

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, January 25, 1982 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

Mayor Kuzon called the meeting to order at 7:33 PM.

Mayor Kuzon: At this time a motion would be in order for approval of our minutes of our regular meeting of January 11, 1982.

ON MOTION by Trustee Kibby, seconded by Trustee Bancroft, the minutes of the regular meeting held January 11, 1982 were approved.

Unanimously carried.

Next a motion would be in order for approval of our minutes of a special meeting held on Monday, January 18, 1982.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the special meeting held January 18, 1982 were approved.

Unanimously carried.

Next on the agenda are two public hearings. The first one is a proposal regarding a local law which would concern flood damage prevention.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the hearing at 7:35 PM. (The hearing was closed at 7:57 PM.)

Unanimously carried.

Our second public hearing this evening is a proposal regarding a local law which would repeal Local Law No. 1 of 1972 with regards to the way salaries of elected officials are changed.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was opened at 7:57 PM. (The hearing was closed at 8:02 PM.)

Unanimously carried.

Mayor Kuzon: For my portion of the agenda I have no report this evening but I do have one resolution and that's for vouchers in the amount of \$53,914.77 and I would move for approval of those vouchers at this time.

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ON MOTION by Trustee Bancroft, seconded by Trustee Brenton, vouchers in the sum of \$53,914.77 were approved as follows:

Payroll Fund	W/E 1/13/82	\$ 5,460.16
	W/E 1/20/82	5,669.54
General Fund	Abstract #505	13,224.22
Sewer & Water Fund	Abstract #86	21,994.25
Trust & Agency Fund	Abstract #125	1,867.20
Glen Park Joint Activities	Abstract #25	114.00
Federal Revenue Sharing Fund	Abstract #123	1,688.40
Community Development Fund	Abstract #69	1,750.00
Neighborhood Preservation	Abstract #4	<u>2,147.00</u>
Total Vouchers		\$53,914.77

Unanimously carried.

Trustee Brenton.

Trustee Brenton: Thank you. I have no report this evening and I'll therefore move directly to my one resolution. The resolution involves the snow removal from Garrison and Evans Streets as they lie within the Village, and we do this for the County. The County reimburses us and the rate for reimbursement this year is \$675 per lane mile. The resolution reads as follows:

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

RESOLVED that the Mayor is authorized to sign 1981-1982 Snow Contracts for snow plowing between the Village and the County of Erie at the rate of \$675.00 per lane mile.

COUNTY OF ERIE

Snow Contracts
Approved

Mayor Kuzon: How does this rate compare to last year's rate?

Trustee Brenton: I believe it's up by \$25 per lane mile.

Mayor Kuzon: How many lane miles do we have for the county?

Trustee Brenton: 3.2.

Unanimously carried.

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

Mayor Kuzon: Okay. Trustee Kibby.

Trustee Kibby: I have no report tonight, Mr. Mayor, but I do have one resolution. It reads:

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

RESOLVED that Trustees Connie C. Murray and Michael W. Kibby, and Village Clerk Theresa L. Cummins are authorized to attend the Local Government Seminar to be held in the Turf Inn, Albany, New York, in March 28 - 30, 1982 and the costs not to exceed \$275.00 each to be paid by the Village of Williamsville.

AUTHORIZATION
Trustees and Clerks
Attendance at
Local Government
Seminar in Albany

Mayor Kuzon: Before moving the question, I would add that this is the, I guess the Biannual Seminar that's held by our Assemblyman John Sheffer, who is the former Mayor of this Village, and I know that Trustee Murray and Clerk Cummins have attended this seminar before and come back with numerous pieces of valuable information and we feel that it's a worthwhile seminar to go to, especially since it's sponsored by our former Mayor.

Unanimously carried.

Trustee Kibby: I have nothing more, Mr. Mayor.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: I have no report this evening. Most of my resolutions are housekeeping items for the Village election. They are lengthy and I apologize but I think they need to be read. The first resolution reads:

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

WHEREAS the next general Village election for officers will be held on March 16, 1982, and

ELECTION
RESOLUTION

WHEREAS no person shall be entitled to vote at any Village election whose name does not appear on the register of the Election district in which he claims to be entitled to vote, and

REGISTRATION
DAY SET

WHEREAS it is the duty of inspectors of election to prepare such register of qualified voters for the district for which they are appointed, and

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WHEREAS Section 15-118 (3a,b,and c) of the Election Law of the State of New York requires that every Village hold a registration day for each general Village election.

ELECTION DAY

First: The inspectors of election shall meet on the 27th day of February, 1982 at the Village Clerk's Office beginning at 12:00 Noon and ending at 9:00 p.m. to commence the preparation of the register for the forthcoming Village election.

REGISTRATION DAY SET

Second: Registration day for the Village shall be held on Saturday the 27th day of February, 1982.

Third: Such registration shall be held at the Village Clerk's Office in the Municipal Building, 5583 Main Street, Williamsville, New York 14221 from 12:00 Noon to 9:00 p.m.

Fourth: At least ten days prior to the registration day set in this resolution a copy of such resolution shall be published in the official newspaper and a copy shall be posted in at least one conspicuous public place in each election district.

Fifth: This resolution shall take effect immediately.

Unanimously carried.

And the second resolution:

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

RESOLVED that the Board of Trustees of the Village of Williamsville determines that more than one-half of the voters qualified to vote at the forthcoming election for the Village officers were registered at the last preceding general election; that taking registration for the forthcoming election will be accomplished more efficiently and economically at a single place and by a single board of inspectors of registration; and it hereby appoints: Richard Hill, Marian Garono and Esther Wirth as a single Board of Inspectors to conduct

ELECTIONS
ONLY ONE
REGISTRATION
DAY REQUIRED

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registration for such forthcoming election for each of the three Village election districts.

The compensation of inspectors shall be \$3.00 per hour and Richard Hill shall be Chairman of Registration. Registration for the forthcoming election shall be conducted on February 27, 1982 from Noon until nine o'clock in the evening at the Office of the Village Clerk, 5583 Main Street, Williamsville, New York.

Unanimously carried.

And the third resolution reads:

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

WHEREAS the Annual Village Election of the Village of Williamsville is to be held Tuesday, March 16, 1982,

NOW, THEREFORE, BE IT RESOLVED that said Village shall be divided into three election districts and the places of holding such election shall be as follows:

District #1 - At the Williamsville Methodist Church, 5681 Main Street. District #1 includes the entire area east of Ellicott Creek, South of Main Street.

District #2 - At the Williamsville Fire Hall, 5570 Main Street. District #2 includes the entire area west of Ellicott Creek, both sides of Main Street.

District #3 - At the Village Meeting House, 5658 Main Street. District #3 includes the entire area east of Ellicott Creek, North of Main Street.

None of such districts contain more than eight hundred qualified voters, the number of qualified voters in each election district of a village shall be the average of persons who voted in such district in the three preceding general village elections.

BE IT FURTHER RESOLVED that the offices to be filled shall be: two (2) Trustees for a term of three (3) years each.

VILLAGE ELECTIONS

VILLAGE DIVIDED INTO THREE ELECTION DISTRICTS

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Mayor Kuzon: Before moving this resolution, I would point out that there are two important differences in this resolution. First of all, District #3. The previous polling place for a number of years was at the Academy School. It has now been changed to the Village Meeting House on Main Street. The Meeting House is a Village-owned building and we don't have to pay any user charges to use it, and in addition, it is accessible for the handicapped. The second important difference is that the election for trustee this year instead of being for two years will be for three years. The reason for that is that at the last general election a referendum was approved where the offices, or the terms of offices were increased from two to four years and this is part of that phase-in process where the offices will be filled for four year terms and the elections will be every other year instead of every year. However, there will still be an election next year for mayor and the mayor and two trustees next year will be for a four year term, and the reason that this is a three year term is to get that in the right sequence, so that it's every other year. These are two important differences.

Unanimously carried.

Trustee Murray: And I have a fourth resolution.

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

RESOLVED that the following be and they hereby are appointed inspectors of election for the Annual Election of the Village of Williamsville, to be held March 16, 1982 to be paid a fee of \$30.00 each.

VILLAGE
ELECTION

District #1 - Richard Hill, Ch.
Betty Klute
Dorothy Goodwin
Marie Eyre

INSPECTORS
APPOINTED

District #2 - Ethel Henning, Ch.
Joyce Troy
Marian Garono
Betty Schueckler

District #3 - Esther Wirth, Ch.
Henry Moore
Mary Ann Piazza
Suzanne LaVere

BE IT FURTHER RESOLVED that the following are appointed alternate inspectors: Joseph Kuzon, Janet Mathews, Jack McMillian, Marion Blocher and

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BE IT FURTHER RESOLVED that Richard Hill is Chairman of the Election Inspectors, and

BE IT FURTHER RESOLVED that in the event of absence or inability of any of the above to serve, the Mayor is hereby authorized and empowered to appoint a substitute.

Unanimously carried.

And my fifth resolution pertains not to the election but to at last finding two people who are willing to serve on the Environmental Advisory Council. There are still two positions left to fill - we have two more openings. Mr. Krieter is one of our appointments. He has been interested in the Village for a number of years and I think will be a great addition to our committee. Mr. Meyer is an artist who does a great deal of work at Beaver Meadow and I think he will be a good addition also as he is already interested in the environment. And it reads:

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

RESOLVED that Robert A. Krieter, 62 Eagle Street and Daniel E. Meyer, 189 Mill Street are hereby appointed to the Environmental Advisory Council until the end of the Village 1981-1982 official year.

APPOINTEMENTS
ENVIRONMENTAL
ADVISORY
COUNCIL

Unanimously carried.

And my last resolution comes at the request of the Amherst Youth Board in that the federal government is considering eliminating the funding for the Summer Youth Employment Program. Glen Park has been a recipient of the services of this employment program each summer for the past three summers and has made the superior maintenance there that has happened possible in the summertime. Should we lose this program it will be very difficult to maintain the park in the summer and it reads:

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

WHEREAS the federal government is considering the elimination of funding for the Summer Youth Employment Program which has provided employment of disadvantaged youth in the Town of Amherst and the Village of Williamsville and the maintenance of Glen Park, and

SUMMER
YOUTH
EMPLOYMENT
PROGRAM

WHEREAS the Summer Youth Employment Program has assisted in the promotion of good work habits and

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attitudes and helped develop basic employment skills for Town and Village youth, and

WHEREAS the individuals employed by Summer Youth Employment Program have provided models for their peers by participating in a visibly constructive project in the community, and

WHEREAS Glen Park, a natural park jointly owned by the Village of Williamsville and the Town of Amherst and located in the Village of Williamsville, has benefited from the efficient maintenance provided by the individuals employed by the Summer Youth Employment Program,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Williamsville, requests the continuation of this important program which benefits both Village youth and Glen Park, and

FURTHER BE IT RESOLVED that copies of this resolution be forwarded to our representatives in Congress.

Trustee Bancroft: While this resolution speaks to the Summer Youth Employment Program and the fine contribution they have made to the upkeep of Glen Park the Village should recognize that the Summer Youth Employment Program has been implemented in the Village not only in Glen Park, but also for other activities throughout the Village. That specifically they have been working in the other parks, working under the supervision of Mr. Way, and in addition this past summer youth under this Summer Youth Employment Program were responsible for the good painting work, and upkeep, and upgrading work at the Meeting House. So while that resolution specifically addresses Glen Park we have used the Summer Youth Employment Program for other programs, for other activities beyond Glen Park and I think it is equally important to know this.

Mayor Kuzon: I would like to say that I would like to see a copy of that resolution sent to the County Legislature and the County Executive as the Summer Youth Program is part of the County Consortium, or C.E.T.A., and is under their administration and direction.

Unanimously carried.

Trustee Murray: I would add that this is specifically in response to Mr. Bachovchin's letter that is included in your agenda. I'm sure that additional resolutions would probably help and I plan on sending this with a cover letter with an explanation of the benefits to the parks, but I think probably other benefits to the

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Village with other letters might be helpful. Since this is a federally funded program I doubt whether our small voice will be heard, but it never hurts to try. That concludes my report.

Mayor Kuzon: Thank you. Trustee Bancroft.

Trustee Bancroft: Thank you, Mr. Mayor. I have no report this evening and one resolution. The resolution pertains to the annual Old Home Day celebration. As a bit of background information, the Mayor and I met with the Co-Chairmen, Jean Gaulin and George Measer, late this fall to discuss some of the observations or concerns relative to the popularity of Old Home Day and some of the resulting effect that that popularity has on the immediate Village community. I think that as an outcome of that meeting we had a very cooperative and effective meeting filled with understanding. I think we all recognized that the Old Home Day celebration has grown to a size which is probably at its optimum right now and will require good and continued leadership on the parts of Mr. Gaulin and Mr. Measer and their very fine and hard-working committee to make sure that it does continue to be a celebration which serves all of the residents of both the Village and the Town. The resolution reads:

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

RESOLVED that July 20 -23, 1982 are hereby designated Old Home Days for 1982, and

OLD HOME DAYS
Designated

Chairmen Named

FURTHER RESOLVED that Jean G. Gaulin, 114 S. Cayuga Road and George Measer, 120 Oakgrove Drive are hereby designated Co-Chairmen of the 1982 joint Village/Town Old Home Day Committee.

Unanimously carried.

Thank you. That's all I have.

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

Mr. Way: Thank you, Mr. Mayor. I would just like to tell you that we do have a crew out every night loading snow from Main Street. It's looking bad right now because we just keep getting more, but we're staying on top of it and trying to keep up.

Mayor Kuzon: At this time a motion would be in order to suspend the rules.

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

Unanimously carried.

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Mayor Kuzon: At this time anyone in the audience having anything to bring before the Board may do so. We ask that you state your name and address for our minutes, please. Mr. Madden.

John Madden: Good evening, Mr. Mayor, Village Trustees. I'm here on behalf of Cimato Brothers and I really don't know who to address at this time about this matter but it concerns the construction on a storm drainage sewer on Brookside Drive. I have in my hand your specifications for that job and I also have here with me a photocopy of a voucher which was submitted by Cimato Bros. to the consulting engineer as your specifications mandate. It was approved by the engineer on October 19, 1981. The amount of this voucher is \$56,400 and some odd dollars. To date, the Cimato Bros. organization has not been able to determine why they have not been paid and that's why I'm here this evening.

Mayor Kuzon: I'll start. First of all, we acknowledge receipt of that invoice from the Village, or from the project engineer. However, prior to receipt of that invoice we had constant communication with our engineer over the outstanding items that are contained on a punch list which has items on it now going down to Q. Our problem is that we have had difficulty communicating with our engineer and we recognize that this puts the contractor in a difficult position, especially with waiting for the payment. Maybe a question I could ask you - Has the contractor experienced similar difficulties communicating with the engineer?

Mr. Madden: Yes, he has. I'd like to add at this point, Mr. Mayor, that this \$56,000 of which I speak is not the final payment for this job. It is an interim payment, if you will, that was incomplete. I'm sure you're aware of that. Approved in October and that's quite some months ago. There is an additional approximate \$32,000 that the contractor has not even billed on this job yet, so that we don't think it's fair to Cimato Bros. and we just haven't had the good fortune of receiving an acceptable answer as to why he isn't being paid.

Mayor Kuzon: From the engineer or from the Village.

Mr. Madden: That's right.

Mayor Kuzon: Okay. We find that part of our difficulties with the project engineer is with the current status of their firm. It's in a state of, I guess - what would be the correct legal term?

Mr. Troy: Dissolving.

Mayor Kuzon: Dissolving and...

Mr. Madden: The punch list is being worked on. I think, now complete, Mr. Mayor. We see no reason for any further delays on his payment of \$56,000. You have more in retainage in the balance of

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\$32,000. There can't be work in that amount for Cimato Bros.

Mayor Kuzon: That's part of our problem. In communicating with our engineer right now we are trying to determine whose the principal left in the firm who is responsible for completion of this project and what we'd like to do is through the firm identify that individual and then sit down with the contractor, the engineer and ourselves and get the uncompleted items straightened out so that we all see eye to eye on that so the contractor can be paid for that portion of the work completed, and so we have a clear understanding of the items remaining to be completed. And you know we want to get this thing tied up and resolved just like the contractor does.

Mr. Madden: But you have - again I'm sort of repeating - you have an approved voucher by who then was able to sign on behalf of the consulting engineer. Mr. Bissell's name is on it. That's why I see no question about paying this voucher. On October 19th I don't think there was any involvement with the dissolving of the consulting firm. I don't think it had progressed that far yet.

Mayor Kuzon: I think it had.

Mr. Madden: We were not aware of it.

Mayor Kuzon: In fact, we did have a meeting, I think it was with Mr. Bissell, on October 1st where we had a nine item agenda with concerns of ours regarding the project and at that point, he referred to his former partner to respond to it and I think we have waited these past weeks and were informed it is the partner, the other partner, that we should have been contacting all along on this project. So, you know, it's been kind of a mystery to us too as to who is the principal responsible.

Mr. Madden: This is a very costly mystery to Cimato Bros., extremely costly. I assume, Mr. Mayor, that all of you are aware of the payment schedule as called for in your specifications. There were supposed to be monthly payments. So the Village right now is in violation of some specifications.

Trustee Brenton: I would like to interject, that there are supposed to be monthly payments submitted by the contractor monthly. Now you just alluded to submission of a voucher there, that one.

Mr. Madden: A monthly voucher.

Trustee Brenton: There is a problem on both parties' part in that that specific voucher is not paid at this particular time. I agree with that. But also you brought up the fact that these vouchers are supposed to be submitted monthly and you only have one voucher.

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Mr. Madden: Now it directs payment. It doesn't say that he must make a monthly voucher to the Village. It says that payment shall be made to the contractor monthly. I don't think it mandates him sending in a voucher monthly.

Trustee Brenton: I don't know how it would be paid. You just can't pull a figure out of the sky and pay it.

Mr. Madden: How do we go about getting this payment? Mr. Troy?

Mr. Troy: Pardon me?

Mr. Madden: How do we go about getting this payment?

Mr. Troy: Well I believe the Mayor is speaking on behalf of the Village at this point and I'm not authorized by him to speak at this point and I think he can speak adequately as well as I can.

Mr. Madden: Well...

Mayor Kuzon: Well I think at this point it would probably be in the contractor's interests and in our interests if we both get the engineer and sit down in a joint meeting and determine the items. You know you have a claim there for \$56,000 plus or minus, and there are still some items that we have identified as outstanding and I think that it would be in all of our interests to sit down with the principal of the firm that is responsible.

Mr. Madden: Could that be arranged this week?

Mayor Kuzon: I hope so.

Mr. Madden: All right.

Mr. Cimato: I'd like to say what has that got to do with us. You hired the engineers. We didn't hire the engineers.

Mayor Kuzon: That's right.

Mr. Cimato: So unfortunately he's not doing his job. Why do we have to suffer for it?

Mayor Kuzon: Well I think it's a case of not only the contractor being in an unfortunate position, but the Village too, and I think you hit the nail on the head when you said the engineer's performing in a less than satisfactory way and it's harming both of us.

Mr. Cimato: That's the problem because we tried to get in touch with them. Right now we got Doug Bissell and Phil Boudreau in the same office. Of course, Bill Merrill's office is someplace else. Now when we tried to talk with them I couldn't get Phil

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Boudreau and Doug Bissell to talk to me and they're sitting in the same office. I talk with one of them and they tell me the other person is going to give me a hand. Now what I was saying to you people is that this voucher No. 1 which was submitted in October and some \$30,000 some dollars which is forthcoming. We have a punch list on which some items have to be straightened out and the flap valve down at the creek which we took care of that. I didn't turn a voucher in for the simple reason that because I felt it was just a waste of time for me to get paid for the second voucher when I couldn't even get paid for the first voucher which was submitted in October. Now let me just make a point or two. We had a same, a similar problem if you recall down on Mill Street, and at the time I had to leave the job wide open in the middle of Mill Street because it was important that I get the rest of my payment. If you recall Mr. Brenton, all the people were saying that Cimato Bros. left the job because he had an emergency job and you and I know, Mr. Brenton, the reason why. Because I didn't get paid for my voucher. I had a \$160,000 voucher and it wasn't paid. Again we don't have anything to do with the engineers. You people employ the engineers. You made mistakes. I'm qualified to do the job. You made a mistake. I didn't. It says in the specifications I'm supposed to be paid within thirty days 90% of my vouchers for my work completed and 10% for retention to the final and then within 30 days of the final then I'm supposed to be paid in full payment. You people breached the contract, I didn't. That's all I have to say.

Trustee Brenton: I would just like to say, since you brought it up, Mill Street. Mr. Cimato, is that project complete?

Mr. Cimato: Yes, sir.

Trustee Brenton: It is?

Mr. Cimato: You know it is.

Mr. Way: Phil Boudreau was supposed to get back to me when it was done and he has not gotten back to me on this.

Mr. Cimato: We did it about three weeks ago. The catch basin we put in according to plans are supposed to have a minimum pitch of a .16. But yet he give us a depth of the catch basin of what had to be. Yet this Board, this Village, paid out extra money for excavation in shooting rock and it was unnecessary. In some we went six feet deep and every fire hydrant was only supposed to be four feet. Then he went to grade and filled those basins with concrete. In order to get away from those punch lists, I didn't have to do it because it is over and beyond my specs, my plans. But I did. It was done about three weeks ago and that was the only thing I had on the punch list at the time. And to change the pins it was a dresser pin instead of a

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stainless which is only \$.35 about and you've got about \$32,000 sitting which I didn't even bill and that is the only thing that I know.

Mr. Way: The only thing I know is that Phil was going to let me know when you were going to come in there and do it. I received no word from Phil Boudreau that you were even there.

BROOKSIDE
CADMAN:

Mr. Cimato: If I had known that I was supposed to contact you people I would have been more than happy to contact you people. But my specifications say any time any work is performed, 48 hours in advance I'm supposed to notify the engineer. Don't say that I'm supposed to notify the Village.

Storm
Sewers

Mr. Way: No. Phil was supposed to notify me when you notified him and he did not.

Mr. Cimato: I understand. Again he is in the fault. Not the Cimato Bros. Now I think at this time it would be proper if you people approve this voucher.

Mayor Kuzon: At this point why don't we set up a meeting for Thursday afternoon at 3:30 and I know I'll be there and maybe a representative from the Board and definitely somebody from the engineering firm if he'll come, and we can straighten out the items that are still needed to be resolved.

Mr. Madden: Your office, Mr. Mayor?

Mayor Kuzon: Yes, right here in the Village Clerk's Office.

Mr. Cimato: I'd like to ask why this Board tonight can't approve this voucher contingent that your questions will be answered. I'm the one who needs it so that I don't have to wait another week, or two weeks until this Board meets again.

Mayor Kuzon: As I understand it, and maybe the Clerk can fill in where I have gaps, as I understand it that voucher does not necessarily take a resolution by this Board to be paid. Is that correct?

Clerk: No, we can pay it and then put it on the agenda for the following meeting.

Mr. Cimato: Now wait a minute, let me interrupt on that...

Mayor Kuzon: It doesn't require a separate resolution to authorize the payment to Cimato Bros. What we do is that on our two monthly meetings as you heard me say this evening, we have vouchers for some \$56,000, so what we would do is that if everything is in order and you know the voucher is approved,

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or I should not say approved, the voucher is authorized. What we're saying is that it can be paid before the next Village Board meeting and all it would mean is that at our next Village Board meeting that voucher would be included in the authorization or approval of all the vouchers that take place between this meeting and the next meeting. In other words, you don't have to wait two weeks.

Mr. Madden: That's going to be worked out Thursday in your office?

Mayor Kuzon: I would hope so.

Mr. Madden: Okay, fine. Thank you, Mr. Mayor.

Mr. Cimato: Will you let me know on the time of the meeting?

Mayor Kuzon: 3:30 Thursday, and if there's a problem, or the engineer can't make it, we'll call you and set up another arrangement. But if you don't hear from us then it's on for Thursday at 3:30.

Mr. Madden: Okay.

Mayor Kuzon: Thank you. Anyone else in the audience, or any other Board member have anything? Yes, Mrs. Andrews.

Mrs. Rita Andrews, 138 S. Union Road: I'd like to ask Trustee Bancroft why does the Old Home Days always fall on July 20 and 23 because that is the time that the volunteer firemen have their convention and this ties the Williamsville Fire Department down quite a lot.

Trustee Bancroft: You mean me, don't you?

Mrs. Andrews: Yes, I mean Trustee Bancroft.

Trustee Bancroft: I'm not personally familiar with how the Old Home Day celebration came to be held during , in essence, that third week in July.

Mrs. Andrews: That's what I wondered. Because it used to be in August.

Trustee Bancroft: It is a conflict with the Western New York Firemen's Convention and it does impose a hardship on the fire company.

Mrs. Andrews: I was wondering why do they - can they change their date?

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Trustee Bancroft: I think at this point it is one of the traditions, if you will, that this is Old Home Day for many and...

Mrs. Andrews: I wouldn't call it tradition because it hasn't been that many years it's been like that, and I was wondering you know, if you could go back to them and ask them if they couldn't change the dates.

Trustee Bancroft: It can be discussed and I'm frankly not - we have discussed that and I think there are some substantiated reasons for it that I'm not familiar with, or that I can't recount. I'd be more than happy to talk with you further on this.

Mayor Kuzon: Anyone else? Any Board member?

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 8:30 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, January 25, 1982 at 7:35 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 a public hearing will be held by the Board of Trustees of the Village of Williamsville on January 25, 1982 at 7:35 p.m. in the Municipal Building, 5583 Main Street, Williamsville, New York for the purpose of hearing all persons interested in discussion on a proposed local law which would add Section 8.00 to the Village Code - Flood Damage Protection. PUBLIC HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:35 PM.

Unanimously carried.

FLOOD DAMAGE PROTECTION

Mayor Kuzon: I would ask that our attorney, Tom Troy, conduct this public hearing since he has been actively involved in the development of this proposal.

Mr. Troy: The hearing basically is to familiarize all concerned with the provisions of the Flood Damage Prevention Law which will be enacted by the Village if the Trustees conclude affirmatively. Apparently you don't have a lot of choice if you look at the history of this thing. The National Flood Insurance Law was passed in 1968 and basically it had two purposes. One was to make low cost flood insurance available to citizens of the United States primarily through government funding because no private insurance company either had the means or the will to provide this type of insurance, at any kind of cost that would have been meaningful to the average homeowner. The next purpose of the law besides providing insurance, was for the purpose of encouraging more careful local planning and the management of flood plains through two methods. Actually the planning was through two methods. One was through building construction control and regulation in these flood plain areas. The other method was to prevent development and construction in some of the areas in the flood plains which would increase the flood hazard.

Now about eight years ago, the Village opted to participate in this program on what was called an emergency basis. I think it was February of 1974 that we adopted it and we continued on that basis and flood insurance has been available to any citizen of

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the Village who wished to pay for it. It's become more and more demanding as a matter and many banks now - in fact all banks now that are federally affiliated are required to insist upon flood insurance if anybody is getting a mortgage. So it becomes a matter of necessity if anybody wants to buy a house in areas that are in the flood plain. They're going to have to buy this insurance policy and they're going to have to be able to pay for it. It has to be through government financing, again because there are no private companies that are either capable, or able, or willing to undertake the program.

PUBLIC
HEARING
(Con't)

The flood insurance program has been in effect about 8 years. Coverage now is available on an emergency basis up to \$35,000 at a premium of \$88 per year. A flood study - that's this document right here - has been completed under the direction of the Federal Emergency Management Agency. It was completed by professional engineers and flood plain maps were established for the Village. As a result of the completion of the flood study relating to the Village and the establishment of these flood plain maps we are now required to qualify before March of 1982 for the regular flood insurance program. One of the mandates for qualifying for that coverage is to have a local law which will regulate development and construction in these flood hazard areas, which is again what our proposal is here on the Flood Damage Prevention Law for the Village. An essential to qualify for the regular flood insurance program is the enactment of this law. The proposed local law is a modification of a model federal law which we have tailored to suit the needs of the Village. Many areas in the proposed model federal law really have no applicability to the Village and we have eliminated them. The law will set standards for construction and development in the Village in those areas of special flood hazard which have been established by the flood insurance study which was completed, as I said, in September of 1970. We have a map which shows the critical areas in the Village that will be mandated to have flood insurance before they can get mortgage financing and basically they are on residential streets. There is Willowbrook, part of Monroe, a good part - a part of Columbia, most of Brookside, some of Cadman, and that's about it. Those are the real areas where the problem is really going to be a factor in selling houses and remodeling and developing houses.

FLOOD
DAMAGE
PROTECTION

Now beyond setting standards for construction in these areas, the law isn't that complicated actually. It sets standards which require that no basement, or no first floor including the basement in any new construction in these flood plain areas will be below a certain level and that level has been established by the flood insurance study. The net effect would be that any flooding that would take place would not rise above that point based upon statistical averages. Now, of course, there could be exceptions to that but it's unlikely. If we don't enact this law, this proposed local law, the Village will

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be suspended altogether from the flood insurance program. We will not be able to participate in it. The State of New York would then be forced to come in here and take over. First they would, of course, establish a set of standards that the Village would have to abide by for any construction in the flood plain areas and then they would also require that we could issue no more building permits in those areas. They would have to be issued, I believe, by the Department of Environmental Conservation on Delaware Avenue. The Village would lose authority over building permits in those critical areas. So in any event, flood insurance has become a necessity and we must, we're going to have to comply and in these designated areas because banks are not going to give mortgages any longer on property in those areas unless the owner does purchase a flood policy. The coverage is unavailable, as I said, through private insurance companies and in effect this is the only show in town. We must cooperate on this issue if we're to retain control of our building standards and the issuance of permits. We have to have the law enacted before the 1st of March.

PUBLIC
HEARING
(Con't)

The method of control of development and construction will be through amendment of the building permit system. The Village Building Inspector will review all proposals for development in the 100 year flood plain to establish whether the development if allowed will have an adverse affect on the flood plain. All plans for new construction, in order to be approved, must indicate that the lowest floor including the basement must be elevated to or above the 100 year, or base flood level. The 100 year flood plain - that is the area where flood insurance is required - is defined as all that area where there is a 1% chance of flooding in any given year. Persons living in the 100 year or 1% area need not buy the insurance except for self-protection unless they are remortgaging their homes, or if they are making additions to the property which amounts to 50% of the market value of the property. In other words, if you want to remodel your home and you increase it by 50% anybody in that flood area is going to have to secure flood insurance or a building permit would not be issued. Any Village resident, however, not in that flood area may also if he feels like-minded may buy the flood insurance even if he's not in the flood plain area. That's basically my interpretation of this proposed law. It's designed to require building permits. Every building permit has to be examined to determine whether or not it comes within this flood plain area as designated by the map. If it does, then the standards for flood insurance are going to become applicable to that situation. Anybody else is not going to be affected one way or the other unless he choses to buy the insurance for his own protection.

FLOOD
DAMAGE
PROTECTION

Miss Becky Anderson from the Department of Environmental Conservation, whose been very instrumental and very helpful in bringing this to fruition, is here this evening and she may have something to say or wish to add a few words to anything I've said.

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Miss Anderson: Well what you said, I couldn't have said it better myself. I'd still like to add that you're dealing not with the building permits but development from it so that the Village will have control over any filling or excavation, drilling operations, anything in this manner going on in the 100 year flood plain so that it will be illegal to place any fill in the flood plain without getting a permit first from the Village. This is good because there will be no dumping. You will have a legal right to crack down on anybody who is dumping any kind of fill in the flood plain in the Village. And also I would like to add that it makes no difference to any existing structure in the Village. It's not retroactive. The building code will only apply to new construction in the flood plain. The lowest floor elevation is controlled. And I'd just say that the amount the Village is paying under the emergency program is a flat rate - everyone pays the same in the Village. Under the regular program those who live in what's called the B zone outside the flood plain, their rates will either stay the same or go down, and that is most of the people in the Village. The rates on existing structures will stay the same. It makes no difference to existing structures unless they remortgage or remodel.

PUBLIC
HEARING
(Con't)

FLOOD
DAMAGE
PROTECTION

Mr. Troy: I might add that I don't think we're as conscious probably as we should be of the extent or cost of this to American society. It is anticipated that establishing this program will save the country approximately \$1.7 Billion in flood damage loss per year to the year 2000. The extent of the amount of flood damage that is experienced and the loss. It is believed that this more restrictive building permit system will eliminate a lot of the loss. People aren't going to build in the flood plain any more, new construction in any event, and the new rates, which in the past have been a flat rate, are now going to be based on actual experience and I think to that extent the cost will be less for people who live in this area as opposed to say Johnstown, Pennsylvania. The flooding is greater down there. That's all I have to offer.

Mayor Kuzon: Thank you. Does anyone in the audience have any comment on this proposal? Any Board member?

Trustee Bancroft: Where are other communities in this area right now?

Miss Anderson: The Town of Amherst will be in the program. I think about another nine months from now. Most other communities in Erie County are now in the regular program. We're trying to get them all in Erie and Niagara Counties by the end of '82 and all communities in Western New York will be in the regular program one way or another - the two programs - by the end of '83.

Mayor Kuzon: Thank you.

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Trustee Brenton: Is it correct now then that the individual, or let's put it this way - a building that is currently in what is designated the flood plain, that building, owned certainly by someone - that someone is trying to sell the building. The new purchaser will now, as a result of this particular legislation, be required to protect that building with flood plain insurance even before he can get a mortgage.

PUBLIC
HEARING
(Con't)

Mr. Troy: Only, Larry, if he gets bank financing.

Trustee Brenton: Which is more than likely he will.

FLOOD
DAMAGE
PROTECTION

Mr. Troy: If he's got cash he wouldn't need it.

Trustee Brenton: In other words, the houses on Cayuga that might be in the flood plain. So in other words by this, even though we have no choice in this - it's obvious to me we have no choice in this - but nonetheless by this governmental, quite frankly what I would construe to be interference in our particular situation in this area of Western New York, i.e., the Village of Williamsville, we are going to force an additional cost on prospective property purchasers that might come to this area in the form of housing or any other type of property that might be located in the flood plain. Let me clarify that. If you want to buy a piece of property that is in the flood plain, after this you will have to provide that property to the extent it is mortgaged as a requirement no doubt of the bank that would provide that mortgage, you will have to insure it, and the cost is not insignificant. I don't think the cost is insignificant.

Mr. Troy: \$88 a year for the first \$35,000 and then pro rated beyond that based on the ultimate risk.

Trustee Brenton: So that is in the neighborhood of a hundred some odd dollars a year generally speaking. Again I realize that obviously we have to do this because, as the attorney pointed out, if we do not accept the basic federal version of the law then the State comes in and mandates what we have to do. I have to express my feelings as I did when I first learned of this. I feel it's an intrusion into our particular situation. The thought of saving \$1.7 Billion is well taken in places like Biloxie, Mississippi or Key West, Florida or someplace of that nature that is constantly threatened by hurricanes, where they constantly build condominiums of several million dollars in value that have a possibility of being blown away or washed away, so that then people that are affected by this calamity are provided some type of federal assistance. That is the basic thrust of this type of legislation and I think it's good for those particular areas, but frankly I can't see a 100 year flood plain here. And I would also like

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to point out that there are certain vacant pieces of property which will forever remain vacant now in this particular situation. One that I can think of, a very valuable piece of property, that a person will not economically be allowed to build on due to the requirements of protecting any new building against the 100 year flood. In other words, you will have on your first floor some type of 14" concrete thick, 14" thick concrete wall and then you can build on the second floor anything you want.

Mr. Troy: Beyond that Larry, what you're doing really is placing the burden of financing this on the people who chose to build in those areas. Up to now the costs have been socialized because you and I, every taxpayer in the country every time they declare a national emergency, has been paying out of his tax money to subsidize these people who chose to live in these areas every time they suffer a loss. This will take and remove that tax burden from the other taxpayers and place it on an actuarial basis or in the hands of the people who chose to live in those areas. Up to now we've been taxing you for everybody else's loss.

PUBLIC
HEARING
(Con't)

Trustee Brenton: I don't think in this particular community that we have a problem. I don't think the threat is there. I understand that we have to shotgun the whole situation and we have to take on the small in order to provide for the larger. However, this is my feeling on it. I will - I do intend to vote yes on this particular legislation, but reluctantly, because I frankly do feel that Big Brother is interfering and that's all I have to say.

FLOOD
DAMAGE
PROTECTION

Trustee Bancroft: Not to prolong the hearing, but in your experience and travels in the various communities you have monitored the implementation of this program. Have there been any significant objections to this program in other communities, and if so what have they been.

Miss Anderson: The only objections have been the same ones you have just voiced, that you are placing limitations on private property, but on the other hand why should the rest of us pay for someone else who is building in the flood plain. Why should we pay for their damaged property. The only thing I'd like to say is that we do have 100 year floods around this part of the country, particularly when the snow melts off overnight. We get a heavy rain in the spring, the snow melts off, and we have 100 year floods. It's not just a matter of a hurricane coming in from elsewhere. We have 100 year floods around here more often than you may think. For example, in August and September, 1979 we had two 100 year floods boom, boom, one right after the other in Fredonia and it could happen here.

Mayor Kuzon: If there is nothing further...

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Trustee Kibby: If you build a house in the flood plain today, how is that house different from the one next to it?

Miss Anderson: It may be excluded from having a basement. We're dealing with the lowest floor built. There is a provision for a variance according to your local law, but the lowest floor has to be elevated.

PUBLIC
HEARING
(Concluded)

Trustee Kibby: That would be 8' above the water?

Miss Anderson: No.

FLOOD
DAMAGE
PROTECTION

Trustee Kibby: How high?

Mr. Troy: About two feet, I would think, depending upon the exact spot. It varies from place to place, but in this area two feet of flooding would be a lot, wouldn't it?

Miss Anderson: I think the highest projected water depth was three feet in your Village and that's in the lowest area. So the most would be three feet.

Trustee Kibby: So what you're saying is if someone now wants to build a house on Cadman or Brookside they possibly would not be allowed to have a basement and they are going to somehow have to build that house either on stilts, or raise it...

Miss Anderson: It's not on stilts, usually they would use fill.

Trustee Kibby: But it has to be two or three feet above the regular level.

Trustee Bancroft: I imagine this program might have a bit more difficulty within the Town where there are some fairly low areas, or is that an understatement?

Miss Anderson: Yes, that's true.

Mayor Kuzon: If there are no further comments...

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, the hearing was closed at 7:57 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, January 25, 1982 at 7:57 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 a public hearing will be held by the Board of Trustees of the Village of Williamsville on January 25, 1982 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 proposed local law which would repeal Local Law #1 - 1972 dealing with salaries of elected officials.

PUBLIC HEARING

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, it was moved to open the public hearing at 7:57 PM.

Unanimously carried.

REPEAL LOCAL LAW #1-1972 Salaries of Mayor and Trustees

Mayor Kuzon: Basically, as the Clerk has stated, the purpose of this evening's public hearing is to discuss a proposal that would amend the procedure by which the salaries of Village officials are changed. Therefore, tonight's discussion is basically limited only to the procedure which would change, which would change not necessarily the amount, or not necessarily increase the salaries. Our current procedure which in 1972 was the only provision provided for by New York State Law, required an independent public hearing to be held for the object of increasing public officials' salaries. Our proposal tonight is to repeal that existing local law requiring such a public hearing, and amend the procedure so that the subject of salary increases is brought about through the fundamental budgetary procedure which in and of itself requires a public hearing. I would add that the proposal which we are discussing this evening is allowed for by the State and has been adopted by a number of villages throughout the State. That's basically it and at this time I would open the hearing for comment from the public and also Board members. If you do have comments please state your name and address for the minutes. Anyone in the audience? Any Board member? Seeing none...

ON MOTION by Trustee Kibby, seconded by Trustee Murray, it was moved to close the public hearing at 8:02 PM.

Mayor Kuzon: Before moving the question, I would like to add that if this procedure is adopted, and there won't be a motion

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PUBLIC
HEARING
(Concluded)

on the table this evening to adopt it, but if this procedure is adopted and if the Board decides to increase salaries, they will be included as part of the budget and the budget hearing which will be held at the last meeting in March, at which time public officials' salaries would be included in the budget. If it is approved at that time, the salary increases would not become effective until June 1, 1982 which is the beginning of our next official Village year, and we do have a motion and a second to close the public hearing. On the question?

Salaries of
Mayor and
Trustees

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer