. He knows of no present funding that is available. She stated that Lawrence Allison of the Architectural and Transportation Compliance Board confirmed that the money has been authorized but not yet allocated.

Mrs. McNabb stated she feels from the information she has that the federal government would be happy with a request from you that your funds be used in this manner.

Mrs. McNabb stated another problem for the School Board would be finding out what types of architects were available for this type of work. She has made a list of them on page 2 of the papers she has presented to the Board.

She stated she has also spoken with Carol Pveljack (Regional Association for the Office of Education for the Handicapped), Thomas Campeire (Senior Counselor, Office of Vocational Rehabilitation), and Ruth Brown (Easter Seals) as to how the building could be made accessible for the handicapped and yet not have it cost a great deal of money. The School Board and the Village Board would not have a lot of money to spend on this type of project. These three people told her some ways this could be done cheaply. While the various codes for accessibility say the drinking fountains must be lowered all you really have to do is provide paper drinking cups by the fountains. Furthermore, while Academy has three stories they could get by with only putting in an elevator for two stories. To make a school accessible, all you need to do is have the programs accessible to the handicapped student. If you have only one handicapped student in the school

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all you would have to do is to move his classes for that year to the first or second floor where he would be able to go by wheelchair. You must make the main facilities of the school accessible such as the library, gym, cafeteria and office. You need to have one lavatory made accessible to him. The school would not have to change all its bathrooms. The curb would have to be cut at one place so that he could get to the building by wheelchair. If the elevator is an inside one you would need to build a ramp to the first floor of the building. She stated the Town of Hamburg is putting in a \$17,000 outside elevator. A \$175,000 elevator for a law school was recently funded. We only need a little one to get to the second floor because of the library. Depending on room space perhaps the library could be moved to the first floor.

Mrs. McNabb stated the School Board would not have to solve these problems themselves. Mrs. Cutcher (Office of Services to the Handicapped) said if there were any problems with making the school accessible she knows that Dr. Edward Steinfeld (Associate Professor of Architecture at U.B. and Secretary of the American National Standards Institute) would be able to solve them and he would know where you could and could not bend the code.

Mr. Steinfeld stated that for the School Board he would make a survey of Academy. He stated he had made one several years ago as part of a study that was done and he knows the problems involved. He stated it would be a difficult building to make accessible but no building is impossible and he would be happy to be of service and would donate his time to walk through the building with the School Board if they ask him to do so. Representatives of the community could come to and he would tell them what should be done. He stated he would only go with the School Board and they would have to ask him as he does not want to get involved in a controversy over whether or not the school should be kept open.

Mrs. McNabb stated that Mr. Leavitt stated there are changes in the laws coming up in relation to the disabled and handicapped. While the School Board has now fully complied with the accessibility rules, in the past the burden of proof was on the parents to prove that the school was not doing their job. Under the new law the burden of proof is on the School Board to prove that its program will satisfy the needs of the children if a parent should complain about the program. He stated the Reagan administration seems to be easing up on the bussing requirements. Until recently the City of Buffalo had been ordered to make busses accessible to the handicapped but the Reagan administration has held that up and said that the school only needs to provide some kind of transportation to the handicapped. This could be a van.

Mr. Leavitt stated he would be willing to talk to the Village Board or the School Board on this. He is quite knowledgeable on this.

Mrs. McNabb stated she had spoken with Russell Gugino of Congressman Kemp's Office and he stated he would help us and try to find out what funds are available for us. He stated, however, that he doesn't

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think there are any.

Mrs. McNabb stated she feels that the Village is the only hope and that they should allocate community development funds to this project. With the economic conditions as they are, this is probably the only funding available for this at present. She urged the Board to consider her appeal in spite of the difficulties she knows it will present for them. She stated that Trustee Murray suggested Mrs. McNabb might meet with the Board following tonight's meeting regarding this.

Mayor Kuzon stated Mrs. McNabb had done quite an extensive job and should be commended for this effort. He stated he feels her efforts deserve an honest response. He stated he feels it is unlikely that the Village Board would allocate money to this building as it is not owned either totally or partially by the Village. The school has been closed by the School Board. He stated they are not comfortable with this decision by the School Board. Mayor Kuzon also advised that our community development funds have already been allocated for this year and we have a tentative program for the next two years also. We are experiencing some bureaucratic difficulties with HUD on this year's program and the Town and Village are working to make sure this program with our established priorities will be accepted for funding. He stated he doesn't feel the Board can answer her appeal for funding. This is a difficult position for us as we want to help and keep the school open but community development funding is not the way to do this at this time.

Mrs. McNabb stated she feels the Board should do this even if it is being pressured by the County HUD people to use it for individual housing purposes. Mayor Kuzon stated the funds have definite restrictions on them.

Mayor Kuzon repeated that the school has been closed and it is not likely the Board would put money into property it didn't own either wholly or partially. The School Board owns it. The funds are put into projects where the Village owns an interest.

Mrs. McNabb stated the individual homeowners in the Village pay taxes to the School District. There is a property loss involved in the school closing amounting to some 3%. The people in this Village want Academy School and would honor this Board if they could make this effort for them. She asked if the Board could delay final allocation of these funds. She would go the School Board and present her case to them and ask them to discuss this with the Village Board.

Mayor Kuzon stated that if the School Board would like to talk to the Village Board about this we would be happy to speak with them. He stated he could not guarantee that we would spend the funds in this way. Mayor Kuzon stated the Village has identified priorities in the Village that it feels the funds should be spent

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on. He stated they are willing to talk to the School Board at anytime about anything. Mrs. McNabb asked if the Village Board could hold off doing anything until after she addresses the School Board at their April 7th meeting. Mayor Kuzon stated they cannot make any extension of time on this. Our community development projects for 1981-1982 are already in process.

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

Unanimously carried.

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:35 PM.

Unanimously carried.

Theresa L. Cummins,  
Village Clerk-Treasurer