

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, December 14, 1981 at 7:36 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby

Trustees

Connie C. Murray

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Edward Way, Dept. of Public Works

Absent

William Bancroft, Trustee

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on December 14, 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 proposed local law which would amend Section 70.124 of the Village Zoning Code to read as follows:

PUBLIC HEARING

SECTION 70.124 PUBLIC HEARING - The Board of Appeals shall fix a reasonable time for a hearing on an appeal, applications for special permits or modifications of regulations, or other matters referred to it, and shall give public notice thereof by publication in the official paper at least ten days prior to the date of such hearing and shall at least ten days before such hearing mail notices thereof to the parties thereto.

LOCAL LAW

AMEND SECTION

70.124

of Zoning Code

ON MOTION by Trustee Kibby, seconded by Trustee Murray, it was moved at 7:36 PM to open the public hearing.

Unanimously carried.

Trustee Kibby: The only difference in Section 70.124 from the previous 70.124 is we're changing the time of notice for the hearing from five days to ten days. If there is anyone who would like to address the Trustees on this particular question, please step forward. Please use the microphone so that your name, address and comments can be recorded on the tape recorder. Seeing no one would like to speak to us on this...

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

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, December 14, 1981 at 7:38 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Michael Kibby Trustees
Connie C. Murray

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

Absent

William Bancroft, Trustee

Clerk: PLEASE TAKE NOTICE THAT a public hearing will be held by the Board of Trustees of the Village of Williamsville on December 14, 1981 at 7:40 PM in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in a proposed local law which would amend Section 65.40(a) of the Village Code - Water Charges.

PUBLIC HEARING

Amend Section 65.40(a) of Village Code -

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved at 7:38 PM to open the public hearing.

Unanimously carried.

Trustee Brenton: Basically, it's quite obvious what we intend to do here and the reasons for our intention are really what is the root of this cause. We have found that in past years, and particularly the last ten years, that we have not kept pace. Primarily that's one of our problems as to that with the increases charged us by Erie County Water Authority we have not kept pace or passed through those increases to our customers' charges so that we have found out that while Erie County Water Authority has increased their rates to us by approximately three times, we have only increased those rates only a little over two times and therefore, we are falling further into deficit in our Water Department. The intent is, of course, to try to reduce the deficit to some degree and it will not by increasing the water rate \$.12 per 1,000 gallons. It will not in any way reduce to any magnifiablè degree this deficit which grows even larger every year. Our rate increase that is proposed at this time would approximately be 6% and it would be hoped that this would at least set the trend for this Board to cover some of these past deficits and hopefully with our water program which has been instituted in the last year and a half, our water loss will be reduced which should also, therefore, put us on the right path and, in fact, I think it has put us on the right path because we have eliminated a great deal of unaccounted for water loss, water loss which in itself is water that is metered into the Village and never gets metered into the consumer. In other words, between the meter pits of the Erie County Water Authority

Water Charges

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and our consumer we lose water and that is also a cause for the deficit. In particular within the last six years we have found that this deficit has grown exceedingly greater every year and, therefore, I would feel and think the Board feels that this rate increase is deemed necessary and I would also add that on an individual customer this rate increase will not be of that great a magnitude. I think we're talking about 40,000 gallon customer as being about average. It may be even 30,000, so you can see the annual cost will not be that great if this rate increase is accepted. Essentially that is all I can report on as to the reasons for the increase. You have information that is self-explanatory as to what we have done, what our position is in the water department, what has taken place over the past ten years and, in particular, over the - within the last year as to water loss reduction, etc. so that if there are any questions from the public we would entertain them, or if there are any comments from the public we would entertain them now. Seeing none, is there any Board member who would like to elaborate?

PUBLIC
HEARING
(Con't)

Amend
Section
65.40(a)
of

Water
Code

Mayor Kuzon: I would invite the audience to take a look at our map that was prepared by Don Dehn of our Water Department. The yellow indicates new water lines since 1964 and many of us in the Village think that we have an old water system and looking at the map and the yellow lines not that much of the system is old. In fact, approximately 50% has been since 1964 and also if you get close to the map you'll see where Don has identified where major leaks have been repaired with the green pencil. So come up after the meeting and we invite you to look at the map.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, the hearing was closed at 7:42 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer

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Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby Trustees

Connie C. Murray

Theresa L. Cummins, Village Clerk

Thomas V. Troy, Village Attorney

Edward Way, Dept. of Public Works

Absent

William Bancroft, Trustee

Mayor Kuzon called the meeting to order at 7:34 PM.

Mayor Kuzon: Next on our agenda is approval of minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the regular meeting held November 23, 1981 were approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the public hearing held November 23, 1981 regarding a proposed local law amending Section 40.50(6) relating to PVC pipe were approved.

Unanimously carried.

Mayor Kuzon: Next on our agenda are two public hearings. The first one is a proposal regarding a local law which would amend a section of the Village Zoning Code, Section 70.124. At this time I would turn this public hearing over to Trustee Kibby.

ON MOTION by Trustee Kibby, seconded by Trustee Murray, it was moved at 7:36 PM to open the public hearing. (The hearing was closed at 7:37 PM.)

Unanimously carried.

Mayor Kuzon: Next is a public hearing regarding a proposal that would amend Section 65.40(a) of our Village Water Code and basically it will increase the rate of water. The public hearing will be conducted by Trustee Brenton.

ON MOTION by Trustee Brenton, seconded by Trustee Kibby, it was moved at 7:38 PM to open the public hearing. (The hearing was closed at 7:42 PM.)

Unanimously carried.

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Mayor Kuzon: For my portion of the agenda this evening I have two resolutions, but before moving my resolutions I'd like to report to you that our Traffic and Safety Committee considered the issue of truck traffic on Cayuga Road and I think as a result of that meeting and with cooperation from the Town, the Town has scheduled a public hearing for December 21st to consider ordinance their section of Cayuga to limit the truck traffic - limiting the truck traffic on the Town portion. My two resolutions - one is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$95,179.06 were approved as follows:

Payroll Fund	W/E 11/25/81	\$ 7,278.30
	W/E 12/04/81	7,015.59
	W/E 12/09/81	4,842.43
General Fund	Abstract #502	36,922.26
Sewer & Water Fund	Abstract #83	18,959.66
Trust & Agency Fund	Abstract #122	4,638.93
Glen Park Jt/Activities Fund	Abstract #22	113.85
Federal Revenue Sharing Fund	Abstract #120	5,594.65
Community Development	Abstract #68	57.00
Capital Fund	Abstract #124	995.25
SSES Fund	Abstract #5	<u>8,761.14</u>
Total Vouchers		\$95,179.06

The larger of these vouchers are Erie County Water, Niagara Mohawk, and Cataract Disposal.

Unanimously carried.

My second resolution basically absolves the Village Treasurer and Deputies of personal liability for dishonored checks. This is a result of our Clerk-Treasurer attending a recent conference where it has been the opinion of the State Comptroller that Clerks and their Deputies should not be held personally responsible - although I think everyone on the Board agrees that they should be. The resolution reads:

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

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WHEREAS pursuant to Opinion No. 80-601 of the Office of the State Comptroller in which said Department has taken the position that Village Clerks accept personal checks at their own risk and are liable to make good the fee to the municipality if the checks are dishonored by the drawee bank, and

Absolve
Village officers
of personal
liability in
the acceptance of
personal checks
which are
dishonored by bank

WHEREAS the municipality has by past practice accepted personal check in payment of various fees and thereby has by acquiescence and implication authorized the acceptance of checks and assumed the risk of loss of moneys represented thereby in the event of dishonor,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE AS FOLLOWS:

Section 1. The Village of Williamsville accepts the payment of fees by personal check to the Village Clerk and assumes the risk of loss of moneys represented thereby in the event of dishonor.

Section 2. The Village of Williamsville shall not hold the Clerk-Treasurer, Deputy Clerk and Deputy Treasurer personally liable for dishonored checks unless there is misfeasance, malfeasance, prior intent or knowledge with the acceptance of a bad check.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

Mayor Kuzon: Trustee Brenton.

Trustee Brenton: Thank you, Mayor Kuzon. I would just like to elaborate a little on the request for the enforcement of truck traffic, vehicle weight of 5 ton, 10,000 pounds, on Cayuga and state that this resident, when he came to me, was routinely forwarded to Councilman Barton of the Town and it was through Councilman Barton's actions that the Town did schedule a public hearing and I would say it was very expeditious handling on the part of the Town and, of course, Councilman Barton. And I also feel, and we also discussed this situation, in that the Town's Traffic and Safety employee is Mr. Smith, Henry Smith, and he sits on the Village Traffic and Safety Board and we discussed the situation and I would like to say that once the

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street is properly signed that if residents do notice any of this type of truck traffic which they would feel violates the ordinance and I think that I would refer to something in the nature of a cement truck or a regular overweight delivery vehicle - or not delivery vehicle but let's say bread truck, or something like that that you definitely know is just taking a short cut, then that these people inform the Amherst Police. Now when it is properly signed we will also, the Village will send a letter to the Town of Amherst Police advising them that this is all completed and that we would like enforcement so that we like to help the people on this matter too. Garrison Road is also in a similar strait and is totally a Village responsibility and I am waiting for the Cayuga situation to be clarified, or rather fulfilled on the part of the Town and then we will send a letter to Chief Zimmerman at which time we will also include a request to enforce our ordinances on Garrison Road also.

The Brookside street lighting project has been completed. I'd like to say that it's 30 years in the making and I think as indicated by the resolution of 1951 by this Village Board to install street lights on Brookside that this 30 years - this is certainly not exactly what you would call quick movement but nevertheless, it was completed during this administration and they work quite well. They're very nice looking lights and we installed the lights at our cost rather than have Niagara Mohawk install the lights for two reasons and that was that two years ago we - this Board - we resolved that Niagara Mohawk would install those lights for us. At that time we were unaware of the fact that there had been a previous resolution over 28 years previous to do the same thing and when Niagara Mohawk kept putting off the idea of, or rather kept putting off the action on the resolution, i.e., installing lights, why we determined it appropriate to investigate the cost of installing the lights and found we were much better off to actually have our own lights and these will be paid for - the cost of installation and the lights will be paid for in four years, whereas Niagara Mohawk would have charged us approximately \$2,200 so that after four years we'll have the cost of these lights worked off and thereafter, we will save at today's prices about \$2000 a year because it's only \$300 for the electricity on that.

Brookside
lighting
report

I'll move on to my only resolution which authorizes the Mayor to enter into an agreement with Erie Community College for transmission of their sewage through our lines in order to get to the Town lines to be treated at the Town treatment plant. Basically we do this annually and quite frankly it's nice revenue for us. We don't have to do anything and we still get the money.

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

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AUTHORIZATION

RESOLVED that the Mayor is authorized to sign contract with Erie Community College for sewage transmission and treatment in the amount of \$24,402.10 for the period June 1, 1981 thru May 31, 1982.

Mayor to sign sewer contract with ECC

Mayor Kuzon: Trustee Brenton has referred to the lights taking 30 years but the sewer contract was a little quicker. It only took three years to negotiate the contract.

Unanimously carried.

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

Mayor Kuzon: Thank you. Trustee Kibby.

Trustee Kibby: No report.

Mayor Kuzon: Okay. Thank you. Trustee Murray.

Trustee Murray: I have only one short request for the community. The Williamsville Environmental Council has several openings on it right now and is having difficulty finding people who are interested. If you know of someone who is interested in serving on the committee, tell them to ask about it and contact me or let me know and I'll contact them.

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

Mr. Way: Thank you, Mr. Mayor. I'd like to say we have all the Christmas decorations up on Main Street. At this time we are getting our stumping machine ready to grind any and all stumps in backyards providing you do have a release signed with the Village. If you will just come up to the Village Hall and sign a release we will be more than glad to accommodate you in cleaning out stumps in your backyard, front yard, whatever. I would also like to thank Don Dehn and Norm Peacock at this time for the work they have done on this map and for getting up at 4:30 in the morning and checking this water which Trustee Brenton has elaborated on the water rates. Mr. Dehn and Mr. Peacock have done a terrific job on this. 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 having anything to bring before the Village Board may do so. We ask that you state your name and address when you come up. Anyone? Any Board member have anything to bring up during suspension of rules? Yes, Mr. Zeder.

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John Zeder, 28 Garden Parkway: I'm quite concerned about that lot next door to me, as you people all know. You've been over there a dozen times. Better than a year and a half ago you put a new storm sewer receiver in there. The only trouble is the receiver is higher - or lower - higher rather, than the surrounding area so no water goes into it. Now instead of getting a flood in one area we get floods all over the whole darn street there. Now for well over a year I've been trying to get this thing settled and no one seems to do anything. Every time we get a heavy rain the whole front lawn washes out. The street all the way up to the sidewalk. The other day it was up to the house. I can't get any action on that at all. On top of that, we have a bulldozer belonging to Miller - Warren Miller - sitting in the front yard since last September. It's just sitting there. No one will move it. No one will do a damn thing about it and I've reported this a dozen, a dozen of times. He came out once, took the batteries out, recharged them, brought them back and walked off and let them sit there.

COMPLAINT
Flooding
and
bulldozer on
Garden
Parkway

Mayor Kuzon: On the bulldozer - I don't know maybe Larry and Eddie can talk about the question of the amount of flooding, but on the bulldozer I just talked to Warren last week after I talked to you on the phone and he indicated to me that he still wants to do a favor for the Village and level off the lot as a result of the construction that's taken place there and what he would like to do is do it this winter and get the bulldozer out of there and not have to come back next spring.

Mr. Zeder: Fine, but he's been saying this now since September. I called him personally three different times. I can't get a hold of him. He never calls back. I talk to some woman, possibly his wife, and she says I'll tell him about it. He asked me to watch it for him. The kids are all over the thing. They're playing with the knobs. I don't care. I hope they ruin the darn thing. Now I don't know if you people would like this big bulldozer sitting out on your front lawn. This is a residential street. I can't see it myself. I hope something can be done pretty soon.

Mayor Kuzon: He indicated as soon as the ground is - it was pretty wet there for awhile in October and November. He indicated as soon as the ground was dry he will level it off.

Mr. Zeder: It could have been done. Now instead of having one small depression like we had when he started, we've got about three lakes in there and they're deep too. There's water all over the place there. I don't know why they can't be taken care of.

Mayor Kuzon: As far as the drainage on the street I don't know. Maybe Larry or Eddie can better answer that.

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Mr. Zeder: Larry's been over and he's checked it out. The surveyor's been there. They all agree the street's too high. The kids that came over to put the dirt in after he finished putting the sewer in - they just threw the dirt where ever it landed. High in one spot and nothing in another. They threw about 25 to 30 pounds of grass seed out and walked away. That's it. It's a mess.

Mr. Way: Mr. Mayor, can I answer that?

Mayor Kuzon: Yes.

Mr. Way: Mr. Zeder, when the top soil was put in there the ground was very wet and, as you know, I was over there with the guys. Fred Schrader & Mike Olszanski were there and I was over there with them and I'm sure I don't have to tell you how wet it was at that time. When I talked with Warren Miller when he gets done with that lot, I know it's taking time, but that job's really going to be done right. I have to say this. As you know yourself, at that time that lot was in very, very bad shape. Water logged. What we're trying to do is get everything to go back to the 54 - that 54" tile back there, and naturally when it was as wet and soggy as it was when he was in there he only made a mess. In fact, he buried the bulldozer. So he's waiting for it to freeze a little and once it's froze a little he can get in there and do a much, much better job. Then with the grade that he wants to get when it's froze we can move in there with our highlift and do the incidentals that have to be done

Mr. Zeder: I'll buy he intends to do this, but will he do it?

Mr. Way: Well Mr. Miller has talked to Mayor Kuzon here just the last couple of days and, I believe - am I correct?

Mayor Kuzon: That's what Warren told me.

Mr. Zeder: Next week?

Mayor Kuzon: Well he said as soon as the ground...

Mr. Zeder: It's been at least since September waiting for that thing to get out of there.

Mayor Kuzon: I think the thing we need to remember is Norm is doing this as a favor. He volunteered his services and his equipment so I guess one thing we need to be is a little bit patient. I understand that you have been more than patient if this has been going on for more than a year and we appreciate that.

Mr. Zeder: Well if he can't use it now could he at least move it to the back so we don't have to look at it all the time?

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Mayor Kuzon: Anyone else? Any Board member? If not...

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

Unanimously carried.

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

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the meeting was adjourned at 7:57 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer