

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, June 8, 1981 at 7:33 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

Clerk: PLEASE TAKE NOTICE THAT the Board of Trustees of the Village of Williamsville will hold a public hearing on June 8, 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 a proposal to install curbing on North Ellicott Street.

ON MOTION by Mayor Kuzon, seconded by Trustee Bancroft, the hearing was opened at 7:33 PM.

Unanimously carried.

Mayor Kuzon: At this time I will turn the public hearing over to Trustee Bancroft who will conduct it and bring you up to date on the status of this proposal.

Trustee Bancroft: Thank you Mr. Mayor. In late April or early May the Village received a petition from a group of property owners on N. Ellicott requesting that the Board consider the possibility of installing curbing along the entire length of N. Ellicott. That petition was received by the Village Board and was discussed by the Board and as a result of that discussion that the Board had, we asked a group of property owners from N. Ellicott to meet with me one evening on the 19th of May to discuss the pros and cons and to get some of the ideas out on the table as to the benefits and the drawbacks for the proposed curbing. At that initial meeting we established a couple of ground rules for consideration that we as a Board had discussed and those that had most importance to it tonight are these. First of all it would have to be recognized by all that the type of improvement that we are discussing here, curbing on N. Ellicott, would represent the type of project that would be a special assessment cost to the property owners along N. Ellicott - that the predominant cost of that type of a project would be borne by the property owners themselves and as a result there would be a serious consideration by the Board as to whether it was in the best interests of the entire body of property owners and the community at large for such an improvement. The other point that was made at that meeting by myself representing the Board, was that there would be a series of steps that we would have to go through to satisfy the laws of the State of New York relative to entering into that type of obligation. The State would - although it is a special

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assessment type of project, which means a tax that the property owners would pay for the improvement, the actual indebtedness legally would be by the Village of Williamsville, and as a result we have to go through a series of hearings and notices, etc. to put ourselves into a proper legal position to do that type of thing and a timetable that we developed to go through all that would I'd say at the most optimistic that the earliest that we could possibly get into an undertaking like that would be late this fall at the very earliest - very earliest, and more likely by the time all the needs were satisfied and all the meetings were held that it would not be until the next construction season next Spring before we could truly enter into a project like this. One final point that was made was that if there were objections to entering into such a project relative to the indebtedness the Village would incur, legally that there would be a procedure whereby voters in the Williamsville Village could express their concern or dissatisfaction for such a venture by assembling a petition calling for a public referendum and that petition would require the signatures of, I believe, 20% of the registered voters in the Village. Not 20% of those who voted in the last election but 20% of those registered Williamsville Village voters and that referendum in essence would challenge the Village's plans to enter into that type of indebtedness for such a project. Now, with that as background, I contacted following the meeting on the 19th, Mr. Bill Merrill, who is a principle in Bissell Merrill Associates in Williamsville who is well familiar with the street system in the Village and Bill and his associate, Phil Boudreau and I walked the entire length of N. Ellicott on Friday, May 22nd. Bill and Phil identified a number of concerns and a number of factors that would have to be taken into account and I've asked Bill this evening to speak with us briefly on his observations from an engineering standpoint and a design standpoint as to what he feels it would take to put in curbing on N. Ellicott and I'd like Bill to take the floor at this time.

Mr. Merrill: Thank you for all coming here tonight. Bill and I talked a couple of times about the paving and curbs on N. Ellicott Street and I would just briefly address these facts as I see them and I think probably the thing to do would be to throw it out for questions and answers for any questions you have. If we're going to put curbs down N. Ellicott Street the first thing we have to do is make a survey of the street, that is take all the property lines and locate them, the pavement edges, sidewalks, all utilities and so forth and prepare maps. This map has to show all the surface features that we see and we also have to show underground facilities like water lines and gas lines, some of the sewer lines, some of the storm drains and so forth and we really don't know where they are precisely at this moment. This survey would then become a part of the drawings. The question that we had - first of all a substantial portion of the pavement would probably have to be redone. In other words, if we put curbs down, the property lines - the pavement would have to be changed in grade. We've got to take some of the pavement off. A lot of the pavement can be saved. We could use a lot of it.

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Some will have to be done. We'll have to put it in a straight line for grade purposes, etc. When we put the curbs in we'll have to provide for probably two or three things we didn't think about. Where we can save the pavement we'll have to repave between the existing pavement to put the curbs in and that will have to be backfilled and we'll also have to meet the existing grade and existing lawns of all the homes along the way. That means driveway approaches and a substantial number of those would have to be replaced. It will also be necessary to relocate certain utilities such as the telephone and telegraph poles that are there. We may have to relocate some of the water lines. We don't know. Because if we take off some of the pavement that may bring the water lines too close to the surface and might be subject to freezing in the wintertime. I'm sure people wouldn't want frozen water pipes. Many of the existing storm sewers and storm receivers would have to be relocated and rebuilt.

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Mayor Kuzon: Excuse me just a minute, Mr. Merrill. If we could hold our questions...

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Mr. Merrill: I will be done in a few seconds and then we can throw it out for questions and I think that would probably be the easiest way. We're not at this moment able to assess any of the impact on the gas lines, the water lines, storm sewers, etc. until we have an accurate survey made to tell us exactly where they are, what size they are and what their condition is. Does anybody have any questions for me now or for anybody else?

Trustee Bancroft: What I would like to do is also ask - I think Mr. Taylor has a brief presentation he wanted to make as part of the public comment and I know that Mr. Taylor has been involved in the effort to consider curbing on N. Ellicott and possibly your input on the engineering considerations you've identified and I think that Al also has some material and then we can throw it open for discussion. If you've no objection, Al, would you like to -

Mr. Taylor: Well really all I had right now - I wanted to show a couple of slides. I do have several questions by the way, but I will save them. I just figured a picture is worth a thousand words. I hope everybody will be able to see what we're talking about. Unfortunately, some of these pictures are overexposed and I hope everyone can make them out in the back. (He then showed the slides.)

This is an example of some homemade curb. Some brick curb that is on the north side of N. Ellicott between Main and Eagle Street. The curb was - it looked real good last fall. It's broken up right now - falling apart. Here's the corner property at Eagle and N. Ellicott. By the way all these pictures are on N. Ellicott. This just shows you how the cars go in on the grass and they park beyond the edge of the pavement and you can see how the edge of the pavement is breaking up. When you don't have a curb or shoulder at the edge of the pavement, the structural integrity of the pavement is sacrificed

and it just keeps falling off so that causes maintenance problems. Railroad ties - this showing that people want curbs; they do it themselves. It's homemade curb and it's not doing a very good job. Here's another picture - you can see the pavement falling apart again. The water's going down the edge. It's just eroded. Here's an example of where a car is parked on the front lawn. Curbs would prohibit that. Here's an example of some stones where someone put rocks out to try to serve the purpose of curbs and to me that's very unsightly and detracts from the neighborhood. This is not what I call the Village flavor that I've heard about. Here's more railroad ties. These are all on N. Ellicott-again someone's attempt to do it themselves. There's no uniformity here. Here's an example of where water has been lying for several days. Water lays along the edge and causes the edge of the pavement to break up. I'm sure Ed Way will confirm that. It causes these problems. Here's a mudhole at the edge of the pavement right there. Here's property where they put in concrete - those are concrete blocks that somebody put a lot of effort into. When the snowplow goes through there won't be much left of them. There again showing how property owners are trying to do something. Here's a picture - a car pulled off there and it looks like heck. To me that's not the Village flavor. It's a mudhole. Here's water standing. If we get curbs the engineers will provide grade and we'll get rid of all these pockets. That's the problem. There's no grade down there. Whether we get curbs or not we should have grades on N. Ellicott to eliminate this. Curbs or not. I'm sure Bissell Merrill will bear that out. If we're going to go down there and spend \$100,000, or \$20,000, or \$50,000 let's get our money's worth. Get the engineers to shoot grades and get rid of the water, curbs or not. Here's another mudhole. Here's where a fellow put in a portable curb. Everybody's trying to do something. If you go down the street and look at it. Somebody spent a lot of money there. Here's an example, I don't know how well you can see it - cars drive up across the lawn. That was across three lawns between Chalmers and the end of the street on the west side. More of the same. There's some railroad ties, mudhole, grass, and there's another thing. Curbs will help facilitate mowing. There's another case of a combination of boards, railroad ties, rocks, mudhole. Now I don't think that's the Village flavor. It looks like heck.

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(Con't)

Okay - here we go now. This is not on N. Ellicott. This is over on Los Robles. I just wanted everyone to see what it looks like when we put curb in. And that curb is, Larry help me, over 20 years old.

Trustee Brenton: About 30.

Mr. Taylor: 30 - 30 years old. So that's not new curb either. Here's curbs over on N. Long Street. To me that looks nice - a nice clean uniform edge. Let's go to a real extreme. Here's a new subdivision in Amherst. Thank you.

Trustee Bancroft: At this time we'll open the floor for public comment. We would ask for a couple of conditions. First that you attempt to limit your comments to approximately three minutes. It

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will be informally held and if we find people going substantially over they will be asked to terminate their comments. Secondly, I would ask that people not express their pleasure or displeasure with cheers or boos or whatever - that you give the person the benefit of our consideration and let that person speak his opinion. Third, please use the microphone and identify your name and address please. Hands? Kathy.

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Kathleen Azzarella, 130 N. Ellicott Street: I wonder if there are any cost figures from Mr. Merrill on the way his curbing would go in. We were told on the petition that if it exceeded between \$8.00 to \$12.00 the petition would be null and void. I wonder if there are any prices that you have come up with. If we could have that first because I think that is the basis a lot of people are going on.

Trustee Bancroft: I'd also like to clarify one point here relative to the petition. The petition that was submitted to the Village is not a legally binding petition in any sense. It is informational in nature. It indicated to us that there was sufficient interest on the subject of curbing that we thought we wanted to take it to public hearing. The petition is not legally binding in any way and we feel no sense of obligation, or you should feel no sense of obligation to the signatures on the petition. At this time you are correct relative to the dollar figures that were on the petition. Now, again, keep in mind that that petition is for informational or public opinion purposes only.

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Mrs. Azzarella: Yes, but when this was presented to us it was presented that if it exceeded this amount even if it did not have a 51% majority or exceeded that amount the petition would be null and void and the issue dropped. This is why I bring this up first.

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Mr. Merrill: We had several discussions about preliminary estimates. (Con't.) Now, bear in mind that the numbers I've gotten are strictly ballpark feasibility estimates and not anything anybody should be bound to. They're based upon the ability of a contractor to come into a confined area and do what he has to do rather than go to an open field and new streets. Our estimate were raw curbs - we are speaking of basic curbs only - run between \$10 to \$15 per lineal foot. Say \$14 which is a reasonable estimate for a job of this nature. You'd spend about \$140,000. On top of that you've got 22 radii. In other words, these curbs come out and have to bend into the next street. We have 22 of those and run about \$12,700. We would also probably have to renew, rebuild, move, relocate or rehabilitate 20 storm sewer receivers at about \$700 each, for a total of about \$14,000. Another major item is repaving. We estimate we're probably going to spend on the average maybe as much as about \$60 a lineal foot on the street, which is \$30 each side for rehabilitation of the pavement. In other words, we're going to have to cut some pavement down, salvage other pavement and keep it and that's going to be about \$220,000. On top of that what we didn't get into was the length of the driveway approaches. There's roughly 100 properties

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in there and we might have 87% of the driveway approaches to be rebuilt. These are going to cost us something. We'll have to regard all of the properties - the front lawns behind the curbs which is going to cost us something, but we didn't get into dollars. You're probably talking about \$500,000.

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Trustee Bancroft: Mr. Sponholz - Did you have your hand up?

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Sherwood Sponholz, 282 N. Ellicott: Years back when the Village Party was first put in existence it was for the fact that to try to help Village people and so far we have, until I heard some comments from some of the Board members that they want to keep it to the old country style. When they did Los Robles Street, did they put it up to public hearing? What was the cost of putting in Los Robles? Who paid for that?

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Trustee Brenton: To begin with there - in relationship to political parties it is obvious that this Board is composed of one political party and one of the things that we have done (no reflection on any other party) is to try to be fair and open minded about all situations. Now in order to answer your question pertaining to public hearing, this would be the natural process in any situation of this magnitude. Rather than for this Board to make a determination on its own part, we would have to have input from the public to determine the pros and cons - have the involved public do this, and therefore, this is why we are taking the public hearing method of developing this situation. Now as to the cost of curbs on Los Robles, each individual property owner paid for their curbs. The repaving of the street, etc. I have no knowledge of how that was allocated, but would hazard a guess that the Village paid for the repaving of the street.

Trustee Bancroft: Was your question, Mr. Sponholz, about the curbing itself.

Mr. Sponholz: One of the things with curbing, Mr. Merrill mentioned the fact of public utilities. Public utilities definitely. New York Telephone pole would not be in the way of any curbing. Secondly, when they put in the sewer on N. Ellicott Street they widened our end by about three feet. Consequently, curb shutoffs, the curb boxes, the water shutoffs are in the way but I don't think it would run that high to \$500,000 to put in the curbing on the street. I feel that with a curb it would beautify the area and keep the cars off as Al Taylor has said. Plus, the water situation down at the far end of Chalmers and Ellicott is very bad. The water runs right in the driveways and one of the other questions I'd like to ask - if this is going to be put off until fall how come they started milling the street down there and got it such a mess down there.

Trustee Brenton: The reason for the street milling - the necessity of doing it at this particular time was the fact that last year I applied for a New York State Safer Local Road grant - six of them - and this happens to be one of them and through this grant 75% of the cost of repaving or whatever you want to put into the grant.

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We have, I believe, five or eight DI's that are going to be re-constructed under this grant. The milling in the areas where it was milled is in the cost of this grant and the force account, that is our labor, is in this grant and the final paving material is in this grant, so that this grant was awarded to the Village of Williamsville by the State last year and at that time the question of curbs was brought up inceptually and I, at that time, referred the party to go out and obtain petitions if in fact, he felt that the majority of people on the street wanted curbs. But in my function as liaison to the Department of Public Works the intent of this work was to proceed with it at this time this year and we have a time limit involved. It is my understanding we have to live up to it and so that the work was scheduled and is going to go on. Tomorrow, without rain, we will be putting the binder down on that street where we have milled. The reason that we milled was so that when we did repave we wouldn't put people whose homes are in the area of milling - would not have increased flooding into their yards, and quite frankly, I think the thought process here was correct and proper and I failed to add that the State of New York pays for 75% of this work so that there is a benefit to the residents of the Village of Williamsville, regarding this work. But I have no notion of delaying this work forever in order to develop the curbs. With the binder level down we could probably last and the street wouldn't cause any undue inconveniences until next Spring. I'm reluctant to leave a street with only the binder or lower level open for a year, but - I believe Mr. Way would go along with me on that - but we could do it. If it was determined to put curbs in we could remain as we are with a binder level that will be put down tomorrow until the final determination was made.

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Mr. Sponholz: Because I was waiting for two years because they said they would do the street two years ago. I still haven't put it in but this year I'm going to put the driveway in.

Trustee Brenton: Well I think quite frankly, we're going to pave it this year.

Mr. Sponholz: Well I certainly hope so. Thank you.

Trustee Bancroft: Thank you. Al -

Al Taylor, 165 N. Ellicott: First of all I'd like to ask you where you got the prices for the curbs.

Mr. Merrill: We got the prices for the curbs from a bid we're doing elsewhere for the Town. We got subdivision prices and as I said before they're ballpark estimates.

Mr. Taylor: These are very poor ballpark estimates. If anybody is paying that they're getting ripped off because I checked with contractors and putting in curbing - raw curbing can be put in for \$6.50 per lineal foot. That comes from Dispenza & Ippolito. I also got bids from Depew Paving. These are legitimate bids and if

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anyone is paying any more they're getting ripped off. Raw curb is \$6.50 per foot. Excavation's \$1.00 per foot. Stone is \$.50 per foot. That comes to a total of \$8.00. I work for the State of New York. We estimate all the time and we're not paying that much for curbing in our construction projects. For example, on Main Street right down in the west end of the Village. The underdrain I was talking about goes for \$.80 a foot. These are contract bid prices. I didn't dream these up. The additional excavation to put the underdrain is another \$.50 per foot. The additional stone is \$.50. This comes up to \$1.80 a foot - we're up to \$9.80 per foot total for the curb and the underdrain. I realize there is more for engineering. I think there was a quote that came from your office for about 6%. You came up with the radii for \$14,000. The radii will come up to \$5,000 based upon my figures. \$500,000 that's absurd. There's no way it could cost that much. It's got to be a ballpark estimate that's way out of line. The pavement cost - now, I want you to understand that 75% of the pavement cost is coming from federal money. Who cares what it costs. It's coming out of our pockets in federal taxes. It's not going directly on your Village taxes. Someone out in California is helping pay for it. Let's get our benefit out of it. Incidentally, I commend the Village Board for taking advantage of these federal programs. Getting something done in the Village - some improvements with federal money. It's not coming out of our pockets. It's not. The driveway approaches - that's the same thing. That's being paid for by this same grant. It's federal money.

These private utilities have to move every pole down there if they're told to and it won't cost us one red cent. Those are private utilities on Village right-of-way. If the Village wants them moved they call up New York Telephone - they call up New York State Electric and Gas and they're told to move them and they're moved. They're out there by permit only. As far as your municipal utilities, water lines and that, if they're not in the way now they're not going to be in the way of curbs. If they're too shallow now then you'd better put them deeper whether we have curbs or not. Those curbs are only 1'8" deep. The water lines better be down deeper than that or they're going to be freezing. Gas lines too are moved back at no cost to us. I don't want to hear about the private utilities. It's the telephone, it's the electric and it's the gas. If they're in the way let's move them back. It won't cost us one cent. I would like to make a couple of other quick points while I'm here about what I think are the benefits of curbing. Drainage - they'll contain the runoff on the pavement. Right now the runoff is going back on people's lawns. Most of you know you have drainage problems. It's not going to solve them 100% but it's going to help them. There's a lip at the driveways which stops the water from shooting down the driveways. Curbs will reduce the maintenance. It will protect the edge of pavement. The structural integrity of pavement will be protected. I'm an engineer too, all right. We don't build one road without a shoulder or a curb. I'm sick of hearing about this Village flavor. It's not how you build a highway. I'm a professional engineer just as Mr. Merrill is and I'm sure he doesn't build any roads without curbs or shoulders. You've got to have something there to protect

the structural integrity of the edge of the pavement. Curbs will do it. We don't have room for shoulders and ditches which you need to protect the subgrade. It will facilitate mowing for people who have mowing problems; the dropoff, the stones that you hit. Safety - it's a long shot, but I don't think anybody wants to take a long shot. If a car loses control a curb can help keep the car on the pavement and hopefully stop it from hitting a little kid playing on the sidewalk. I know 90% of the kids go down the middle of the street but we do have some four and five year olds who play on the sidewalk. It might save somebody's life. It will discourage cars from going on the lawns. You get cars cutting across your lawn, tearing them up. It might help in that area. It will eliminate this unsightly homemade curbing. The railroad ties, the stones, the bricks, the concrete blocks, etc. The under drain - that will help with your drainage. Just esthetics in general. It will provide some uniformity. It will give the street a facelift. In my opinion, we would get our investment back in increased property value. It's just like your house, your body, anything else. You've got to maintain it. This Village has been let go for so long they're breaking their necks right now trying to fix sewers, trying to fix water lines. Why? Because for the last 10 to 15 years it's been ignored, and now they're going out there and breaking their necks. They've got leaks all over the place. Let's maintain the Village. The Village is a nice place to live but you've got to maintain it. This is one thing we can do. Let's not let them discourage us.

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By the way, I've got a couple of additional signatures. I understand one or two people took their names off the petition. Even though it's legally not binding I've got a couple of additional signatures I want to submit. I'd like to say this. We do have a majority of the people - whatever that is, 58%, 55% - that signed the petition. Just a minute. You'll have your say. We have a majority of people that signed the petition that want to make an investment in their community. Please give us a shot. Thank you.

Trustee Bancroft: Anyone else? Mr. Saia.

James Saia, 20 Belmont: My concern is - I enjoyed Mr. Taylor's rendering of Ellicott Street but it's not a problem of Ellicott Street. As a citizen of the Village this is a villagewide problem. He's showing some pictures of Ellicott Street that I am sure reflect other places in this Village. We can't have curbs on my street. We don't have sidewalks. I don't know if Ellicott Street has sidewalks, but I'm sure that after you put the curbs in you have to take care of your sidewalks. Some people in the Village don't have sidewalks. I heard \$500,000, and then I hear something around \$220,000 at \$9.00 a foot. So this kind of bothers me. But even at \$500,000 for Ellicott Street what does that come down to per resident per foot on a bond issue to put this curbing in. Can anybody tell me that?

Trustee Bancroft: The total number is - I'm using very round numbers so no fractions or decimal points - there are roughly between

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7,000 and 8,000 lineal feet of curbing on N. Ellicott - that is twice the length of N. Ellicott all the way down one side and up the other side. Approximately 8,000 feet. So, if we use the figure of \$10.00 per lineal foot for curbing that would be \$80,000, or if we look at the average property owner - there is no average property owner - but nominally that frontage on N. Ellicott runs from about 50 feet to 100 feet. There are a few properties over 100 feet and there are a few under 50 feet but generally they're in the 50 to 100 foot range and if a property owner was assessed for that curbing at the cost of \$10 per thousand - let's say he had a 50 foot frontage piece of property then he would be paying \$500 for the curbing itself. Just the curbing, nothing but the curbing. In addition to that there would be interest cost for the bond that would be issued to pay for that. Roughly, you could add, I believe, another 50% to that cost for the bond over a 10 year period of time that the bond would be written off. You started at \$500 and went up to \$750, divided that by 10 years we would have a minimum cost for 50 feet at \$10.00 - the minimum cost would be \$75 per year per person who has a 50 foot frontage. \$75.00. Now the person with a frontage of 100 feet would be \$150 per year and accordingly. Now that is without disputing the figures. Whether it is \$10 or it is more or it is less that is the cost for the curbing itself and no other improvements.

Mr. Saia: Now take that \$500,000 for 8,000 lineal feet. Now what are you talking about?

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Trustee Bancroft: You had \$80,000 for curbing and in that \$500,000 figure you have another roughly \$420,000 for the length of N. Ellicott to rebuild the road and adjust the lines, drainage, drains and all the rest and that would work out to be, I believe, in the neighborhood of an additional \$100 per foot of street which if you split that half of the street to one property owner and one-half to the other side, that would be \$50 additional per foot of frontage. So the total could be as much as, and again this is just a ballpark number. The total could be as much - to do the job right, totally, to do it lastingly and do it once - it could be as much as \$60.00 per foot of frontage.

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Mr. Saia: There's a discrepancy in these costs.

Trustee Bancroft: There sure is.

Mr. Saia: This has got to be of some interest to the rest of the Village. We're not just talking about Ellicott Street. You're talking about every street in this Village. There's got to be some interest in the other residents of this Village. So somebody's got to get some figures pretty well straightened out on this project.

Trustee Bancroft: A project like this that would be in excess of \$100,000 - it may not go as high as \$500,000 - but it certainly is a large amount of money for anybody, for any individual and for the Village budget that we deal with here. We would not enter into this

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without detailed costs and a true understanding of what that cost would be. You can see the two ends of the spectrum that we have here. I don't have any basis for disputing Mr. Taylor's \$10 roughly per foot of curbing, nor do I at this point sitting here, have any basis for disputing Mr. Merrill's other end of the extreme which we have to do this job totally of \$60 but I've got to believe it's someplace in the middle here.

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Mr. Saia: Well it seems to me that you would have some figures to give the residents of this street so they know what they're up against and what it's going to cost them to have this job done. You can't have hearsay figures from either Mr. Taylor or Mr. Merrill. I think somebody has to make some kind of a figure and it has to be very close for the residents. They're up in the air now. It's either \$500,000 or \$80,000. That's what this hearing is about - to find out what it's going to cost the people that are against putting the curb in and the people who want the curb.

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Trustee Bancroft: I think we can say with a reasonable degree of certainty from the review of the existing situation on N. Ellicott and with the consultation of Mr. Merrill, who is a professional, that the cost will substantially exceed \$10 per foot. Yes, sir.

Richard Munzert, 216 N. Ellicott: I've seen doctors wrong.

Joseph Azzarella, 130 N. Ellicott: Is there anybody on the Board who could tell me when the last roadwork on N. Ellicott was done and most of the streets throughout the Village and couldn't you show these pictures and say that probably 95% of the streets in the Village are just like N. Ellicott. And also, with proper grading and the proper shoulders which I would assume would be handled once they take care of our street, wouldn't that correct probably all of the problems that we're having and indeed we won't need the additional expense of these curbs?

Trustee Brenton: I'm not sure that I have an answer to all those questions. As to the first question - when the last work was done on N. Ellicott, I'll defer to Mr. Way. It probably even preceded him.

Mr. Way: It certainly did but there are two people here who can tell me. One is Don Schueckler and one is Norm Wolf. I don't know which one would like to do it but I would appreciate one of you.

Donald Schueckler: 1968.

Mr. Way: 1968 - When the Village was completely torn up?

Mr. Azzarella: Was just stoned or was it completely...

Mr. Wolf: The sewers were put in in 1966 and nothing has been done since that.

Mr. Azzarella: Wouldn't you have to agree that practically all of our problems exist just because the street is not properly maintained and

that actually our whole problem would probably be resolved with the proper grading and drainage and shouldering of the street. And also you can talk all these figures of what's it going to cost - wouldn't you also have to take into consideration also the taxpayer or the homeowner is going to have to pay for his own landscaping either up to these curbs, and in some cases the people on N. Ellicott are over a foot higher than the road now. There is a lot of expense here that I don't think the public is being made aware of and what this will really cost us in terms of dollars and cents.

PUBLIC
HEARING

Trustee Bancroft: Mr. Azzarella, one of the reasons that there is such a wide difference in costs is because of the question of how extensive a job has to be done. It is an older street. It has a lot of incorrect grades and incorrect levels on it throughout its entire length and depending on the extent of the renovation work that is done, whether you in essence just put another coat of paint on it or whether you rebuild it, you can see extremes in cost from the low end to the high end. We have not entered into an engineering study of what it would take to completely rebuild the road or renovate the road to a fully rebuilt condition and that's one of the differences why you're hearing such a wide variation in costs here.

NORTH
ELLICOTT
CURBS
(Con'

Mr. Azzarella: What are the Village plans right now? What work will be done? You're talking about repaving. I also think you would have to build the shoulders up to get everybody even with the street - er no even with their lot lines. Isn't that really basically the biggest problem. I mean if you look at these pictures it just looks like the road has just been neglected for a long time and actually you could probably say that about 95% of the streets in the Village. And, as far as Los Robles, wouldn't that, as far as curbing on that - possibly a lot of that was done for the simple reason that the post office formerly occupied that street and I am sure it brought an excessive amount of traffic onto that street that normally wouldn't have been there originally and probably isn't there now.

Trustee Brenton: Back to Los Robles. Los Robles was purely a curb to the best of my knowledge at the request of the residents on that street - the majority of the residents. In so far as changing the profile of your street, which has been the same profile probably since the initial construction of the street in the form of dirt road, then some stone and finally some stone and oil. The houses constructed afterward as they are on all our streets. You have one of the most peculiar profiled streets in the Village and I think for you to insinuate that 95% of our streets are that way is grossly incorrect. I'm being a bit facetious. In other words, you do have a peculiar profile. Our intent would be to simply - I take exception to Mr. Bancroft's term of painting the street - our intention would be to pave the street and to pave the street so that it would no doubt last for 10 or 15 years and with the milling that went on - again we were trying to pave it in the most intelligent and cost economical way that we possibly could. By intelligent I mean we tried to consider the effect of paving on individual residences on that street. The curb request is post facto. The intent of what was going to be done on that street was developed last summer by myself

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and Mr. Way and then the curb request so that to relate the two is slightly unfair. Again, the bulk of our streets really don't have the same visual identity as N. Ellicott does and the edges, etc. and I hope that I have answered your questions and if I haven't ask them again.

PUBLIC
HEARING

Mr. Azzarella: Would the paving and the work that is being planned basically put the road back together again. Don't you think the real issue here is that as far as in terms of Mr. Taylor saying that the binding of the street will hold it in that the street has just been let go too long and that actually it just needs a facelifting and probably the majority of our problems would be corrected by the facelifting of the street as far as in terms of blacktopping and fixing the shoulders.

NORTH
ELLICOTT
CURBS
(Con't)

Trustee Brenton: I am not an engineer of the nature of Mr. Merrill and Mr. Taylor are. Being a railroad engineer my scope is rather limited in this particular type of engineering so I would suggest I can't answer that question. As to pavement edges certainly they're going to hold up better - it's only common sense, if there are curbs. That aspect I definitely would agree with but the rest is something I don't have the expertise to comment on.

Mrs. Betty Sheedy, 109 N. Ellicott: I am here representing my husband and myself and we are in favor of curbing but I would like to ask - we are one of those who have a 150 feet on N. Ellicott and also our house is one of the oldest in the Village and we are concerned about the esthetic appearance of the street. We are very much in favor of it and it's my understanding that the Village - the street will be done but we still will be left with all our own grading, driveway, etc. Is that right? So that with this street going in we're still going to have our gullies, our loops, the whole bit. Our driveways are going to be higher or lower and still going to be up to us to do it if we don't get curbing. If it's left as it is right now.

Trustee Brenton: Basically, we will try to accomodate any physical characteristic we possibly can but as to major reconstruction the correct way to do this repaving is to go in and spend perhaps in the neighborhood of \$200,000 and completely reconstruct the street. However, we do not have those fiscal resources. So that if we do it on N. Ellicott it would result in a request from each and every street and eventually the taxation in the Village would doom the Village to extinction. So that if we repave now without curbing it would be our intent to address each and every driveway situation as best we possibly could. Other than that, I would say that there wouldn't be much more we could do. There will be dips, etc. For obvious reasons when we do something on one side of the street we exacerbate a condition on the other side of the street and make it much worse. The basic thrust is to make a smoother, more viable street and more esthetically beautiful street. And that's all we can do without curbs.

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Mrs. Sheedy: I thought the people should know we're still going to have our own peculiar problems at every one of our houses. We said we might have to go the route of railroad ties.

PUBLIC
HEARING

Trustee Bancroft: Thank you. Sir?

Joseph Heinold, 312 N. Ellicott: Down on the lower end. Aside from that I've got a lot 50 feet wide and been there for 21 years. Just for the record, I've invested approximately $2\frac{1}{2}$ times the original purchase price of the house into improvements. All of this is taken from the curblines - or the sidewalk line to my house and in the backyard with extensions, additions, etc. A good share of my time is spent on the opposite side of that walk, between the walk and the street. I would be very much in favor of getting curbs put in there and doing my own grading once and for all and paying for it myself and getting it done. Frankly, in 21 years I think I've been shortchanged by the Village in maintenance between my sidewalk and the street.

NORTH
ELLICOTT

CURBS
(Con't)

Trustee Bancroft: Mr. Wolf.

Norman Wolf, 324 N. Ellicott: I am one of the original property owners on N. Ellicott and I am in favor of the curbs. Every day I drive down and look at this garbage and I'm disgusted with it. I think it's about time the Village does something. You ride along. You hit the receivers. You don't know where you're going to end up. They're about 3 inches lower than the pavement and this past weekend was a disgrace down there. I hope something gets done soon.

Trustee Bancroft: Thank you.

Sue Atkinson, 87 N. Ellicott: I'm here representing my husband, who is out of town, and myself. I wonder if the Village Board is considering the fact that in considering curbing N. Ellicott you might be setting a very dangerous precedent. You're right - most of the Village streets perhaps aren't as bad off as ours but the vast majority of them are unpaved - excuse me - uncurbed. If you curb N. Ellicott you set up special assessment tax - separate assessment then eventually maybe other streets will want it - although I don't know why. We're going to have a jungle of these special tax districts and I think it's going to be very difficult for the Village to handle. Secondly, I seriously question the percentage of people on N. Ellicott who are actually in favor of curbs. Many residents on our street are senior citizens and this will be a very harsh burden for them to carry. Many people who signed the petition originally I think were not misled, but did not understand the full impact. I don't think they understood that it was going to be the property owners' decision and expense. I think many of them felt that the Village would be picking up the tab which is not true. Thirdly, I'd like to ask - will the Village shoulder any of the cost?

Trustee Bancroft: The discussions that we had after the petition was

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presented to us and, I believe there was unanimous decision on the part of the Board that the major portion of the cost for installing curbing would have to be borne by the property owners and I say the major cost because tonight I can't state what portion can legally be passed on to the property owners - but more importantly, the decision, and I think this also reflects on your other comment of setting a precedent, the decision by the opinion we expressed as a Board was that we felt there were priorities within the Village for Village funds which were greater than the type of improvement that was being considered for N. Ellicott, primarily in the area of sewers and water, and general maintenance and repairs that would not commit Village funds or commit Village resources as extensively as would a project like the N. Ellicott curbing would. So tonight to clarify what that major portion would be that would be borne by the property owners, we cannot stand here and say that it would be 90% or 85% or 95% but our priorities are such that the majority of the costs where they could be passed onto the property owners would be passed to the property owners.

PUBLIC
HEARING

Mrs. Atkinson: I was wondering if my friends on S. Ellicott and other streets would be asked to pick up part of this tab for putting a curb in front of my house, that I don't want, and those of my neighbors.

NORTH
ELLICOTT
CURBS
(Con't)

Trustee Bancroft: The intent would be to minimize the cost to the other taxpayers in the Village.

Mrs. Atkinson: Fourthly, I'd like to mention that N. Ellicott is an extremely narrow street and if you put curbs on that street when the snowplows go down in the winter you're going to have essentially a single lane of traffic and as the slides I think showed that the reason people park on the lawn is because you're afraid if you park where the curb would be you'd be sideswiped when two cars passed. People are parking where their lawn should be because it's the only way to get your car far enough off the street, because it's so narrow, without it being hit.

Trustee Bancroft: Is their parking on both sides of N. Ellicott?

Mrs. Atkinson: No - only one side.

Man: But it's not enforced.

Mrs. Atkinson: I'd also like to ask if it is true the utilities would be moved at their expense. You mean you ask them to move the utility poles and they do it. It doesn't seem right to me. I don't believe Ma Bell is that liberal with their money. Mr. Way, do you know?

Mr. Way: No I don't. I don't have any idea. I'm sure they charge. Did they charge on Main Street.

Trustee Brenton: There are peculiarities to the method of lighting Williamsville. Where we moved some poles on Main Street we had to buy out the life of the contract and then we installed with State assistance, our own poles so in that particular instance there was a

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necessity for a charge.

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HEARING

Trustee Bancroft: Do you have a comment on that specific...

Mr. Taylor: I do. The reason we spent money on those light standards up there was because they were solely light standards. There was no power in them. It wouldn't have cost the Village \$105 otherwise. It's not the case on N. Ellicott. All those poles are carrying utilities - power and telephone. A private utility on public right-of-way relocate at their own expense at the direction of the municipality. It's that simple.

NORTH
ELLICOTT
CURBS
(Con't)

Mrs. Atkinson: Aside from the logic of the thing, and I'm going to get booted again for this, I'm sorry - I bought my home in the Village because it was a Village and I like the way its strange and wonderful and not everything matches up and not everything's the same. But that's the way I like it. Now I just went to a picnic at a school that is being closed, and taken away from the Village. That is something's that gone. Now they want to put curbs in front of my house. I feel like if I had wanted to live in that kind of community I would have bought a house on Kensington Avenue in Buffalo and I'm sorry but that is the way many of us feel. Thank you.

Clifford Eckert, 359 N. Ellicott: I am the last house on the right side and I am for the curbs. This young lady said that if cars parked at the curb they would be sideswiped. I have three cars. I park all three in the driveway. My neighbor has three cars across the street and parks his three in his driveway. In the Village we have all kinds of parking in our driveways. We don't have to park on the street. If we had the curbs it would look much more modern. I came here from Pennsylvania. The street had no curbs and after we fought we got curbs. We went through federal expense the same as we can here. The only thing different in upstate New York - I worked as a highway engineer down there and nobody was filling their pockets. With all of these prices coming around here I see that whoever the contractor is is going to be paying a kickback to get the job from the Village and that's why the price is a lot more than it would be.

Mayor Kuzon: That's totally incorrect.

Trustee Bancroft: Are you saying that the...

Mr. Eckert: The difference between \$500,000 and a couple of \$100,000 is a big difference.

Trustee Bancroft: I'd like this clarified. None of us on the Board like to hear this. We have preliminary numbers. Mr. Taylor's numbers are preliminary. Mr. Merrill's numbers are preliminary. They are based on no engineering design, no engineering study. They are based on experience factors only. They are ballpark quotations. Until you have a set of specifications and engineering design developed you cannot commit to a price. If you've been in the business you know that. Secondly, this Village does not work like that and I resent this type of accusation.

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Mr. Eckert: Mr. Taylor's spent a lot of time working on this and getting his figures. I've been away from the State for about 15 years. But prices paid back then - these are not in line and that's how I feel. I'm not saying the members here are crooked but I know New York State. The tax money for instance. I mean someone is ripping it off the top - the New York Lottery and things like that.

PUBLIC
HEARING

Trustee Bancroft: We're here to discuss curbing on N. Ellicott.

NORTH

Mr. Eckert: This is my opinion. I have one more question. Why does N. Ellicott stop - why wasn't it paved all the way to the end? Why only three quarters of the way with the paving right now instead of all the way to the end.

ELLCOTT
CURBS

Trustee Brenton: That determination has not been made yet. But quite frankly, the last block of the street has relatively, I would say, extremely good pavement surface. It is possible that we will pave that last block, so that to say we're not going all the way is not correct and we have not made a final determination yet.

(Con't

Trustee Bancroft: Anyone else?

Richard Scherer, 229 N. Ellicott: That's a tough act to follow. The first thing I would like to say is that I think our Village Board should pursue the federal grants and monies somehow for the reconstruction of N. Ellicott in its entirety instead of doing it piece by piece. I've noticed in the milling operations that the pavement has been removed and there is bare dirt in places. There is no gravel, underlayments in places of the street. That is, in my opinion, not sound. Second, I think that the petition of the people has something to say even though the majority of the people can't be up here and speak. It does relate and the Village Board should take note on that. As far as the survey of N. Ellicott Street, I think there should be one made regardless of the curbing and that a decision should be made to put in shoulders regardless of the curbing. There should be shoulders on the street. I'd like to make a comment on the number of storm sewers and the number of arches. I'm not sure of 22 arches. I count only 12. As far as storm sewers, I don't think we have 21 storm sewer inlets on the street. I haven't gone around and counted. I think there's an incorrect number. The last thing I'd like to mention is whether we get curbing or not I have two apartment complexes - one next to me and one across the street. Now, these people park their cars in front of my house yearly. I have to do something to stop them from parking further and further on my lawn. What would the Village suggest I do about these people. How do you remedy a situation where the pavement keeps collapsing away and a mudhole develops and it just gets worse and worse. What would you do?

Trustee Bancroft: Have you talked to them.

Mr. Scherer: Yes I have. It's something they refuse to do. I'm in favor of curbs.

PUBLIC
HEARING

NORTH
ELLICOTT
CURBS

(Con't)

James Nablo; 108 N. Ellicott: I have four or five points. One on the petition - even though not legally binding as you're saying, basically the people signed it with the understanding about the \$12, that going beyond that would be null and void. Basically the price difference between the \$500,000 or \$60 per foot versus \$10 a foot and basically your Board is saying substantially higher than the \$10 that nulls and voids what people signed to begin with. You can go round and round with that. There are some people who have taken their names off. Some people simply just didn't really understand what they were signing. It's simple as that. They really didn't. You have basically - what you're doing to the street is you're going neighbor against neighbor. I don't care if you're talking say 50/50, even 49/51. You're talking about a situation just like Academy School. You have a neighborhood and you're having one neighbor having to pay for his - another neighbor's project. That's basically what you're saying. You say they have a distinct problem and they do. There's no doubt about it. If the street has to be done it has to be done right and I agree with them. But as far as curbing - as far as paying for it, I don't care whether it's senior citizens or just me and yes, I can afford it but I don't want to afford it cause I don't need them, I don't want them and don't feel I should have to pay for somebody else's project even though it's my neighbor. I do know they have legitimate reasons and if I lived down at that end I'd probably be on the other side. But what you're doing is you've got a 50-50 split and you're splitting this neighborhood right in half and many of the people cannot afford it and many can. You are splitting the street up and as far as the total percentage I believe that if you take a real survey you would end up with less than 51% for but it would end up with 51% not in favor of having curbing. That's all I have.

Trustee Bancroft: I would remind our speakers that we are attempting to hold to a three minute limit. We obviously have not. We do have a lot of business this evening in addition to this public hearing and I ask your cooperation in now trying to observe the three minutes. Any other comments? Mr. Magowan.

William Magowan, 98 N. Ellicott: I've heard a lot of discussions regarding figures. I've got some ballpark figures from the State Department of Transportation. The curb itself is about right at \$10 per foot. This is for curbs alone and nothing else. For the driveway changes that would be necessary and the amount of landscaping that would have to be done I have certain figures approximately and I don't have all the items either. It would come out about \$16 per foot for the installation of the curbs alone - not for improvement of the pavement. Another thing is that I think Mr. Wolf, or whoever it was that mentioned that in '66 the storm sewers was put in. I believe it was. The street was more or less regraded at that time. I know because I saw the profile. That was almost a complete paving job. So that much was done at that time. The profile is a pretty crummy looking affair. The reason is you travel about 100 feet from the situation where the yards on the east side are about level with the street to a situation where they are lower on the west side than they are on the east, by a considerable distance.

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So, I don't think it's too bad outside of the block between Eagle and Belmont. In the block between Eagle and Belmont they did regrade the street and got new profile which was a series of compromises between the level of lots on one side of the street and the level of the lots on the other.

PUBLIC
HEARING

Mr. Munzert: First of all, I'd like one thing understood this evening. The statement was made that you are splitting the street up. I am sorry - you are not splitting the street up. I apologize for this. You're not splitting them up. This is a faction between who wants the curbs and who doesn't want them. They have nothing to do with what's going on. As far as the comment was made regarding the storm sewer receptacles, there's 22 - Only one works. In front of my house. I'm definitely for curbs because they'll take some of the problem away. Eddie knows what I've gone through. The truck has been down there - I don't know how many times I've had water up to my crotch going out to clean the storm sewer. There isn't a receptacle on that street. I've got one - across the street that doesn't get a drop of water in it. Why? The pitch of the street. I've got to congratulate you on doing that. It still spills over my way and when you resurface it will still slope over my way and I'm still going to have a crotch full of water. I'd like to know was the street shot? Did they shoot the street or did they do it.... If I would have known we had a camera or a screen here tonight I have in living color. Ralph Archdeacon in the back can verify it and a lot of my neighbors can. The water comes down. It gets so damn deep it gets to my front door and when it gets to my front door just to the sidewalk, it gets through the back, through and behind the property over into the next street and tries to get into the storm sewer on the other corner. But in the meantime, I have to go up there or Eddie has to send someone down. There is one working that I know of from Main to where I live - 216 N. Ellicott. Take a ride down and look at those. Catch them in the rain.

NORTH
ELLICOTT CURBS

Janice Reger, 244 N. Ellicott: I am against the curbing on N. Ellicott. I'm not against curbing in general but I'm against it on N. Ellicott. It is N. Ellicott and it's not Troy Del. I don't think curbs will make it Troy Del and I don't think I have any fantasies of living on Troy Del. I don't think it will increase my property value. I think that maybe we might point out that beauty is in the eye of the beholder. I saw some of the pictures of Mr. Taylor's and found them not quite as offensive as he did and two of them - one was across the street and one was next door to me and I've never thought they looked like heck. I sort of like where I live. I'm sorry if that offends Mr. Taylor. The second reason that I oppose it is that I'm head of household. I can't afford it. I can't afford another penny. I can't afford it if it's \$2.00 a foot. I'm not making my mortgage payments right now. I would like to stay there and I'm sorry other people have these problems but I personally don't think it's that bad. (Con't)

Trustee Bancroft: Thank you. Mr. Atkinson.

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Paul Atkinson, 87 N. Ellicott: Ladies and gentlemen of the Board, I'd like to suggest to you that one of the problems that I think we have to address is the - certainly the sewer problems on N. Ellicott. The slope of lands - the slope of a lot of other property too in the Village. What we're talking about here is a very temporary mandate for a very significant problem in the long run. N. Ellicott to me is simply a request for some esthetic improvement and some value in terms of relief of a water problem - problems that do exist, but I would ask you to consider the other streets in the Village. The obligation you're going to ask other people, not just on N. Ellicott, but on other streets to assume if you establish what I consider to be an expensive and somewhat dangerous precedent. Thank you.

PUBLIC
HEARING

NORTH
ELLICOTT
CURBS

Trustee Bancroft: Are there any other comments?

(Con't)

James Siepierski, 117 S. Ellicott Street: We don't have any curbs on S. Ellicott Street either. I'd just like to say something about curbs in general. Typical 6" curb - 6" above pavement, goes down into the ground with about a 2½ foot foundation and under that foundation you have crushed stone and some pipe. On N. Ellicott Street you're right on the escarpment. You have rock and also have a lot of beautiful trees on N. Ellicott Street and I think if a contractor excavated he will hit the roots on some of these old trees and you're going to lose some of those trees. In that area there are gas lines and utilities that have to be removed. This is what's known in construction as hidden work. It's hidden work because it can't be estimated properly and this will bring up the cost of the job over what you might have originally estimated and I really don't think you can do a job like this for \$10 to \$20 per foot.

Trustee Bancroft: Thank you. We'll take two more. Anyone who hasn't spoken? Yes, ma'am?

Mrs. Joseph Lerocque, 98 Chalmers: I live on the corner of Chalmers and N. Ellicott. Most of the people share my views. I am against the curbing. I have a 150 foot lot plus what you would have to put around the corner. The one gentleman mentioned about not having a problem with cars parking. I have cars on the front of N. Ellicott parking from the neighbor which I have no problem with. They're fine where they are as far as I'm concerned. You do have to pull out a little to get around but if they put that curbing on there'll be no place for the people to park. As far as the water problems, if the curbs were put in there are properties across the street from me also on N. Ellicott, behind or on Chalmers, that feel the curbing will divert the water and it will be coming down the backyards and cause quite a water problem for some of the neighbors on Chalmers Street. They have a problem now. There's no place for that water to go and with curbing in place where is the water to go. I am against the curb. There are - not only Mrs. Reger, there are other people on the lower end who could not afford this. I'm not speaking for myself. I'm speaking for them. We have a widow and some senior citizens on fixed incomes and it would be a great expense to them.

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Trustee Bancroft: One more - Mr. Taylor - last word?

Mr. Taylor: I just wanted to comment on the depth of the curbs. Curbs are not 2½ to 3 feet deep. A curb is 1'8" deep - 6" above the grade and 1'2" below the grad. I reiterate on the utility lines and gas lines. It's not going to cost the residents one cent if they have to be moved. This discrepancy between the cost by the way, Mr. Merrill indicated this is a ballpark figure. I repeat mine is a quote from a contractor. These aren't ballpark numbers. They are verbal quotes and if you'd like to have them to help you out with the prices I'm sure I can get a written quote from them - estimated prices. Also talking about shoulders, there are no existing shoulders out there. This is a misconception. There are no shoulders. You can't improve something that's not there. Shoulders are a stabilized surface. We just have top soil and mud. If you want shoulders you've got to have 6' to 8' shoulders and along with shoulders you've got to have ditches to daylight the subsurface. There's not room for that in urban areas. I don't understand what Academy School has to do with this. I support the retention of Academy myself.

PUBLIC
HEARING

NORTH
ELLCOTT
CURBS
(Con't)

I don't understand the concept that people did not understand the petition. These people are literate. They can read. Everyone read the petition. I explained it to them. I went to - there are 101 residents on N. Ellicott. I don't know how many Mr. Nablo went to but I personally went to 90 or 95 houses so I personally know what the people understood. I explained it to them fully. I read the petition. So, I can't understand the comment they did not know what they were signing. As far as top soil and landscaping, if the Village will not participate in this, the way I've got it figured it would cost about \$.30 a foot for top soil. Mr. Scherer has volunteered to be the Chairman of whatever you want to call it of a topsoil committee. We'll recruit about 20 strong backs on the street and 20 wheelbarrels. Ten for top soil and 10 for beer and we'll go in there - I'm serious. This is how bad people want this and Dick Scherer will back this up. We'll get 20 strong backs so that it doesn't cost the Village any money. We'll get the top soil delivered down there for \$.30 a foot on top of the \$9.80 plus the engineering and anyone wants their lawn graded we'll do it. If some can do their own fine. Widowed, elderly, whatever - if somebody doesn't want to do it we'll have 20 strong backs - I don't have a strong back myself - we'll do it.

Mayor Kuzon: At this time Mr. Bancroft has said we would take two more questions and adjourn at 9:00. If there are additional questions you may contact any of the Board members after the meeting or in the next couple of weeks. So, Mr. Sponholz, if you could hang onto your question -

Mr. Sponholz: I'd like to make one comment, Mr. Mayor. I don't think it was the intent to try to split up neighborhoods or neighbors. I

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think it was with all best interest at heart. This is where people can say their piece either for it or against it, but for Heaven's sake I hope N. Ellicott Street residents don't feel that we're trying to pick sides. We are not. We are thinking of everybody's interest. Everybody would pay the same amount. So I don't ever want to think that I chose sides with chalk or with anything. We've been friends all our lives and intend to remain that way. PUBLIC HEARING

ON MOTION by Trustee Kibby, seconded by Trustee Bancroft, the hearing was closed at 9:03 PM.

N. Ellicott
Curbs

(Concluded)

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

Minutes of the Public Hearing of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, June 8, 1981 at 9:04 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

Clerk: PLEASE TAKE NOTICE THAT the Board of Trustees of the Village of Williamsville will hold a public hearing on June 8, 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 a Local Law which would add Section 59.90 to the Village Code - Ground Fault Interrupter for Swimming Pools.

PUBLIC HEARING

ON MOTION by Trustee Kibby, seconded by Trustee Bancroft, the hearing was opened at 9:04 PM.

Ground Fault
Interrupters

Unanimously carried.

Mayor Kuzon: At this time I would turn the public hearing over to Trustee Brenton.

Trustee Brenton: Thank you. As some of you have been here previously and I guess that's only a few because we usually have about five people. It's nice to see so many people here, by the way.

Mayor Kuzon: If I might add it's nice to see somebody staying for the rest of the meeting too. If you can detect some anger in my voice you're correct. All too many times people come to meetings, whether it's the Town, Village or School Board meeting, and stay for that part which only interests them and then get up and leave. Excuse me.

Trustee Brenton: I'm sure that those many of you here that are firemen will agree with this proposed legislation which will require ground fault interruption devices on any pools that have electrical connections for filtration or whatever. The intent is to simply to protect anyone that would come in here to the Village to request a permit to construct a pool. In the event that there would be some type of a short the ground fault interruptor, as many of you know, it prevents electrocution. What we are attempting to do here is really common law in most communities in this area and I think we have been a little late in adopting it and I think this is good legislation. Essentially that's it Mr. Mayor.

Mayor Kuzon: Thank you. Is there anyone in the audience who have any comments on this proposal.

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James Siepierski, 117 S. Ellicott Street: I am in favor of ground fault protection on any type of electrical devices around swimming pools but this is required by the National Electrical Code and I was wondering why we have to have a duplication in the Village ordinance. How will you enforce it. You have no electrical inspector. There are New York Fire Underwriters who will do the inspection in the Village.

PUBLIC
HEARING

Ground
Fault Interrupters
(Con't)

Mayor Kuzon: We do require a permit for the swimming pool, above ground and inground pools, and the inspection would come after issuing the permit after this device was installed.

Mr. Siepierski: Isn't the wiring required covered under an electrical permit.

Mayor Kuzon: I would have to ask Trustee Brenton.

Trustee Brenton: The wiring that goes out to the pool from the dwelling - your question is do you have to have an electrical permit?

Mr. Siepierski: If you hire somebody in the Village to do the wiring out to your swimming pool doesn't he have to comply with the national code?

Trustee Brenton: There is no requirement at this time, I think to answer anyway to refute your earlier statement pertaining to the need for this legislation and whether or not we are covered by the Underwriters Code. When someone comes in to construct a pool you will know that they intend to build it. Therefore, obviously they will have to have some type of electric capacity run out to that location and at this time we do not require any type of inspection even though for our dwellings we do fall under the electrical code. Here we would know these people are in fact installing ground fault interruption devices. At a later time our Building Inspector would go around and determine whether they had them installed and where the Underwriters come into play I don't know. But at this stage of the game they quite obviously are not in it. So that, again, we feel the need for this legislation to insure that this will take place. That we will have ground fault interruption devices. Certainly someone spending \$35 or \$50 or whatever they cost, is not just going to take and nail it on the wall and say well I really fooled them. So once our Building Inspector, who is not qualified electrically - I shouldn't say that - so that once he sees the device he will know that they have indeed complied with our law. Frankly, this is all we care about.

Mr. Siepierski: There is a device you can plug in and know if it is connected. I don't want to see a duplication of Village services. Doing what someone else has already done and adding costs in the Village when we already have ordinances or law or codes that require that. If we're going to duplicate something all we're doing is adding cost and not adding any additional benefits. Ground fault interruptors are great things and I'm for that and I don't want anyone to think I'm any other way. If someone else is doing this for us why should the Village do this.

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Trustee Brenton: It doesn't apply to the Village to answer your question. We're not having it done. People getting a swimming pool permit in this Village are not doing it. It is similar to backflow prevention devices. It is required. They are required from the federal level down under the Pure Waters Act and they are not being installed. This is something that we feel very strongly about. We want to insure - We insist by this legislation that there will be. We do not rely on anyone else. We rely on our Building Inspector. We don't want to know if an underwriter will be around in three months when the pool is draining, etc. to determine if any ground fault interruptor is attended to that pool. The concept of this law is to provide safety immediately when the person has his pool ready for occupancy and not to delay this situation. There is no one in the Village I think, who cares more about how much money is spent in this Village then I and I really feel there is no duplication of services, etc. here, and that the inspection time involved in this type of inspection I believe would not be more than 10 minutes. (Concluded)

PUBLIC
HEARING

Ground
Fault

Interrup-
ters

Mr. Siepierski: What you're saying is that this inspection can be done by existing staff.

Trustee Brenton: The primary thing is that people who come in for pool permits will know that this type of device exists and I'm sure once they know it exists - The pool is probably built for their children. They're going to be very happy they are aware of it and happy to install it without any need for enforcement.

Mayor Kuzon: Any further comment? Any comment from the Board?

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the hearing was closed at 9:12 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, June 8, 1981 at 7:32 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 7:32 PM.

ON MOTION by Trustee Brenton, seconded by Trustee Murray, the minutes of the regular meeting held May 26, 1981 were approved.

Unanimously carried.

Mayor Kuzon: Next on our agenda this evening are two public hearings. The first one is a public hearing on the proposal for curbing on N. Ellicott Street.

ON MOTION by Mayor Kuzon, seconded by Trustee Bancroft, it was moved at 7:33 PM to open the public hearing. (The hearing was closed at 9:03 PM.)

Unanimously carried.

Mayor Kuzon: The second public hearing is regarding a proposed law that a new section - a swimming pool section regarding ground fault interruptor devices be added.

ON MOTION by Trustee Kibby, seconded by Trustee Bancroft, the hearing was opened at 9:04 PM. (The hearing was closed at 9:12 PM.)

Unanimously carried.

Mayor Kuzon: First of all for my report I must qualify my previous statement. There are some residents from N. Ellicott Street who did stay. My apologies to them for my harsh statement - my last statement. I appreciate your staying around to see how the Village Board operates. My statement was predicated on the thought that at times of public hearings people come and admonish their elected officials for not serving the interests of the total community and then these same residents get up and walk out en masse when only expressing their thoughts on their own specific interest. But, again, I'm glad you stayed and I apologize if I said anything that offended you. But my remarks still apply to the majority of the people who left.

I have one item this evening - vouchers.

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ON MOTION by Mayor Kuzon, seconded by Trustee Bancroft, vouchers in the sum of \$164,862.42 were approved as follows:

Payroll Fund	W/E 5/29/81	\$ 7,243.16
	W/E 6/3/81	<u>4,894.73</u>
Total Payroll Fund		\$ 12,137.89
General Fund	Abstract #490	56,299.57
Sewer & Water Fund	Abstract #71	86,914.06
Trust & Agency Fund	Abstract #110	3,975.13
Glen Park Jt/Activities Fund	Abstract #10	752.36
Federal Revenue Sharing Fund	Abstract #110	2,025.49
Capital Fund	Abstract #116	<u>2,757.92</u>
Total Vouchers		\$164,862.42

Unanimously carried.

That's all I have. Trustee Brenton.

Trustee Brenton: Thank you Mr. Mayor. I have no report tonight and will move to my first resolution which deals with the acquisition of that small parcel of property owned by the New York State Thruway Authority which we have discussed for well over a year now and have been dealing with the Authority as to the acquisition of this property. We have been advised that the original legal description of the property was incorrect and, therefore, the Authority has provided us with the correct description of that property and we will now enter into an agreement with the New York State Thruway Authority to purchase this property, which incidentally is on the corner - the northeast corner of Wehrle and Aero Drives, right adjacent to the Thruway. So that we will now enter into an agreement with the New York State Thruway Authority to purchase this property for \$1,000. Resolution No. 1 reads as follows:

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

RESOLVED that the Mayor is authorized to execute quitclaim deed for the purchase of Real Property Reference No. 318 from the New York State Thruway Authority.

AUTHORIZATION

Mayor to execute quit-
claim deed for Ref.
No. 318 - Wehrle Dr.

Unanimously carried.

Resolution No. 2 deals with - we've been sitting here so long I have to look back at the agenda - it deals with the necessity or the

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request for legal signing of the overlook area of Glen Park - that 3 or 4 parking lot area off Glen Avenue which presently is signed for handicapped parking only and appears to be being used by other than the handicapped. It has been determined that really to limit parking solely for the purpose of the handicapped it is probably unnecessary at that location but we should have one parking place for the handicapped and essentially that is what this resolution deals with. It would allow for the issuance of handicapped parking tickets which are now obtainable at the Village and Town Clerk Offices and in the event that someone was parked in the one place that is reserved for handicapped parking and not having a handicapped sticker he would be legally ticketed by the Amherst Police Department. Presently, there is no legal background to ticketing of vehicles parked in that area. The Amherst Police cannot enforce. With this legislation they will be able to and we can do this and be able to consider the handicapped. Resolution No. 2 reads:

ON MOTION by Trustee Brenton, 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 on June 22, 1981 at 7:35 p.m. in the Municipal Building for the purpose of hearing all persons interested in an amendment to Section 60.30 of the Traffic Code of the Village of Williamsville which would add subsection (7) regarding handicapped parking.

PUBLISH NOTICE OF
PUBLIC HEARING

Amend Traffic Code
for Handicapped
Parking Space

Unanimously carried.

That's all I have Mr. Mayor.

Mayor Kuzon: Thank you. Trustee Kibby.

Trustee Kibby: No report.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: Thank you. A brief thank you to Chris and Marie Eyre for their planting of the Memory Garden at Garrison Park since the last Board meeting. I have only one resolution. I reported to you at the last Board meeting that we have unfortunately lost the services of our park guards and we have made a decision to hire a new security agency. The resolution reads as follows:

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

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AUTHORIZATION

RESOLVED that the Mayor is authorized to sign agreement with Frontier Special Services, Inc. for security protection for Island and Garrison Parks at a rate of \$7.00 per hour from May 29, 1981 to September 26, 1981.

Mayor to sign agreement with Frontier Special Services -

Security protection

Unanimously carried.

That's all.

Mayor Kuzon: Thank you. Trustee Bancroft.

Trustee Bancroft: No report.

Mayor Kuzon: Thank you. Mr. Way from the Department of Public Works.

Mr. Way: I have no report Mr. Mayor, thank you.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may address the Board. Please use the microphone and state your name and address. Mr. Burden.

Mr. Burden: I am a member of the Hutchinson Hose Company, your volunteer fire company, and I'm Chairman of the New Building Committee. On 12/79 the New Fire Hall Committee reported on the feasibility of moving the fire hall to the police court building. All parties - the Town, the Village, the Fire Company - agreed it was a good idea. The Village engaged an architect at that time. The fire department, the architect and the Village had a great many meetings. On 3/81 of this year, the committee presented to the Village Board cost estimates and primary plans for the new building, for the converted police court building. Since that time absolutely no progress has been made. Hutchinson Hose Company protects and offers first aid to approximately \$55 Million worth of assessed valuation in this community. We have first class equipment. We are an all volunteer fire company. There are no paid members. We are available in a minute's notice, day, night, rain, storm, zero weather - you name it. But, we're doing it from a fire hall that's completely inadequate. The inadequacies have been noted for the last six years. The Hutchinson Hose Company, your volunteer fire company, wants to know why this project is tabled.

NEW FIRE HALL BAYS DISCUSSED

Mayor Kuzon: First of all I would allow Trustee Brenton to answer

first since he has worked most closely with the fire department and then any other Board member that would like to comment may do so.

Trustee Brenton: Well, as you know the New Building Committee as you stated, and the Village Board and myself as liaison to the fire company have worked long and hard to establish this project as reality and the Village Board has worked with the de facto backing of the Town Board. In fact, it's probably even stronger than de facto. We had a feeling that this was a viable project and that this project would be consummated:- the acquisition of the area to the west of the court house building and the pavement for the use of the fire department. To that end the Village has spent over \$8,000 in fees to the architectural firm of Sargent, Webster, Crenshaw & Folley who presented their report to the Village Board regarding this subject. This information was forwarded to Mr. Sharpe, Supervisor of the Town of Amherst, Mr. Nesper and those interested Town Councilmen were provided a copy for their mutual perusal. To this date we are not in a tabled situation. However, we have arrived at what could appear to be an impass. We are, as a Village, ready to continue with this project at any time that the Town would deem that this is a viable project. You have to remember that the property in question that is to be utilized by the fire department is Town property and therefore, the utilization of that property rests solely with the Town Board. The actions, equipment, etc. of the fire department, of course, comes under the province of the Village Board so that Mayor Kuzon did send a memo to Supervisor Sharpe only a few weeks ago and at that time we were appraised that the Town was not ready to make a decision as to the continuation of this project and in that regard the situation I think could be best clarified as being on hold. As I said earlier, the Village Board is still interested in this situation - the construction of the new truck bays and renovation of the court house basement. However, we have no power to force the Town into going through with this. That essentially would provide my knowledge of the situation.

NEW FIRE
HALL
BAY
DISCUSS-
ION

(Con't)

Mr. Burden: But our problem is the whole situation and in the meetings with the architects the estimate is that every month the cost increases by 3% approximately. Now you people have talked about costs and money tonight and I don't think we can afford 3% a month as we go along just because of inflation. Something has to be done. That hall over there is a mess. You can just about get trucks in and out of there. You'll find a mirror off one now. You'll find a hole where a handle hit the side of the doorway one time when we were going out of that hall. It happens. It's a problem. Now we have to do something about it. Apparently the Town - now as a fire company, Hutchinson Hose and I quite frankly think all the other ten volunteer fire companies in this community, have not been politically oriented. We just have not been. We've been bipartisan and at Hutchinson Hose we do not let any elected officer come in and give us a speech on his virtues. It just hasn't happened. We've not been politically oriented. You are forcing possibly our fire hall and possibly others in the community to become political parties.

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We don't like that. Now when we say political parties - a volunteer fire company averages about 60 active members and that times 10 is approximately 600 people - and times 10 by 200 becomes 2,000 that is 2,600 people. The 200 is an estimated exempt membership of each organization. Politically we could organize. Politically we don't want to. We want something done though. On hold is not good enough for us. Now possibly Mr. Nesper and Mr. Sharpe and so forth should be talked to by the full committee. I don't know. I just cannot go along with the way we are. The company will not do it and I have approximately 30 of the members here - excuse me 50. Those are active members. They're the ones that go to the fires. I'm the one who knocks the mirrors off. But they get out there and they work hard at it. We train, you know Rick does - constantly. You're not treating us very well as far as this possibility goes. Something has to be done. As I look at it, and as our committee looks at it and, as a matter of fact has been written in newspapers, everybody's in favor of it. Why, with everyone in favor of it, isn't it being done? Is there an answer for that? I know you people have done what you can.

NEW
FIRE
HALL BAY
DISCUSSION

(Con't)

Mayor Kuzon: That is exactly the question. If I had the answer, we'd be under construction right now. The thing is, as Larry said, we have contacted the Town and we've been appraised of their position on the concept at the present time. Maybe it's time for a couple of representatives from the Village Board, including representatives from the fire department, to make an appointment and discuss the matter with the Town officials.

Mr. Burden: I agree with that but you people are our Fire Commissioners by Village/State Law. We cannot go to them without getting approval from you.

Mayor Kuzon: Well, I think you're safe in saying that you would be included in anything we do regarding the fire hall and even as Fire Commissioners we take most of our recommendations and advice from the professionals and you are the professionals although you're a volunteer organization. Who knows what's best for the fire fighting protection of our Village of Williamsville than our volunteer fire department. I would think at this point we would get in touch with the Town and then advise you of when the next meeting will be and then go there and present our facts once more.

Mr. Burden: Make it clear that this is costing everybody money all the time.

Mayor Kuzon: Everybody, including the Town.

Mr. Burden: Including them. There is one item of which they have written and, this is Mr. Sharpe's own stand, that just the cost alone to bring a prisoner from the present police station to the court - the costs of that which include the officers' time, wear and tear on the cars, gasoline - would probably pay for the court building in ten years. Somehow or other these facts are not being given to them

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straight. Hutchinson Hose Company is quite fed up with this.
Thank you.

NEW FIRE HALL
BAY
DISCUSSION
(Con't)

Mayor Kuzon: Thank you.

Trustee Brenton: I would just like to comment that it is perfectly clear that this Board has attempted to do its utmost to conclude the situation in the form of construction of the new building. We have done everything we can. There is - I have, as you have, a very extensive file and some of what I have you don't have pertaining to memos as to when, why, etc. I'm looking at one right now to Mr. Nesper on April 1st and I think I'll read it. "I feel that sufficient time has elapsed and commesurate studies completed to warrant a determination on the part of the Town regarding the construction of the fire hall bays and subsequent occupancy of the court house basement including the court area by our department personnel. At your earliest convenience will you please inform me of the status of this proposal as I am understandably receiving inquiries from everyone in the department." There have been other memos and Mayor Kuzon has sent a memo since this and quite frankly we can't do any more as the Village Board regarding that particular property. If you had chosen a piece of property someplace else independent of the Town we'd be in construction by now but - however, I still believe this is the best piece of property and I also believe - I think if the political actions that you indicated are followed through with that probably we'll have a fire hall. That's all.

Mr. Burden: Thank you.

Mayor Kuzon: Anyone else in the audience? Mrs. Schlifke.

Carolyn Schlifke, 192 Evans Street: I just have one question on my favorite subject of garbage. The Village has now been one week into our new garbage schedule and I'm sure that they experienced a lot of confusion both with the residents and the Village office. My question is - garbage was picked up today. I noticed on Evans Street there are numerous piles of tree limbs and things of that sort that were cut down by residents. Is the reason they're still there because they were not put out in a proper manner or is it for some other reason and what was it?

NEW
GARBAGE
COLLECTION
DISCUSSED

Trustee Kibby: Having spent the day with their truck down in front of my house chatting with them a great deal of the time probably because they went by and picked up 12 bundles of trash that I had bundled up nicely with twine, etc, and left one because they said it was too big. I think the reason that stuff is there is it hasn't been bundled or if it has been bundled, it's been bundled in too large a bundle. They won't lift large bundles.

Mrs. Schlifke: Well I can agree with that. The residents did not follow the rules that they were given. How long are they going to

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sit there before someone tells the residents that nobody is going to come and pick it up - and Mr. Kibby if you had 12 bundles out it was two too many. You didn't read the rules either.

Trustee Kibby: I spent all weekend packing that stuff up. It was 12 over two days. Literally I sat six of them in the backyard and sat six out on Friday and six more - seven more on Monday. All kidding aside, you do have a problem.

Mrs. Schlifke: Well people have been spoiled, let's put it that way, over the years by what the Village has done for them. They have cut down practically whole trees, dragged them out to the street and expected the Village D.P.W. to get this on the truck in some way or bring the chipper down or something in order to get rid of it. It's going to take some time to reeducate the Village residents. I understand that. But the very first day you changed the garbage collection there were innumerable people who still had it out on the old day. I happened to pick up some rules at the Village office and I went out at 7:00 in the morning and I went to every house that had their garbage out on the wrong day and stuck the new rules in their front doors so that we wouldn't have this problem. Because to me garbage is a very unsightly thing. The less time it spends at the curb the happier I am. I don't know about the other Village residents but I just don't think it's very attractive to look at as we ride around the Village. Now, my question for all this was is somebody going to tell these people that they have to bundle these branches and twigs in order for them to be picked up. Because these are the rules that these garbage men are going to go by. I mean I don't feel I want to go out again at 7:00 in the morning and tell these people what they've got to do in order to get this off my street.

NEW
GARBAGE
COLLECTION
DISCUSSEL
(Con't)

Mayor Kuzon: I agree this is not your responsibility either and yes they will be told in a manner that hasn't been determined yet - whether it's the water meter reader taking a copy of synopsised regulations which many of us received in our Village tax bill. I think that's what part of the problem that has been created - that those who paid through escrow do not receive their tax bills and won't receive that little crib sheet until maybe their receipt is mailed back to them around July 1st so there may be some time lag between the onset of the service and the time all Village residents are totally aware of the new regulations. Hopefully within that time there will be some neighbor to neighbor education. We'll do as much as we can to talk to people. I have received a number of phone calls over the weekend and have talked to people at different functions and I have advised them at every opportunity of the change in the regulations and we've got a pretty good thing going here in the Village and I'm sure that we all, at one time or another, we have put large items out and just assume the Village will pick it up. Now in a manner - in a way to save money for the Village, we've gone to this service and it's a matter of practicality because large bundles won't fit in the back of the garbage truck. Yes we will try to educate the people and hopefully by July 1st everyone will have received this little crib sheet.

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Mrs. Schlifke: I would like to thank the Board for changing the time to 6:00 for putting the garbage out for the next day's pickup. That was a suggestion I had made and I was very happy to see it was considered because I do think 11:00 of the morning of the day before was too early.

Trustee Kibby: Mr. Way, would it be too much of a problem if a number of these rules were photocopied and were just put on trucks and when the men were driving in the Village on other business you could put that on top of the garbage sitting out there? Would that be a major inconvenience?

Mr. Way: We are dropping these off in the households where we see this. We're already doing this.

Trustee Kibby: Good show.

Mayor Kuzon: Anybody else? Mr. Saia.

James Saia, 20 Belmont; I'd like to get back to this fire hall. I haven't been an active member for quite a few years but it would seem to me that this is probably the biggest problem we have with Village government. It wasn't too long ago the Village elected to do some work on this fire hall. It started out as an \$8,000 floor job and it ended up with I don't know how many thousands - maybe \$50,000 for a repair job to the rear of the building. The parking lot - that does belong to the firemen. Now at that time, and I think you'll find that in some kind of record - at that time there was Ed Young on the Board and Jim Amo and some others - which by the way it was a different party dominated Board - but they went ahead and spent it anyway. At the time there was talk about let's get the fire hall out of there. There was even talk about putting a light in front of the fire hall which the State wouldn't go along with. But it's not a place for a fire hall. It never has been. It was okay when you had little rinky dink trucks like I got in my barn where you could turn it around in front of the building but today it's no good anymore. Things change. The place should have been moved. But there again what happens when one Board is here, what happens two years later. You people say I wasn't on the Board at that time. It was before my time. Something in this Village government doesn't follow from one year to the next and so on with improvements granted but something gets lost in between. You know I have made these Board meetings for years and sometimes I'm shocked when I hear somebody up here contradict somebody that's worked ten years ago very hard to get a project going. But suddenly somebody comes up here and wants to squelch it for no reason. Tonight I heard about sewer lines - that nothing's been done in this Village for 15 years. That's not true. It was some members of this Board 8 years ago or 10 years ago that made a comprehensive study of sewer lines but they couldn't get the money. But something has been done in this Village. Now the problem is you've got a fire hall here. If the Board changes - there've been changes. We've got a B rated

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community. If you look all over this town it is rated A. I'm going to tell you what that means in dollars and cents. An A rated house with a homeowners policy the savings between an A and a B runs from around 9% to 22% on your insurance premiums so just say the Village of Williamsville itself is \$20 Million in assessed valuation you can take four times that and get some eighty million dollars and then some for insurance - fire insurance that is on this property and you can see what that amounts to. It's quite a bit of money. Maybe some \$1,000 difference between A and B. The traffic that you hold up on Main Street. They got to take a truck out there and I get burned up. I'm coming down the street and they're halfway in the street and they can't get in their fire hall. The truck is standing outside on the street and it holds the traffic back. If you're walking on the sidewalk - if they're washing their trucks there's no place to do anything in that fire hall. If it was sitting back 50 feet maybe they'd be all right. But something's got to be done with that fire hall. If it's not done now - if it gets done next year - or ten years from now. It costs you that 3% a month. Something's got to be done.

Mayor Kuzon: In your comments you struck on something. I mean myself I've been here five years in 1981 and I think that's the longest anyone's been here in the last 15 years and the problem is that with a two year term people come and go and it's not because new Board members like or dislike other's projects. It's becoming educated to the job. By the time you're getting your feet wet...

Mr. Saia: You also become indifferent.

Mayor Kuzon: But we don't. We tried to do one thing with the four year term. Hopefully, that will help the continuity of the Village so that if somebody has a project such as the fire hall, which has been beating around the bush for what - six years - with a four year term somebody could see the project through to completion. Maybe it might take more than four but with the four years you're here you can get educated and then you have time to do your job before running for reelection.

Mr. Saia: I really don't want to get into that because take Howard Tatu, 12 years as Mayor. Take Stanley Jones as Trustee for 18 years. So you can talk all you want about having a long length of term. Four years - if a guy's here four years it's not going to help any.

Mayor Kuzon: I think it's going to help more than in the past.

Mr. Saia: Probably it's because you keep lousy records in this Village. You don't know what happened 8 or 10 years ago most of the time. If somebody got a permit here 8 or 10 years ago you don't know the deal you made with these people.

Mayor Kuzon: Since we've been here we're keeping better records.

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Mr. Saia: In the past they haven't been kept.

Mayor Kuzon: That was in the past.

Mr. Saia: Don't tell me you do. You don't even know what deal you made on a permit two years ago and that's the trouble with Village government. There is no continuity between the projects that were started a short time ago and today. There hasn't been any and something should be done about it. I think that's all for the fire company.

Now, I'd like to know what's happening on Mill Street. There is nothing happening as far as anybody working on the street. It was going fine. You're willing to put up with some of the inconvenience for awhile but all of a sudden it's been weeks and nothing's getting done. What happened?

MILL
STREET
WATERLINE
PROJECT

Trustee Brenton: Nothing.

Mr. Saia: Have you got a time date on your contract when the job is supposed to be done - is that in the contract?

Trustee Brenton: I don't believe that it is. However, I could be incorrect on that. The point is that I have met myself with Mr. Merrill on at least two occasions recently and Mr. Merrill has met with Mr. Cimato. There has been apparently a project of greater importance to Mr. Cimato and I am certainly only conjecturing this, and for that reason Mr. Cimato has not seen fit to come back on our project. However, Mr. Cimato is developing cost figures for his work to date and I can assure you that Mr. Cimato is going to wait a long time before he receives any money from this Village. The Board shares my opinion on that. There is no way we can force the individual to come back. He was the low bidder. We had to accept him and quite frankly, I was very pleased that he was the low bidder because he is apparently a very reputable contractor. Your question has been asked of me by many people including the attorney and I have no answer. I have tried to have these people come in here through our engineer and they're just not about to come in here.

Mr. Saia: Has the water line been approved, as far as the hydrants and water? Now it's just the esthetics and the curbing?

Trustee Brenton: Yes. The curb and we've added on some storm drainage down in the general area of the S curve. But, he has not done that and that has to be done before the curbs.

Mr. Saia: Well I'd look at my contract because most contracts you've got a time limit.

Trustee Brenton: If this is so I feel that he would still have some time to maneuver within it, but I'm not positive. I'm sorry that Mr. Merrill isn't still here as to whether or not this factor was included in this contract.

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Mr. Saia: Well it should be. On any contract you should have a time limit included. You don't have to prosecute the guy but this guy has been off this job so damn long that I think you could hold it over him and get him back and finish the job.

A while back I contacted some of the Trustees on this Board in regards to an environmental problem on Mill Street of which some of my neighbors - they feel the same way I do. You come up here and it's like talking to a brick wall. When you go to the Town that's like talking to a steel wall. But there has been a problem on that street where one of our residents in the Town contiguous with the Village there's one lot away I think it is that has dumped fill at some height of fifty feet. It doesn't seem like anybody wants to do anything. I think Danny from downstairs came up and questioned the Village Clerk regarding the contract that Cimato was dumping there of which he was and you're getting HUD funds or Community Development funds. But, irregardless, it's like beating your head up against a brick wall. I finally got a hold of somebody that listened and they did put a stop on it and they have tagged this place and they put signs in to stop the dumping and they are going to make this guy remove the dirt. Now, Mr. Lane in the Town and thanks to Harold Collier - there's the only guy that really - this guy really went all out. He saw the condition down there, walked across it, saw the condition down there. This is his jurisdiction by the way but it's affecting everybody in this Village as far as 12 homes go in the Village. There's going to be - the mosquitoes are going to be terrible down there. This guy's really blocked the natural flow of water. This is a wetland - this has been determined. The guy has dumped on it and now I would like a letter from this Village to look into this matter. I've got some correspondence from the EPA and from the U.S. Corps of Engineers and I'd like some type of letter of some concern. If you're not concerned about it don't send the letter. But there is 12 of your constituents on one side of the street and around 12 homes on the other that just give up on it. Now the people on the other side of the street happen to live in the Village. The people adjacent to this property are not Village residents. It's next to the Village but it does affect this Village and if a letter could be sent to either John Lane or Collier or one of the agencies, EPA or the Corps of Engineers of concern - and you've got to have concern. Right now everybody is indifferent about this on the Board. But a while back when there was dumping on Cayuga Road the guy was dumping on wetland and the Village was up in the air. It's the same thing over here. He's stopping the natural flow of the water except that over here the flow of water is affecting the Village where over there the flow of water was hindered before it got to the Village. There are some rat, mice - rat, mice - rodent problems down there. The kids can't play in their own backyards. It's still wet down there from the last rain we had. You can't walk. You can't cut the grass down there. You have trouble cutting the grass. So they've got big problems. He is not helping them any dumping on this wetland. Thanks to Harold Collier something has been done and thanks to Art Kline from the Corps of Engineers. Why nobody ever contacted that man before I don't know. But we contacted him and he came down and he posted it - \$25,000 a day fine for dumping and they're going to serve him and thus

MILL
STREET
DUMPING

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can take some of it out. I don't know how much - the part that's on the wetland he has to remove. So maybe someday we'll get that lot cleaned up. It's on Mill Street just outside the Village.

Trustee Brenton: Regarding this matter I'd just like to say we do show concern. As you Jimmy know because I was there with Mr. Kline and Councilman Collier and I felt this was a Town problem and I do understand that our residents are affected by it but Mr. Collier, as he indicated that day, he was going to take care of the problem, as far as the situation of dumping was concerned so that the Village Board was represented.

Mr. Saia: Since that happened - since I saw you on that piece of property, we have contacted an attorney and an attorney because we couldn't contact the owner of the property between where he is dumping. So we've got a big problem down there. This is a Town problem in regard to the dumping but it is affecting the Village residents.

Mayor Kuzon: Thank you. Mr. Siepierski.

James Siepierski, 117 S. Ellicott Street: I just want to comment on the restrictions placed on rubbish pickup in the Village. I guess I've been spoiled for the last eight or so years since the Village bought the packer truck. The packer truck is just a big cylindrical truck and you could throw all the branches and yard rubbish into it and it compresses it to a small volume and you take it out of the Village. Apparently this truck has now broken down and in the effort of saving dollars restrictions have been placed in the ordinance where we have to cut tree branches to four foot lengths and bundle them up and put rocks in buckets and that sort of thing. That takes a lot of time. Most of us only have time to work in the garden and yard on weekends. The Village is an old community. We have a lot of old trees and we do a lot more of that than people in Ransom Oaks. We have older people here who can't saw off the tree limbs and bundle up things as perhaps the garbage men would like it. I think that for a few dollars extra that it would cost to restore the packer or replace it or whatever it would take - I would like to see the rubbish pickup brought back to the levels we've had for the last eight years. I think that it's going to reflect on the appearance of the Village after awhile. I can remember back about - before we had the service people would store tree limbs on their property until they got a chance to carry them out. They'd throw grass clippings in Ellicott Creek. I remember going to a Town Board meeting one time and they talked about putting a lock on the dumpster behind Town Hall because Village residents were bringing garbage to this dumpster because they didn't have the service. When we bought the truck we started the service and it worked out very well. I'd like to ask you to restore it. But I think it's something that affects a lot of us and I urge you to reconsider.

Mayor Kuzon: First of all our intention was not to reduce the level of service at all. It was basically to maintain it and to do it in a

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more efficient way and a more cost effective way and in fact, we have saved considerable amounts of money for our bid on our service contract for garbage collection alone. We have taken into consideration the cost of the packer, the D.P.W. manpower in trash collection and dump fees. Dump fees are going out of sight and that was one of the motives for looking for a new way to do it. With those things all taken into consideration and realizing there would be some difficulties and some hardships in the transition period we did commit to this way of doing it. I know it's difficult.

Mr. Siepierski: The labor is there whether the Village residents are doing it or the Village forces are doing it. But it's a lot of aggravation and takes a lot of time. Maybe it would be more efficient for our men to do it and spread the cost over all the residents. I think it's worthwhile. People don't mind paying \$2.00 or \$3.00 or maybe \$5.00 a month extra for this service because it is a worthwhile service. It's a good service. It's just like anything else. You take it away and then you hear about it.

Mayor Kuzon: My best response at this time is we're going to give the present system some time to work out the difficulties that have arisen and cropped up and if these problems don't resolve themselves I think the Village Board is always open to sit down and reassess the situation. The best way right now is we're going to try it and see if it works.

Anyone else? Mr. Burden.

Mr. Burden: Mr. Mayor a suggestion came to me. Can the Village condemn that building over there?

Mayor Kuzon: I'd have to ask the attorney.

Mr. Troy: No.

Mr. Burden: Why not?

Mr. Troy: It is in another municipality. We have no power or jurisdiction over them.

Mr. Burden: Could they condemn one of our buildings?

Mr. Troy: No.

Trustee Brenton: Nice try though. I'd like to add though that we could ask them for return of the property - that is the parking lot to the west of the court house that we paid \$47,000 for and turned over to the Town for \$500.

Mr. Burden: That sounds like a very good idea.

Mayor Kuzon: Is there anyone else? Any Board member?

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ON MOTION by Trustee Bancroft, seconded by Trustee Brenton, 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 9:56 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer