

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, September 27, 1982 at 7:50 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Michael Kibby Trustees
V. James Saia

Mary Harrigan, Deputy Clerk
Thomas V. Troy, Village Attorney
Dave Laubisch, Dept. of Public Works

Absent

Connie C. Murray, Trustee
Theresa L. Cummins, Village Clerk

Clerk: PLEASE TAKE NOTICE THAT the Board of Trustees of the Village of Williamsville will hold a public hearing in the Municipal Building, 5583 Main Street, Williamsville, New York on September 27, 1982 at 7:35 PM for the purpose of hearing all persons interested in discussing a proposed local law which would amend Section 60.40(31) of the Traffic Code of the Village of Williamsville regarding a stop sign being erected at Pfohl and Scott. PUBLIC HEARING AMEND SECTION 60.40(31) of

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, the public hearing was opened at 7:50 PM. Traffic Code

Unanimously carried.

Mayor Kuzon: I will be conducting this public hearing in the absence of Trustee Murray who is the liaison to the Traffic and Safety Committee and I would ask Mr. Laubisch or Mrs. Schlifke from the Traffic and Safety Committee if I leave out any pertinent points to please feel free to fill them in. This sign, as I understand it, has been requested by residents within the area and has been reviewed and recommended by the Traffic and Safety Committee and would post a stop sign at Pfohl and Scott which is a T-intersection. If you would like to add anything feel free to do that. If not, if there is anybody in the audience who has any questions or comments now would be the time to make them.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the hearing was closed at 7:52 PM.

Unanimously carried.

Mary Harrigan,
Deputy Clerk-Treasurer

Minutes of the Regular-Meeting of the Board of Trustees of the Village of Williamsville held in the Municipal Building, Williamsville, New York on Monday, September 27, 1982 at 7:37 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton
Michael Kibby Trustees
V. James Saia

Mary Harrigan, Deputy Clerk
Thomas V. Troy, Village Attorney
Dave Laubisch, Dept. of Public Works

Absent

Connie C. Murray, Trustee
Theresa L. Cummins, Village Clerk

Mayor Kuzon called the meeting to order at 7:37 PM.

Mayor Kuzon: We have two items of business prior to approval of our minutes. First is a proclamation declaring the week of October 10th to October 16th International Alpha Delta Kappa Week. This is a professional women's educational organization. Since I am a school teacher, I have been requested by the society members to make this resolution.

PROCLAMATION
for
INTERNATIONAL ALPHA DELTA KAPPA WEEK

WHEREAS women in education constitute a great portion of the nations' working force, and are constantly striving to serve their communities and nations in educational, civic, cultural and charitable programs leading to harmony, happiness and peace among all people, and

WHEREAS major goals of Alpha Delta Kappa, international honorary sorority for women educators, are:

- to give recognition to outstanding educators
- to build a fraternal fellowship among educators adding to their effectiveness in the promoting of excellence in education
- to establish high standards of education
- to promote educational and charitable projects and activities enriching the lives of individuals everywhere and assisting these individuals into a happy, constructive and fulfilling life.

NOW, THEREFORE, I Gordon J. Kuzon, Mayor of the Village of Williamsville, New York by the authority vested in me, do hereby proclaim the week of October 10 to October 16, 1982 as

"INTERNATIONAL ALPHA DELTA KAPPA WEEK"

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, September 27, 1982 at 7:37 PM

Mayor Kuzon: Our second item of business is recognition of some Village baseball players and I would turn that portion of the agenda over to Trustee Saia.

Trustee Saia: And I'd like to turn it over to George John who is Manager of this team. This is the Williamsville Baseball Team and they are the Champions of Suburban Erie County. But first, I'd like to say that this team managed by George John has been the silent advertiser of the Village. When approached for colors of the Village, I found none. We now have the colors of green and white T-shirts. The shirts were donated by Mr. Schmidt of Sneakers Unlimited, without whose generosity this team would have had to represent this Village with multicolored shirts and sponsors from various parts of the county. I'd like this Board to consider the possibility of using green and white for its official colors. The Village and this Board are proud of the representation throughout the County by this team and for the show of sportsmanship and determination. George, could you do the presentations please.

Mr. George John: Before I present the boys with the trophies, I would like to make mention of four businessmen in this Village of Williamsville who have assisted me and my coaches in taking teams out of this area to play baseball. Ed Young sponsored a team of 15 to 16 year old boys for the last four years. This year they were the Champions of Delaware Park and were in the final game of the City Championship. There were over 100 teams in that division. In the 13 to 14 year old division we had a team sponsored by the Neil Frank Agency and Beach-Tuyn and these boys won their division in Schiller Park and got to the last six in the City. Some players were from the Joe McCarthy League, some from Central Amherst and some from the Connie Mack League. It was a high caliber team. They won the Village and Small Town Championship and are the Champions of Suburban Erie County. We tried to give each boy some playing time in each game and hope this policy continues in the future. I'd like to ask Mr. Schmidt, who was generous enough to provide the trophies and the shirts - Joe McCarthy provided the hats - to assist Mr. Saia and the Mayor in presenting the trophies.

Trophies were presented to: Jim Russell, Andy Goodwin, Mark Augerstein, David Flynn, Kevin Patchmore, Red Ribeta, John Julicher, Jeff Haines, Dan Charleson, Greg Suicki, Paul Gorman, Trey McCloud, Mike Kubela, John Flynn (Assistant from Connie Mack), and Chris Rice (a 16 year old who was a coach).

Mr. John: It was a pleasure having you guys on the team.

Mayor Kuzon: Next on our agenda would be approval of our minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the regular meeting held September 13, 1982 were approved.

Unanimously carried.

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ON MOTION by Trustee Kibby, seconded by Trustee Brenton, the minutes of the public hearing held September 13, 1982 regarding a proposed local law to amend Section 59.50(1) of the Swimming Pool Code relating to fencing were approved.

Unanimously carried.

ON MOTION by Trustee Saia, seconded by Trustee Brenton, the minutes of the public hearing held September 13, 1982 regarding a proposed local law to increase the earning limits of Senior Citizens were approved.

Unanimously carried.

Mayor Kuzon: Our next item of business is a public hearing which is a proposed local law that will allow for a stop sign at Pfohl and Scott.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, it was moved to open the public hearing at 7:50 PM. (The hearing was closed at 7:52 PM.)

Unanimously carried.

Mayor Kuzon: For my portion of the agenda I have a number of things I'd like to share with you as a report this evening. First of all, you have probably received in the mail as I did a notice from our United States Senator Al D'Amato that he will be conducting a Town Meeting in this very Council Chambers on October 14th at 7:00 PM and I would bring that to your attention if you haven't already received that in the mail.

One other item I'd like to report. At a previous meeting Trustee Brenton reported on our progress in getting bus shelters erected at two locations in the Village. We're still working diligently on getting these bus shelters erected but there was a disagreement between the N.F.T.A. and the Board of Trustees as to the - not the style, but to the type of shelter as they propose one that would include display advertising. The Trustees felt that that was not proper for our Village. We've contacted them again and they've indicated they'd like to erect bus shelters that are sixteen feet in length and in one instance this requires the removal of a tree, certainly not the relocation of the tree, but removal of the tree. So we are still negotiating the size of the shelters but it is our intention to erect the bus shelters and hopefully before the winter.

One other item. It's my understanding that the Williamsville Water Mill is being considered for placement on the Historic Register as a historic site in New York State. At this point I've been informed that it's before the Review Board in Albany and that it will be voted on before the end of October. We should

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be receiving information from our Town and Village Historians regarding who to contact and what form our letters should take, but I'm reporting to you in that in the near future I'll be writing a letter in support of this action to the Historic Register in Albany and the Village Board will probably pass a resolution also supporting this.

Another item to report. The Local Government Review Committee met in September to discuss this investigation and review of Old Home Days. At that meeting, the Local Government Committee established an operational outline to be followed in this investigation. As an outcome of that we've requested information from the Old Home Days Committee and from the Jolly Boys who are the principal operatives on the Island, and to inform you from the Old Home Days Committee we've requested 1) a list of the addresses of all the concession stands, rides and games on Island Park during the 1982 Old Home Days, a financial statement of the receipts and expenditures of the Committee for the 1982 Old Home Days, and a fee structure for the concessions space for this Old Home Days. Our next meeting will be October 19th. We've invited the Chairmen of the Old Home Days Committee, as well as a representative of the Jolly Boys to further discuss this situation.

And finally, an item I'd like to share, and normally it's not our procedure, or my procedure to report correspondence that we receive in between meetings, especially correspondence that is unsigned, or signed with an alias. But at this point, I'd just like to share with you a letter and then follow up on what has transpired since we have received it. This letter is in response to our public hearing at our last meeting on increasing the limit for Senior Citizens to receive a 50% property tax exemption, and it says:

Dear Board Members:

A recent article in the local paper indicates that this Board is considering raising the level of income allowed for Senior Citizens to receive a reduced tax rate. If this reduction is allowed to pass it will be yet another indication of the favoritism that this Board has shown against the general public and for the Senior Citizens. If you would take the time to consider the state of the economy and the number of people living in the Village who are currently unemployed and barely able to make ends meet, no less pay Village taxes I'm sure you would reconsider your proposed action. It seems that we are a senior community in the eyes of this Board. Not only do they have Senior Citizen facilities paid for by our Town taxes, but also enjoy Village facilities for their recreational pleasure. I'm sure no one wishes the

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Seniors to do without but when families in the Village are losing their homes because they are unemployed and unable to pay their taxes it seems a strange time for this Board to raise the Senior Citizen taxable level. By your actions in this matter and the recent activities pursued by some members of this Board it is a strong indication to the voters that the Village Board has no regard for the public in this community who cannot depend on a fixed income or an automatic raise as some members of this Board do. Please remember that there are many people living in the Village who are not Senior Citizens who are making less than the \$10,500.

WORK FOR
TAXES
PROGRAM

Junior Village Resident

Well, first of all my response to the correspondence would be yes, the Village Board is anticipating passing a local law increasing Senior Citizens tax exemption and increasing it to \$10,500 and I would add that personally I have no hesitation or reservation about allowing this property tax exemption for Senior Citizens. In fact, I would wholeheartedly support this legislation. According to our 1980 census Williamsville is a community where one in four people are over 60 to 65 years of age and certainly in my opinion, there are many who are deserving of this tax exemption. But beside that, my reaction to this letter was first to throw it out because it was unsigned and it's not usually our practice to seriously consider letters that come in unsigned, but secondly I thought about it even further and thought that maybe I would answer publicly here this evening the individual allegations that are contained within the letter. But even again thinking it through even more I thought that maybe this individual does have a valid point or argument and as a result of that further thought and in response to this individual and the depressed economy of Western New York and the critical personal economic situation that many Villagers are in, I'm initiating this evening a Work for Taxes Program in our Village. This program will allow Village residents who are able-bodied heads-of-household, who are unemployed or earning less than \$10,500 a year to work in our Village D.P.W. and possibly in the office and exchange their labor at the rate of \$3.45 an hour for partial or total payment of their Village property tax bill. I would stress though that this program will not replace any D.P.W. employees and it is not intended to do so. I would also add that it has been tried in Kenmore and it's been proven to be very successful in that Village. I would say that individuals who are interested and think they may qualify for this program should contact me or the Village Clerk in the near future and we'll discuss the details with you.

In terms of resolutions, I have two this evening. One is for vouchers.

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ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$48,069.48 were approved as follows:

Payroll Fund	W/E 9/15/82	\$ 4,673.37
	W/E 9/22/82	8,367.60
General Fund	Abstract #521	22,470.45
Sewer & Water Fund	Abstract #102	275.74
Trust & Agency Fund	Abstract #141	2,286.28
Glen Park Joint Activities	Abstract #41	1,639.66
SSES Fund	Abstract #17	<u>8,356.38</u>
Total Vouchers		\$48,069.48

Unanimously carried.

My second resolution is increasing the tax exemption for Senior Citizens, increasing it from the present \$9,200 figure to the proposed rate of \$10,500, and it reads:

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

RESOLVED that Local Law #6-1982, Tax Exemption for Property owners over 65 years of age, which was the subject of a public hearing held September 13, 1982 is hereby adopted.

LOCAL LAW
ADOPTED

#6-1982
Senior Citizen
Exemptions

(Copy of Local Law Attached.)

Unanimously carried.

That concludes my portion of the agenda. Next is Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. For my report this evening I would like to indicate the Planning Board agenda for Monday, October 4th at 7:30 PM in the meeting room has six items. Three of them are sign permits for the Golf Shop over in the Ed Youngs complex over there, one is from the Travelhost of Western New York at 5325 Main Street, and the third sign permit is from Computer Resource at 5560 Main. There are also two that are requests for site plan and architectural review for a canopy at 5422 Main Street; the fifth thing is a site plan for International Chimney at 31-35 S. Long Street - they have some request for a change in the parking lot - and the sixth thing is a - you read about it in the Bee - the architectural review portion of the restaurant planned, or anticipated for 5933 Main Street where now the New England Seafood is. I would also add that the Planning Board and

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~

~~CITY~~

~~TOWNSHIP~~

Village

of Williamsville
Local Law No. 6 of the year 19 82.....

A local law Tax Exemption - Property Owners over 65 years of Age
(insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Williamsville as follows:
~~TOWNSHIP~~
Village

Effective December 1, 1982, a local law to amend and supercede the Village Law in relation to the granting of exemption from taxation of 50 percent of assessed valuation to those property owners 65 years of age or over, who have owned their home more than two years and whose annual income does not exceed \$10,500.00

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the Planning Department have instituted a new filing deadline for submission of plans and sign permits and I don't think it's necessary to go through all the dates, but in general the filing deadline is approximately five to six weeks preceding the meeting of the Planning Board. Essentially, the Planning Board meets the first Monday of every month and the deadlines for filing applications are due roughly the 20th to 25th of the second month preceding the meeting of the Planning Board. This does a number of things. 1) It gives the Planning Board more time to examine the plans. Secondly, it gives them time to examine the plans at a work session. We will now start holding work sessions of the Planning Board in which the Building Inspector or the Building Clerk and Planning Board will go over the request and if there are any questions - there will be no action on it that night, the first night - and if there are any questions these can be given to the Building Clerk who in turn can get back to the people submitting the petition to get these things clarified so that when they do come up for a meeting most of the answers to the questions are there and they can make a decision.

I have no further report, but do have two resolutions tonight. The first is adoption of the Local Law No. 7 - 1982. This amends Section 59.50(1) of the Swimming Pool Code and let me read the law please. (He read the law, a copy of which is attached to these minutes.) Therefore, my resolution is:

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

RESOLVED that Local Law #7 - 1982, Amending Section 59.50(1) of the Swimming Pool Code regarding fencing, which was the subject of a public hearing on September 13, 1982 is hereby adopted.

LOCAL LAW
#7-1982
Adopted

Section 59.50(1)
Fences around
swimming pools

(Copy of Local Law Attached.)

Unanimously carried.

My second resolution has to do with a public hearing at our next meeting, which is a month from today I guess, regarding the question of whether or not there should be a 10' buffer zone between any parking lot in a C or M District if that abuts an R or a residential district. This was a part of the Code a number of years ago and for some reason - which every Town has a number of historians and none of the historians seem to be agreeing on this one - for some reason or another was excluded from the Code. Perhaps it was a scrivener error. It perhaps was taken out. When I read the minutes I thought it was taken out. But the long and short of it is that the question is before this Board to consider placing the 10' buffer zone back into the code. My resolution reads:

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Williamsville
~~Town~~
Village

Local Law No. 7 of the year 19 82

A local law Amending Section 59.50(1) of Swimming Pool Code
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Williamsville as follows:
~~Town~~
Village

§ 59.50 Fencing

No swimming pool subject to this ordinance shall be installed or maintained unless:

(1) A fence shall be erected and maintained with a minimum height of four feet and maximum height of 6 feet, and so constructed as will not shut off light or air to any other building;

Any fence erected in compliance with this section must be a chain link construction of minimum gauge No. 9. The top rail thereof is to be of minimum outside diameter of 1 3/8 inches. All vertical intermediate posts are to be of minimum 1 5/8 inches outside diameter. Main posts are to be of minimum 2 inches outside diameter;

A substitute fence material may be used upon the approval in writing of the Village Building Inspector. The substitute material must offer the same degree of security against accidental or unauthorized entry as provided by the chain link construction standards set out herein.

(2) to (5) Remain the Same.

This local law shall take effect immediately upon filing with the Secretary of State.

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ON MOTION by Trustee Kibby, seconded by Trustee Brenton, 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 October 25, 1982 at 7:35 p.m. for the purpose of hearing all persons interested in a Local Law which would add Section 70.404(D) to the Zoning Code - parking shall not be allowed in a "C" or "M" district within 10 feet of a lot in any "R" district.

PUBLISH NOTICE OF
PUBLIC HEARING

Amend Section
70.404(D) of
Zoning Code

Unanimously carried.

Thank you, Mr. Mayor. I have no further business.

Mayor Kuzon: Thank you. Trustee Saia.

Trustee Saia: Seeing I took so much time in the beginning I'll make this short. We are closing the parks fairly soon, within the next two weeks. Dave Laubisch is going to close them. We've got a lot of work to do on some of these parks. I'm glad to see the Mayor is hiring more help. I wonder where he's going to get the money from though.

Mayor Kuzon: The money will be their Village taxes. So it will be a complete wash. In other words, somebody can work for the Village Department of Public Works in exchange for their Village property tax bill. So there really won't be any expenditure on behalf of the Village.

Trustee Saia: It sounds interesting. We might be able to use some of that help if some show up. Okay. They will take care of the parks. We probably got another weekend or so but as soon as the weather looks like it's going to turn we're going to close the parks. Dave will give me the word when he thinks the time is right to close them. Other than that, I don't have anything.

Mayor Kuzon: Okay. Thank you. Trustee Brenton is next.

Trustee Brenton: Thank you. I'd like to ask regarding this Work for Taxes proposal, and I would suppose that the attorney should be involved in this question also - Would this require a Board resolution or is this the Mayor's prerogative to introduce this type of activity?

Mr. Troy: It would be my impression that the Board would have to pass on something like this. I'm sure Gordon has given it

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considerable thought but I have some thoughts myself as it is new to me - Workmen's Compensation, Social Security, Disability Benefits. We would have to get clearance on this, each and every item, before you can even seriously begin to contemplate it and then I think as a policy of the Village have the entire Board pass on it.

Mayor Kuzon: This has been tried in Kenmore and was proven to be very successful in their Village. The questions that you raised are the questions that we put to the Clerk and Mayor of Kenmore and we do have the answers for them. Our Village Clerk talked more specifically with them about those items. She is not here tonight so on her return we can get into that.

Trustee Brenton: I certainly have no problem being aware of the number of unemployed that are in our community now, particularly those that have recently, over the past few years, moved into the community under better economic times, willing to sacrifice financially in order to give their children a better education and give them some of the alleged services that we provide to our citizens that aren't provided in other communities, and certainly some of these younger people have experienced unemployment and are as this signer of the letter, or the letter was received without being signed, indicated in dire need. So the concept certainly appeals to me but I wanted to make sure before the news media picked it up that we had our act together, so to speak.

For my report, I would report on one of the services that I mentioned - our garbage service. We have since the inception of the new contractor, but more recently to a greater degree, experienced several complaints and these complaints finally reached a point where back in May I determined that perhaps the contractor had to be put on record in a stronger form than previously had been utilized. Previously we've called them and referred the complaints to the contractor that does pick up the garbage and trash and hopefully they were corrected, sometimes they weren't. So that last May I instructed the Village Clerk to construct a complaint form for utilization of all Trustees, the office itself and the Department of Public Works so that we could record our complaints and thus substantiate the fact that we were having complaints with this being a thought towards a more forceful threat, if you will, to the contractor to clean up his act, or our streets at any rate. So that occurred last May and we really haven't had much improvement to the degree that I have indicated by letter of communication to the firm Cataract City, now known as Rapid Disposal, that they were in jeopardy of losing the contract if their present procedures were not corrected. To this end this week we had a meeting with myself, the Village Clerk, Mr. Laubisch of the Department of Public Works and with a representative of that firm who has charge of complaints and overall operations of that firm and have, I think, established the primary needs of the community and some of the complaints

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that have filtered into this office and I had thought they would be corrected. Observation of today's trash pickup leads me to wonder whether or not they were corrected. It certainly is of concern to Village residents. We're aware of that. We are doing something and we are proceeding the way that we agreed best and at this stage of the game after today's activity by that firm I am very, very concerned. I can say that. I'm sure the entire Board is.

The property of the former Consolidated Rail Corporation that has been mentioned previously at these Board meetings, that portion between Union Road and Cayuga Road that lies either contiguous to the Village line or within the Village incorporated limits, is being further pursued. I have written to the Department of Transportation of the State of New York which has the final disposition of that property and we are awaiting word from them. I would also like to publicly state and for the record that the Mayor has received communication from Supervisor Sharpe indicating that we have a copy of a letter to the representative of the Department of Transportation indicating that the Town of Amherst desires this portion of the abandoned Consolidated Rail property and that the Town is working in close conjunction with the Village of Williamsville to establish this property for a bike path. Quite frankly and quite honestly there have been no negotiations regarding that between the Village and the Town. My purpose, which is a reflection of the Village Board's intent on this property at this time, is simply to utilize this for an area to be determined of walkway or bikeway for Village residents and not as is suggested by the Supervisor of the Town of Amherst for a bike path from Cheektowaga to North Tonawanda which quite frankly logistically would be difficult in that many of the bridges have been taken down. But nonetheless that is the purpose or the desire on the part of the Village of Williamsville, to acquire this property simply for our residents and I want that in the record that at this time that is our only desire for this property. That basically concludes my report and I'll move on to my resolutions.

Resolution No. 1 deals with our Fire Prevention Committee. The three members mentioned in there - Evor Williams, Joseph Greer and Herbert Stoeckl - are very dedicated and very long time members of the Hutchinson Hose Company that go out to local schools and to any party that desires their input and these gentlemen put on a very fine program of fire prevention and fire safety and they have really done what I feel to be a first class job and continue to do so and through this resolution we will be sending them to Albany to the Fire Prevention School which we do annually and this school certainly helps them to better fulfill their duties as the Fire Prevention Committee of the Hutchinson Hose Company. The resolution reads as follows:

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

AUTHORIZATION

RESOLVED that Evor Williams, Joseph Greer and Herbert Stoeckl be authorized to attend the Fire Prevention School in Albany, New York on October 6 & 7, 1982 and their expenses, not to exceed \$225.00 each, to be paid by the Village of Williamsville.

Attend Fire Prevention Training School

Unanimously carried.

Resolution No. 2 deals with the financial reimbursement to the three affected parties indicated. The situation arose that requires our reimbursement, approximately 12 years ago when a water line was installed on the second block of Columbia between Oakgrove and Wehrle, and it's the opinion of our sanitary sewer experts that when the water line was installed the sanitary laterals to the homes that were located on that particular section of Columbia Drive were inadvertently removed and these people have suffered damages which they have had rectified themselves. Currently, we are undergoing repairs to that entire segment of sanitary sewer and quite incidently that segment of Columbia Drive is the only area being rehabilitated. By that I mean the first block of Columbia Drive which has the same age sewer is not in need of rehabilitation indicating that indeed this was the cause of the water line which also was only installed on the second block. So that we will be reimbursing these people who have provided the Village with substantiated expenses that they have incurred resultant from their need to repair their sanitary sewer laterals where those laterals meet the sanitary sewer main and lie below the water line, which I mentioned was installed 12 years ago. The resolution reads as follows:

WHEREAS it appears that repair and relocation of a Village water main located on Columbia Drive, undertaken by the Village approximately twelve years ago, under the direction and control of the Village, was completed in such manner as to cause damage to existing sanitary sewer laterals serving premises at numbers 104, 134 and 140 Columbia Drive, and

SSES
Refund of moneys for repair of sewer laterals to three families on Columbia Dr.

WHEREAS as a consequence of said damage the following resident/owners of Columbia Drive were thereafter required to expend to repair said laterals the sums set out hereafter:

- (1) Peter Sabio & wife, 104 Columbia Drive \$643.45;
- (2) R. J. Fick & wife, 134 Columbia Drive \$848.45;
- (3) Mrs. Eugene McFarland, 140 Columbia Drive \$800.00;

and

WHEREAS investigation reveals that the sum expended in each case appears in all respects reasonable and necessary, and the costs in each case having been verified, and

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WHEREAS available evidence indicates that the damage to said laterals were the direct and proximate consequence of a failure to observe proper precautions on the part of the Village, its employees or authorized agents and without any contributing fault on the part of the affected property owners, it is

RESOLVED that the Village Clerk is directed to pay to each of the claimants, Peter Sabio and wife, R. J. Fick and wife and Mrs. Eugene McFarland, the sum of \$643.45, \$848.45 and \$800.00, respectively, in full and final compensation for damages sustained by each of them in the matter.

Mayor Kuzon: Before moving the question I just have a question myself, one that I would have asked in the work session if I had thought of it then. What position does this put the Village in then if somebody comes and asks the Village to be responsible for their bill for let's say cleaning their sewer line, say an individual's line is not collapsed fully or to the extent that it has to be excavated and repaired but where an individual has had a local hardware store or a rotor router come out and clean their line. Are we then - are we going to be responsible for those bills also?

Trustee Brenton: The answer would be no and the reasoning behind this, the answer, is that in this instance the Village under an improvement to a water line, in fact the construction of a new water line, was responsible for the damages that occurred to the people's sanitary sewer laterals. And I should point out that the lateral is that individual line that runs from your house to the main so that where in this situation these damages occurred resultant from the Village of Williamsville's construction of the water line. Now in the situation, or the hypothetical situation that you gave, that particular instance involving cleaning of the sanitary sewer lateral is obviously the responsibility of the owner of the lateral which is the property owner and cleaning or situations of that nature, collapsed sanitary laterals that have no obvious implicated or alleged bearing on the part of the Village of Williamsville would be then the responsibility of the property owner. So that quite simply if the Village had been involved in some type of work which would obviously occur within the right-of-way of the street because we do not normally go off, outside of the right-of-way, if we had been involved in some type of work and there was the remote possibility of the Village damaging someone's sanitary sewer line we would then investigate it as we did in this situation and find out our culpability.

Mayor Kuzon: My question pertained only to the houses on this spot on Columbia. In other words, if someone in this block of Columbia needed their line cleaned can then they hold the Village liable for their cleaning bill as a result of an alleged collapsed

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tile. Now we won't know that a tile collapsed or not until the sewer is actually repaired by the contractor. My question pertained only to this block on Columbia not to any other part of the Village.

Trustee Brenton: The answer there would be, and this is one of the reasons for this resolution as this block of Columbia is now being repaired, and I should elaborate on this also, for the amount of \$50,000 which it really should have never had to have been repaired quite frankly, and the proof of that is that the first block of Columbia doesn't need to be repaired and the second block of Columbia does need to be repaired. The first block of Columbia did not have a new water line installed, the second block of Columbia did have a new water line installed. So I think that's proof unto itself. Every home on the second block of Columbia will be repaired as these people already had to previously repair their lines as a result of the sanitary sewer work we are undergoing at the present time. They will be for approximately five feet up, or off of the sewer main rehabilitated. There is no possibility of the construction procedures engaged in 12 years ago having gone any further than the five feet amount so that there would be no connection between complaint or allegation that might be forthcoming concerning what we're dealing with right here. If they need a cleaning quite honestly it's the result of their line needing a cleaning like so many homeowners find do need a periodic cleaning but there would be no relationship.

Vote on Roll Call: Trustee Saia - aye
Trustee Kibby - aye Ayes - 4; Noes - 0
Trustee Brenton - aye
Mayor Kuzon - aye

Unanimously carried.

Resolution No. 3 deals with the Department of Public Works Annual School. Mr. Laubisch, as you know, is our acting Superintendent of Public Works, or General Foreman at any rate, and he will be going to this school in Rochester, New York. And these schools do benefit the community. There have been improvements that we've been able to implement in our Department of Public Works functions, as well as our clerical functions. I might add that the Village Clerk and Trustee Murray are presently at a school, as you probably know, pertaining to Village officials and the clerical aspect of Village government and so that we will be sending Mr. Laubisch through this resolution to the Department of Public Works school in Rochester, New York. The resolution reads as follows:

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

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RESOLVED that David Laubisch be authorized to attend the 23rd Annual Public Works School in Rochester, New York on October 12 - 15, 1982 and the expenses, not to exceed \$350.00 to be paid by the Village of Williamsville.

AUTHORIZATION

Attend Public
Works School
IN
Rochester

Unanimously carried.

That's all I have.

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

Mr. Laubisch: I just have two items, Mr. Mayor, the first item being - I know we've been getting quite a few calls at the Department of Public Works questioning when the last twice a week garbage pickup will occur. The last day of twice a week garbage pickup will be October 15th. Thereafter, garbage pickup will be on Monday. Also someplace along the line we got off schedule with our chipper, the vehicle that chips up tree branches. I know Trustee Brenton and I discussed this this afternoon and henceforth, the chipper will be out on the Village streets the second and fourth Monday of the month. That's all.

Mayor Kuzon: Thank you.

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

Unanimously carried.

Mayor Kuzon: At this time anyone in the audience may address the Board on any subject of interest to you. We ask that you state your name and address for the minutes. Anyone? Any Board member have anything?

Trustee Brenton: Yes. I'd like to comment on Mr. Laubisch's report, particularly pertaining to the chipper. Originally, when we decided, this Board decided, to consolidate garbage pickup and trash pickup, it was determined that in order to really keep the community clean we would have to have our smaller twigs, etc., branches bundled in that the contractor would not obviously go out and attack huge piles that were just thrown out at will that our own forces had cleared away previously and the primary background for this consolidation of garbage and trash pickup was to save Village taxpayers money and to provide a more efficient service. We have been successful in saving money and have saved a considerable amount of money. We still get, I don't know if you want to call it criticisms, but at any rate we do get comments well we don't care how much money you saved, we liked it the way it was and we don't like to have to bundle our leaves, or our branches and

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twigs and quite frankly, my own father is guilty of this himself. But at any rate, we are attempting and we attempted at that time that we consolidated to do the best service at the most cost efficient, in the most efficient way and as part of this it was determined that we would try to limit the exposure of our chipper and the manpower involved in utilization of this equipment and we informed the citizens via notification with their tax bills pertaining to how trash, etc. was supposed to be put out and in particular, limbs that were under 2" in diameter and we quite frankly have gotten away from that and I guess what I say here tonight won't make any difference because it won't be picked up, but I do wish that the residents would take a little time and if they do cut down a limb if they could bundle it it would make it a lot easier for us. If they have massive limbs we understand that you're not going to spend a day bundling these piles up but we could use a little more cooperation from the citizens and taxpayers regarding the subject and also regarding the leaves where some people now have a few leaves out and raked to the curb. I would add that these should be left between the street edge and the sidewalk if you have one but at any rate, not out in the edge of the street. So there'll be a small pile of leaves there where perhaps they could just as easily pick these leaves up and put them in a trash can until the heavy fall leaves and that would suffice in keeping their particular area clean. At any rate, the aspect of utilization of the chipper is really for demand loads. In other words, where someone has a large accumulation and they would request service from the Department of Public Works via a telephone call and we wouldn't be forced to patrol the streets looking for some. So that I hope that this would somehow be brought back to life. That's all I have.

Mayor Kuzon: Anyone in the audience? If not...

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

Unanimously carried.

Mayor Kuzon: Before adjourning I would call your attention to the fact that the Village Board will only hold one meeting in October. That'll be on the 25th. We will not be meeting on October 11th as that is a holiday and the Village Office is closed.

Also, one other item. The Village Board will be meeting with the Building Committee of the Hutchinson Hose Fire Company immediately following this meeting. I think we're going to be meeting at the Fire Hall. And the list of upcoming Village meetings is attached, or is included on the bottom of your agenda.

If there's no further business...

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ON MOTION by Trustee Brenton, seconded by Trustee Saia, the meeting was adjourned at 8:29 PM.

Unanimously carried.

Mary Harrigan,
Deputy Clerk-Treasurer