

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, November 23, 1981 at 7:37 PM.

Roll Call

Present

Gordon J. Kuzon, Mayor

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

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney
John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on November 23, 1981 at 7:35 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a Local Law which would amend Section 40.50(6) of the Sewer Code of the Village of Williamsville by providing for the use of Schedule D3034 PVC pipe for sewer laterals.

PUBLIC HEARING

ON MOTION by Trustee Kibby, seconded by Trustee Bancroft, the hearing was opened at 7:37 PM.

Proposed Local Law

Unanimously carried.

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

Amend Section 40.50 (6) of Village Code

Trustee Brenton: Thank you. As you may or may not know, the intent of this is to allow in our codes for the use of PVC pipe. Presently we do allow for the use of PVC, or polyvinylchloride pipe in our sanitary sewer laterals. Laterals are those sewer lines that run from your house out to the street where they meet the main. Our code does allow for the use of PVC pipe in that situation. However, that type of pipe is not normally utilized for that type of situation so what we will be doing here - this legislation will be to allow for the use of Schedule 3034. Those numbers determine the type of pipe that it is and that then will allow for the use of that pipe in our sanitary laterals. Again, we have considered the use of polyvinylchloride pipe in our mains - that is the portion of the sewer that runs down the street, the main that intercepts all the houses - and it has been determined, or at least we are thinking along the lines we will not have to enact legislation for that type of sewer main so that is essentially what this public hearing is about.

Use of Schedule D3034 PVC pipe for sewer laterals

Mayor Kuzon: Anyone in the audience wishing to comment on this proposal? Any Board member? Rick.

Fire Chief Rick Andrews: I just want to ask Larry as a citizen, just how many area municipalities use it. Is it commonplace?

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Trustee Brenton: There are several municipalities that allow it and our project engineer for URS Corp., which has the responsibility for overseeing and designing our sanitary sewer rehabilitation program, has furnished me with the names of several municipalities that do utilize an ordinance for this type of pipe. The Town of Amherst allows it.

Chief Andrews: I noticed it in your minutes from the last meeting and wondered how many did allow it.

Mayor Kuzon: Anyone else? Seeing none...

ON MOTION by Trustee Brenton, seconded by Trustee Bancroft, the hearing was closed at 7:40 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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John Anstett, Dept. of Public Works

Absent

Edward Way, Dept. of Public Works

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

Mike DeWind of Cub Scout Pack #139 led the Pledge of Allegiance.

Mayor Kuzon: At this time I would like to welcome and introduce the members from Cub Pack 139 and their advisor, Mr. Lucia, and welcome them to our meeting. I understand this is for a government badge.

Mr. Lucia: Citizenship.

Mayor Kuzon: Citizenship badge. Welcome.

Next on our agenda would be approval of the minutes.

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

Unanimously carried.

The fourth thing on our agenda is a public hearing regarding a proposed local law which would amend part of our sewer code and allow for PVC piping.

ON MOTION by Trustee Kibby, seconded by Trustee Bancroft, it was moved at 7:37 PM to open the public hearing relating to the use of PVC piping. (The hearing was closed at 7:40 PM.)

Unanimously carried.

For my section of the agenda this evening, I have one item to report. I received a copy of a letter of a resident to Mr. Way, our Superintendent of Public Works, and this letter from Mr. Long of N. Long Street thanks the gentlemen in the Department of Public Works for the work they have done in picking up the leaves on N. Long Street. I'd like to share that with the Board and the audience this evening.

I have one resolution this evening and that's for vouchers.

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ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$55,203.70 were approved as follows:

Payroll Fund	W/E 11/11/81	\$ 4,554.62
	W/E 11/20/81	5,504.15
General Fund	Abstract #501	12,274.91
Sewer & Water Fund	Abstract #82	28,137.24
Trust & Agency Fund	Abstract #121	2,587.95
Glen Park/Jt/Activities Fund	Abstract #21	127.26
Federal Revenue Sharing Fund	Abstract #119	267.57
Community Development Fund	Abstract #67	<u>1,750.00</u>
Total Vouchers		\$55,203.70

Unanimously carried.

Next is Trustee Murray.

Trustee Murray: I have no report this evening.

Mayor Kuzon: Thank you. Trustee Bancroft.

Trustee Bancroft: If Trustee Brenton could go first and then return to me.

Mayor Kuzon: Okay. Trustee Brenton.

Trustee Brenton: For my report tonight I'd like to say that with the sending out of the tax bills, and this also applies to the Trustees I'm sure, we did as a Village Board decide to send out a little gadget on a card. The card tells you how to save water. Especially with our Cub Scouts here - I'm sure that they're interested in saving water because I know that they don't let the water run when they're brushing their teeth or otherwise, or in other ways waste water. But at any rate, this card that we sent out with our tax bills - we wanted to make it available to the people - told you how to save water and it also had a little gadget on it, a little steel cylinder shape about the size of a dime, and it had a hole in it and if you put that in your shower it was supposed to reduce your - your shower head it was supposed to reduce your water consumption by approximately 10%. I have conducted a survey at my house because I put that in there and I have probably the highest water bill in the Village of Williamsville I think, when my daughters are home from school, and I have to report that this has saved me a considerable amount of

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water, not 10% of my overall bill, but I'd say in the neighborhood of 10% of the consumption that would be used in the shower. So that for the benefit of the people, including the Board of Trustees, who haven't used this I'd like to recommend it because it is good for the environment. It keeps the water out of the sewers and it saves the person using the water money and water costs money. And once the water gets in the sewer lines the water has to go to the sewer plant to be treated and that costs money too.

That concludes my report and with that I'll move to my resolutions.

Resolution No. 1 deals with this Board's responsibility as it pertains to the Hutchinson Hose Company. We sit as the Board of Fire Commissioners to the company and Hutchinson Hose Company - and I might add that Chief Andrews is in the audience with us tonight - protects other than just the Village of Williamsville. It goes out into other areas. For instance, the George F. Lamm Post on Wehrle Drive is one that most people know and down in the neighborhood of Park Club, most people know that neighborhood and many of the streets and houses in those areas. Lehn Springs is not in the Village and Hutchinson Hose protects that and it protects a great deal of other areas, all of which are listed in my resolution tonight, because in order for our fire department to go out of the Village we have to enter into a fire protection agreement with the Town of Amherst and this allows us to protect those portions of the Town of Amherst in the form of districts and this resolution tonight enumerates those districts by number to identify them and it allows for the Mayor to enter into an agreement with the Town of Amherst for the Hutchinson Hose to provide protection for these areas in 1982.

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

RESOLVED that the Mayor execute, on behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for fire protection for 1982 in the following districts:

Autumn Harvest	-	District #1
Lamm Post	-	District #2
Lehn Springs	-	District #3
Mill Street	-	District #4
Park Club	-	District #5
Williamsville	-	District #16

AUTHORIZATION

Mayor to sign
fire protection
contracts
for 1982 with
Town of Amherst

Unanimously carried.

Resolution No. 2 deals with what is called solid waste. Solid waste is just about anything outside of sewage. In other words, most

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of the things you put out on the corner or out on the driveway for the garbageman to pick up. It can be trash, leaves, tires, garbage, just about anything of that nature, and all areas of the country have been confronted with the need to find alternate means of disposing of solid waste. In many counties, or many progressive areas of the country, they have already gone into action and sat down and looked at the problem and determined well, for instance, we could burn solid waste and when we burn it we could make steam to heat a building or we could power a generator which would make electricity which would then light a building. Monroe County is one county, for instance, in the Rochester area, which is an area which has been very progressive on this and I'd like to see Erie County do this and I believe if the Board adopts this resolution that this Board would agree that Erie County should begin to think and act on the disposal of solid waste so that this resolution does authorize the Mayor to sign a petition to the Erie County Legislature to establish a county solid waste district and then perhaps we will see some of these ideas come to fruition. I'd just as soon not read the resolution but I will.

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

WHEREAS the Village of Williamsville has participated in an ERIE COUNTY SOLID WASTE ACTION PLAN STEERING COMMITTEE, and

AUTHORIZATION

WHEREAS the 1980 ERIE COUNTY SOLID WASTE MANAGEMENT IMPLEMENTATION PLAN recommends intermunicipal cooperation to achieve more efficient and less costly solid waste management, and

Mayor to sign a petition to Erie County Legislature

WHEREAS an ERIE COUNTY SOLID WASTE DISTRICT would enable the Village of Williamsville to cooperate with other municipalities in the County of Erie to implement a regional plan for solid waste management, negotiate more advantageously for private disposal of solid waste, provide the larger solid waste stream needed to foster programs for energy recovery and materials recycling, qualify for existing funds, and apply for further state and federal funding and identify, acquire and operate any public facilities necessary for solid waste management within the District,

Re; Formation of a Solid Waste District

NOW, THEREFORE, BE IT RESOLVED that GORDON J. KUZON, Mayor of the Village of Williamsville, is hereby authorized to sign a petition to the Legislature of the County of Erie to study the necessity for the formation and

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establishment of a COUNTY SOLID WASTE DISTRICT to include the Cities, Villages and Towns joining in the petition, and to empower the Erie County Legislature to take all other steps necessary to form a COUNTY SOLID WASTE DISTRICT pursuant to Article 5-A of the County Law.

Unanimously carried.

Resolution No. 3 deals with a change in the municipal law to allow for an increase in the water rates should this Board deem it necessary. We have found that we have not passed through water rate costs to our water rates in the past couple of years and I think we are thinking along that line so that we will be calling with this resolution for a public hearing to discuss this and allow the people to come and hear us discuss this and for the people to have input into the public hearing.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, 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 December 14, 1981 at 7:40 p.m. in the Municipal Building for the purpose of hearing all persons interested in a Local Law which would amend Section 65.40(A) of the Village Code - Water Charges.

PUBLISH NOTICE OF PUBLIC HEARING

Amend Section 65.40 (A) of Village Code

Re: Water Charges.

Unanimously carried.

Resolution No. 4 deals with the situation whereby an individual water customer of ours found that he had a very high water bill and upon inquiry our water man went down and removed his meter and put it on the bench for a test and found out that in fact this individual's water meter was reading 20% fast on the slow flow. Slow flow being when you just turn the water on slightly, not full blast. By being 20% fast, this individual was being charged, or at least reading a greater consumption of water than he actually was. This was what our testing found so that we will, by this resolution, and only as a result of the incorrect inaccuracy of this meter, by this resolution relieving this individual of a portion of his water bill which will be \$17.57. His water bill will be lowered - reduced by that amount and his water bill presently reads \$98.82 so that this is not much of a forgiveness but, however, it is certainly something that this Board should do as far as I am concerned. Resolution No. 4 reads as follows:

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RESOLVED that the November, 1981 water billing of Mr. Cecil M. Gump, 125 N. Long Street be adjusted from \$98.82 to \$17.57. Mr. Gump's meter has been tested and found to read 120/100 which is 20% fast on the slow flow.

Mayor Kuzon: His bill would be adjusted by the \$17.57 and the new bill would be \$81.25.

Trustee Brenton: Would you like me to read the resolution over?

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

RESOLVED that the November, 1981 water billing of Mr. Cecil M. Gump, 125 N. Long Street be adjusted from \$98.82 to \$81.25. Mr. Gump's meter has been tested and found to read 120/100 which is 20% fast on the slow flow.

WATER BILL
ADJUSTMENT

125 N. Long due to
faulty meter

Unanimously carried.

That's all I have, Mr. Mayor. Thank you.

Mayor Kuzon: We will go back now in our agenda. Trustee Bancroft.

Trustee Bancroft: Thank you, Mr. Mayor. For my report this evening one item of interest is that the Senior Recreation Program holds the annual Christmas luncheon. This year's Christmas luncheon will be Thursday, December 10th. It will be at the Main Street Fire Hall and all seniors in the community are cordially invited to attend that luncheon. Details are available at the Village office.

I have one resolution this evening and that pertains to a renewal of the lease agreement which we have had with the Queen's Players, the theatre group who are using the Meeting House. This has been a very rewarding lease agreement that we've had with the Queen's Players for the last year, and we intend to renew the lease with the Queen's Players. However, there will be some modifications to the agreement and for the purpose of tonight's meeting, as their present lease agreement runs out at the end of November, this resolution will extend the present lease for another month and then we can negotiate a new lease with the Queen's Players during the month of December. This resolution probably will be very difficult to understand.

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

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RESOLVED that the Mayor be authorized to extend the existing lease with the Queen's Players, for use of the Village Meeting House, for an added 30 days, under the same terms and conditions as set out in the existing lease, with the added provision that any modification of the existing lease included in a new lease shall be retroactive to the last day of the present lease.

AUTHORIZATION

Mayor to sign extension to existing lease for Meeting House for an additional 30 days

Unanimously carried.

I've got to acknowledge that I didn't write that. One of the functions of our attorney, Mr. Troy, who is sitting at the end of the table, is to help us out and write these things in a legal fashion so that it conveys the intent of the resolution. Thank you, Mr. Troy.

Mayor Kuzon: Next will be Trustee Kibby.

Trustee Kibby: I have no report tonight.

Mayor Kuzon: Okay. Mr. Anstett of the Department of Public Works.

Mr. Anstett: I also have no report tonight.

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

Unanimously carried.

Mayor Kuzon: Before calling for public discussion, I'd like to say two things. First of all, I'd like to introduce our Fire Chief to the Cub Scouts, Rick Andrews, so when you hear the fire siren you'll know that Rick is the person leading our fire department into action.

And one other thing maybe I should explain to the Cub Scouts, is our voting procedure. You heard me after one of the Trustees read a resolution, that would be the motion on that resolution, and we would call for a second which is part of Robert's Rules of Order. The procedure that we have adopted here in the Village, rather than asking how each Trustee votes, we move the question and then ask on the question and if no one objects the question is automatically approved. Now if somebody did object one of the Trustees would simply call for a roll call and then the Clerk, who is sitting behind us, she would call each Trustee's name like when we took attendance and then the Trustees could vote yes or no and they could also at that time explain their reason for their vote or make a statement if they chose.

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At this time we have a portion on our agenda called suspension of rules and this is the time when anyone in the audience, anyone in the Village having any concerns to bring to the Village Board can do so at this point. Is there anyone in the audience that would like to bring something to the Village Board? Yes, Ma'am.

Mrs. Balk, 31 Garden Parkway: I would like to express some concerns relating to the Internation Chimney on S. Long Street. I go for walks up there quite often and I don't know what kind of protection you have there for the people who walk up and down but I am concerned with the mess there and their trucks that go back and forth like this was a private area where there were no other cars there or people walking there. There are muddy ruts in the park and I talked to Trustee Brenton this afternoon and he - I know there have been other complaints about this. He said there had been others. It is just a mess up there. It's like in an industrial park in South Buffalo. It's a horrible, horrible place. And there's garbage sitting around and I mean garbage.

Mayor Kuzon: One thing to keep in mind. It is - that area is zoned manufacturing or industrial. It's one of two areas in the Village.

Mrs. Balk: Does that give them the privilege of downgrading the rest of the area.

Mayor Kuzon: No it doesn't.

Mrs. Balk: It may be zoned commercial or manufacturing but still and all it has to - there has to be some zoning restrictions that they have to meet. I can't believe they're allowed to go on the way they are. They are a mess. I think it is just terrible and I think all of you should get together and see that they adhere to the rules. They didn't even want an industrial park up on Wehrle Drive. This is worse. As far as being restricted to this and that, why allow this to go on in the middle of the Village.

Mayor Kuzon: Mike Kibby is in charge of our building department and he has expressed some interest in responding to your comments. Mike.

Trustee Kibby: I will speak with the Building Inspector tomorrow or Wednesday and ask him to go up and look into your questions about the parking, and your questions about the garbage and your questions about the general untidiness of the facilities and the property. I would have to reiterate, however, that it is a manufacturing district and will be somewhat less tidy than say a residential area. But there's no reason for it to be a mess. You're absolutely right. So I will ask the Building Inspector either tomorrow or Wednesday to go up and make an on site inspection. If there are problems with parking, or garbage, or messiness they'll be taken care of.

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Mrs. Balk: Don't you have some restrictions on what is allowed. Just because it's commercially zoned - I don't have any idea what is allowed, but you must allow or not allow something specific. It seems to me they are violating everything I can think of. I walk down there and in summertime they've got semitrailer trucks parked out there. I've almost gotten hit a few times. In fact, today it was so wet out there you could follow the truck tracks from the old railroad station across the street to where he parked right across from there. They go up and down the street all the time. It's like they're in their own private little world. There's no regard that this is a public street. They really ought...

Trustee Kibby: Thank you for your comments and we will look into it. We'll send the Building Inspector up there.

Mrs. Balk: How about the health or safety involved.

Trustee Kibby: If there is a problem - a safety or health problem, then the Building Inspector has a legal obligation to report back so that the state or county authorities, whichever is responsible for that and I don't know at this moment, could look into that.

Mrs. Balk: How far does your responsibility go?

Trustee Kibby: I don't know what you mean by that.

Mrs. Balk: How far - you said the Building Inspector.

Trustee Kibby: Ma'am I'm not a Building Inspector. It's not for me to go up there and look at it. We certainly can't alter the zoning at this time to make that a residential or a commercial property. That property's been a manufacturing district for a significant number of years. I can look into the question as to whether or not the kind of manufacturing that they're carrying on is indeed legal within that type of district. From what I know, from what I learned today, I would have no question but that what they are doing is perfectly legal in terms of the manufacturing that they are involved in. The question is whether or not they are doing it in a safe manner or whether they are causing somewhat of a public nuisance in the way they're doing that and the thing for me to do there is not for me to go up there. I am not a Building Inspector. I'm not familiar enough with the codes to dot the i's and cross the t's about every aspect of the code. That is for our Building Inspector. That is what he is there for. That's what he's trained for, and that's what he's paid for and I assure you madam he will do the job.

Mrs. Balk: How come nothing has ever been done?

Trustee Bancroft: If I could interject for a minute. I think one of the things that may be complicating or aggravating the

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situation with International Chimney is that I believe they're using property on both sides of S. Long Street. The old Corbett Lumber property and I believe they are also using property on the east side of S. Long Street in the vicinity of the old railroad station and relative to the jurisdiction or power of the Village, if there are traffic and safety concerns in addition to the Building Inspector we do have a traffic and safety committee. S. Long Street is a village street and we can explore the impact of their operation on the traffic and safety on S. Long Street. So our options are not strictly limited to the Building Inspector. We tolerate light manufacturing in the Village. This is a residential community and we have to accept some uses such as that in our community and I don't think that this Board is interested in anything other than accepted or legally acceptable uses in that area and we can look into it and we can look into it to the extent that we are concerned residents of the community.

Mrs. Balk: They have derricks over there. They store them and I don't know how long. They have large trucks. I don't know what kind of a contract they have with the railroad about storing things back there but they have these huge, big things. There are all kinds of ruts. Where our park is they have been parking there so long on the street into the Village park itself the grass is all but gone and it's muddy. It looks terrible. They go 24 hours a day. They zip from one side of S. Long to the other. I'm not trying to come down hard on the young fellows working there but it's dangerous. Is this the type of business it was originally zoned for. It was zoned for Corbett Lumber. It was never like that.

Trustee Bancroft: By comparison, a similar operation in terms of business exists on California Street and it has for many years but we have lived with a very good neighbor on California Street that has heavy equipment and does have an equipment yard on both sides of California. I'm not debating with you but I'm indicating that I think there is a way to resolve your concerns with the people at International Chimney just as we have a very good relationship with the people at Herbert Darling Company on California. I think it is something we can work on and will.

Mrs. Balk: I hope so. It has downgraded the whole area. It's not the classiest neighborhood in the Village anyway, but this business goes on 24 hours a day.

Mayor Kuzon: As Mike said, we'll have our Building Inspector check it out this week and report back to us and let you know. Anyone else? Any Board member have any questions? Any Cub Scouts? Seeing none...

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

Unanimously carried.

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Mayor Kuzon: If there is no further business...

ON MOTION by Trustee Murray, seconded by Trustee Bancroft, the meeting was adjourned at 8:07 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer