

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, November 22, 1982 at 7:37 PM

Roll Call

Present

Gordon J. Kuzon, Mayor

Lawrence R. Brenton

Michael Kibby Trustees

Connie C. Murray

V. James Saia

Theresa L. Cummins, Village Clerk
Thomas V. Troy, Village Attorney

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

There was a moment of silence in honor of Carlton Holls who recently passed away. He was a Village resident and also an active member of our Village Beautification Committee, as well as a number of other community service organizations.

Mayor Kuzon: At this time a motion would be in order for approval of our minutes.

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the minutes of our regular meeting held November 8, 1982 were approved.

Unanimously carried.

I have one item that I'd like to report. That is that next Tuesday, November 30th, the Williamsville Historical Society will present a slide show and unveiling of the contents of the time capsule from the Main Street bridge. That will take place in this Council Chamber next Tuesday, I believe at 7:00 PM or 7:30 PM, and there will be a reception following at the Eagle House.

I have one resolution and that is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Kibby, vouchers in the sum of \$40,836.55 were approved as follows:

Payroll Fund	W/E 11/10/82	\$ 4,816.37
	W/E 11/17/82	4,961.19
General Fund	Abstract #525	12,897.77
Sewer & Water Fund	Abstract #106	7,112.59
Trust & Agency Fund	Abstract #145	1,422.37
Glen Park Jt Activities Fund	Abstract #46	1,460.39
SSS Fund	Abstract #20	5,949.87
Federal Revenue Sharing Fund	Abstract #135	<u>1,861.00</u>
Total Vouchers		\$40,836.55

Unanimously carried.

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, November 22, 1982 at 7:37 PM

That's all I have. Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. For my report this evening I would just like to mention the agenda of the Planning and Architectural Review Board for December 6th. There are three signs. Nieman's Golf Shop sign is on the agenda again. This has been on the agenda several months in a row. Warren-Hoffman's sign permit request is in for 5629 Main Street. The Tennis Center has a request for a sign at the gate at 162 Mill Street. There is also site plan review for parking and architectural review for Mr. Jaus, owner at 14 N. Cayuga.

I have one motion tonight and this is to replace Mr. Siepierski who resigned from the Planning and Architectural Review Board and it reads as follows:

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

RESOLVED that Laurence B. Oppenheimer, 169 California Drive, is hereby appointed to the Planning/Architectural Review Board to fill the unexpired term of Mr. James Siepierski until the end of the 1982-1983 official Village year.

APPOINTMENT

LAURENCE OPPENHEIMER
TO PLANNING BOARD

Unanimously carried.

Thank you, Mr. Mayor. I have nothing else.

Mayor Kuzon: Thank you. Trustee Murray.

Trustee Murray: Thank you. My first resolution involves a sewer debt exclusion. It was on our agenda at the last Board meeting. We have had a great deal of discussion about it. Over the four years that I've been on the Board I've often thought that previous Boards had stuck me with some very bad decisions and I would like now not to make a bad decision that might affect future Boards and I feel that excluding our sewer debt from our total debt limit may help future Boards, but it can hurt us in no way now. Secondly, I talked with our bonding attorney and he feels that it will help our credit rating in the future and it is his recommendation that we vote in favor of this sewer debt exclusion and also is the recommendation of the Conference of Mayors and I'll read it.

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

RESOLVED that the Village Clerk is hereby authorized to file application for exclusion of sewer debt from municipal debt limit with

SEWER DEBT
EXCLUSION

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, November 22, 1982 at 7:37 PM

New York State Department of Audit and Control pursuant to Section 124.10 of the Local Finance Law prior to December 31, 1982.

Vote on Roll Call: Trustee Saia - no

Trustee Brenton - Before making my decision public regarding this issue, I would like to state that I also talked with the Conference of Mayors' attorney today and during this discussion he gave me several arguments as to why this resolution should be adopted and quite frankly, I could find no persuasive argument to really sway my thinking in any way including the statement by Trustee Murray that she might have been left with some bad decisions by prior Boards, or as a result of prior Board actions. I do not think that by voting no on this particular legislation I will be creating any problem for future Boards. I think in fact that I might be, in spite of the overwhelming input to vote positive on this legislation, I think that perhaps I might be better serving the community by voting no. My reason is that I do not believe in debt in any way although I am aware of the fact that in particular municipal endeavors you have to incur debt, and as Trustee Murray's pointed out to me today, the areas which I have under my responsibilities are the debt producing areas. This is true without a doubt. However, by excluding something that goes into your total allowable debt I feel that you might be making a mistake, that you might be allowing for some unforeseen viewpoint to inject itself in later years and thus allowing Board members in the future to think well this is all right, we can, this has been excluded by a prior Board, we do not have to consider this expenditure, the same as our water is actually excluded from our debt limitation. Now our sewers or those funds that we would be indebted for before December 31st would be excluded from our debt ceiling limitation. So that for these reasons and maybe a few more, I hope that I'm doing the right thing by voting no on this legislation. My vote is thus no.

SEWER DEBT
EXCLUSION

TO BE
FILED

Trustee Kibby - yes
Trustee Murray - yes
Mayor Kuzon - yes

Ayes - 3; Noes - 2.

Carried.

My second resolution is an appointment to the Traffic and Safety Committee and this is a first in the four years I've been on the Board, I had someone call me and say they were interested in serving on the committee. I was delighted to receive the call and the Traffic and Safety Committee has approved the appointment and it reads:

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

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, November 22, 1982 at 7:37 PM

RESOLVED that Christopher Eyre, 67 Oakgrove Drive, is hereby appointed to the Traffic & Safety Committee to fill the unexpired term of Mr. Louis Woolcock until the end of the 1983-1984 official Village year.

APPOINTMENT

Traffic &
Safety
Committee

I might add that Chris Eyre is a fireman.

Unanimously carried.

That concludes my report.

Mayor Kuzon: Thank you. Trustee Saia.

Trustee Saia: For my report tonight I would like to give thanks to the Town for helping us out on a couple of things in the past month and I think Larry will agree with me that we owe them our gratitude. We had stuff that had to be done and the Town helped us out.

Also if you noticed trees that are down in the parks we are well aware of them. It's just that our parks are closed and there's no need for us to hurry up and take these limbs down. In Garrison Park one fell right on the pool and in the back in Island Park we have numerous limbs down. But there is no hurry because the parks really are closed and our help now are picking up leaves and they've got other duties to perform. So when the time comes I'm sure Larry will get them to take the trees down. So don't worry about it right now.

The other thing I have is although we've got a December 13th meeting I might not get a chance to remind you that we've got some activities that are going to be happening this winter down at Glen Park like cross country skiing, ice skating, etc. We've got numerous donations, hot chocolate, donuts, some prizes for cross country skiing and stuff like that that has not been put together yet but it will be and if the weather is cooperative we're going to have some fun down there. Town and Village residents are both invited so if you see something in the papers about Glen Park that's what it's for.

I also have a resolution and this resolution negates the resolution that I gave at the last meeting because the Village Justice was left out.

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

RESOLVED that the election resolution adopted on November 8, 1982 be amended as follows:

ELECTION
RESOLUTION
AMENDED

Section 1. That the Board of Trustees designate the following offices as vacant at the end of the

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, November 22, 1982 at 7:37 PM

current official year, to be filled at the Village election to be held on March 14, 1983, for the following terms; one (1) Mayor for a four (4) year term; two (2) Trustees for a four (4) year term each, and one (1) Village Justice for a four (4) year term.

Section 2. The Village Clerk is hereby directed to publish this resolution in full in the Amherst Bee.

Section 3. This resolution shall take effect immediately.

Unanimously carried.

That's all I have.

Mayor Kuzon: Thank you. Trustee Brenton.

Trustee Brenton: Thank you. For my report I do feel, I was going to mention it, what Jimmy did mention briefly, but I do feel that one of the areas that he referred to regarding Town cooperation is that we have recently purchased a new dump truck and unfortunately, after the first day of service the dump truck had to be taken back in to the place where we purchased it from and it's in for repairs. We get continuous promises that it's going to be repaired. They have inserted a new control unit in it. It is the brain of the piece of equipment and it still fails to work properly, to shift the gears properly. So that that truck has not been at our service, or at our disposal for the last two weeks I guess. So that we have secured from the Town of Amherst a dump truck that we utilized for the first time this Saturday in that we are removing leaves with the high lift and dump truck and the truck that the Town uses is much larger than our truck and also fills a need because we are down a truck and we're going to use the Town of Amherst truck again tomorrow and right into the future as long as we have the manpower to utilize two trucks for leaf removal. We are also picking up leaves with the leaf picker. However, it is without a doubt much quicker to remove them with the high lift. I hate to say it and I think everyone's heard it before, but they all fell at once this year and this year they got wet with snow and the men are doing their job. They have worked on Saturday. They do not get time and a half for Saturday. Last year they refused to work on Saturday. This year they did work on Saturday. Some of them. And they have - there is no question of the fact that they are doing their job. It's just a tough job and they are going to be picked up. When they will be completed - I would hope that within the next two weeks we should have the roads cleaned up although it's hard to say, especially if we get more snow. But that in particular I think that we should thank the Town of Amherst for, the use of this truck, no questions asked, when do you want it. Tomorrow we will have a man down

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, November 22, 1982 at 7:37 PM

there at 7:00 in the morning at the Town of Amherst to get the truck so that we will be able to immediately go to work on leaf pickup, which is when our group starts. And I might also say that - I suppose it's a policy decision - but I asked the individual who will be going to the Town of Amherst whether he would do that and indicated that he would be compensated for doing that and it will save us a lot of down time as far as having one of our men driving him down there. That's just an aside to that.

Regarding the tree limbs in the parks, I want to assure in particular Trustee Saia, that the limbs will be removed. In fact I have my eyes on two of them and I will remove them myself for my own personal purposes. There are a lot of limbs down. Some are good for fire wood and I'll save the expense and remove them myself.

Basically I think that that concludes my report. I can't think of anything else and I'll move right to my resolutions.

Resolution No. 1 deals with a change order which reduces the contract cost in our sewer rehabilitation program. The reduction is due to a lesser number of sewer connections so that the contract cost is lower as a result. It reads as follows:

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

RESOLVED that the Mayor is authorized to sign Change Order #2 for Sanitary Sewer Rehabilitation Program C-36-1244-01 with Nickel City Contracting Co. which results in a net decrease in contract cost of \$5,815.60.

AUTHORIZATION

MAYOR TO SIGN
CHANGE ORDER
SSES

Unanimously carried.

Resolution No. 2 deals with the surplus equipment that we put up for bids awhile back and rejected as too low bids for two of the pieces of equipment. This was kind of a gut decision on my part. I just couldn't see giving the stuff away and the decision was mitigated in that we are going to receive in the neighborhood of \$400 more for these two pieces of equipment collectively. So that was well worth it and I'm glad we held off.

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

WHEREAS the Village of Williamsville has advertised for sealed bids for the sale of surplus Village equipment, and

SALE OF SURPLUS
VILLAGE
EQUIPMENT

WHEREAS the bids were opened on November 17, 1982,

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, November 22, 1982 at 7:37 PM

NOW, THEREFORE, BE IT RESOLVED that the following surplus equipment be sold to the highest bidders, on an "as is" basis as follows:

<u>Equipment</u>	<u>Bidder</u>	<u>Amount</u>
1974 Chevrolet P20 Step Van	A.L.E.C. 1687 Main Street Buffalo, New York	\$350.00
1966 Snowline Tractor with V-Plow	Stanley Chmielewski 4910 Meadowbrook Williamsville, New York	\$929.00

I'd also say and make it a part of the record that these pieces of equipment are accepted as is. The Village of Williamsville accepts no responsibility for the mechanical condition and in the event that they do not work, or in the event they cause some problem as a result of their working the Village of Williamsville on the part of this Board tonight takes no responsibility. They are sold as is.

Unanimously carried.

Resolution No. 3 deals with the Hutchinson Hose Company's protection of areas in the Town of Amherst which are broken down into these six fire protection districts. In other words, Hutchinson Hose Company not only protects the Village of Williamsville but also protects certain areas adjacent to the Village of Williamsville that are within the Town of Amherst and we have to have an annual resolution to enter into agreement or contract with the Town for the fire protection.

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

RESOLVED that the Mayor execute, on behalf of the Village, contracts with the Town of Amherst and Hutchinson Hose Company for fire protection for 1983 in the following districts:

FIRE CONTRACTS
APPROVED

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

Unanimously carried.

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, November 22, 1982 at 7:37 PM

Resolution No. 4 drew a brief discussion in our work session and it's been determined that we will table this resolution and - do I have to make a motion to table it?

Mayor Kuzon: Yes. You make the motion and then make a motion to table.

Trustee Brenton: There is no problem with the contract itself. It was just some of the wording that we want further clarification on and we will be reintroducing this at our next meeting.

ON MOTION by Trustee Brenton, seconded by Trustee Saia, the following resolution was presented:

RESOLVED that the Mayor is authorized to sign a contract agreement with Sargent, Webster, Crenshaw & Folley covering professional services for the design and construction of a new fire hall at a cost not to exceed 8% of proposed construction costs.

ON MOTION by Trustee Kibby, seconded by Trustee Murray, it was moved to table this resolution.

Unanimously carried.

Trustee Brenton: I would say, in that I might forget it, but are we, in spite of the fact that the graph indicates it, are we actually allowed to cap it at 8 percent, the percentage? I mean would that be a proper resolution, just to include that? Wouldn't we just adopt the resolution as written, the contract as written rather?

Clerk: We probably could.

Trustee Brenton: I think when we reintroduce it we should eliminate it. The only place the 8% appears is on the graph. That concludes my area of the agenda.

Mayor Kuzon: Okay. Thank you.

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

Unanimously carried.

Mayor Kuzon: Anyone in the audience have anything to bring before the Board. Mr. Hill.

Richard Hill, 18 Brookside Drive: Are we going to get any markings on Garrison Road this year?

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, November 22, 1982 at 7:37 PM

Mayor Kuzon: Parking?

Mr. Hill: Markings.

Trustee Brenton: Well we had intended to do that. I believe Trustee Murray wrote to the County and the County indicated it was our problem. I've been going to talk to Trustee Murray about that but frankly it keeps slipping my mind. She did show me her letter. I'm not sure I gave it my fullest attention because I've thought about it since and if I recall properly the County said that we resolved the left turn for that area and the more I think about that, the more I think that that's an incorrect interpretation. Do I have the correct interpretation of the contents of that letters?

Trustee Murray: What they said was it was a Village ordinance that made that a left turn lane, therefore the Village was responsible for marking the pavement. I asked you if you would have the pavement marked and you said yes. Couldn't we just go and mark the pavement? All we have to do is spray in the arrow.

Trustee Brenton: I think we'll attempt to utilize the Town's new spraying machine. We frankly don't have the manpower to even tie up I think for a couple of hours.

Trustee Murray: Would you like me to ask the Town?

Trustee Brenton: No, I'll take care of it.

Mayor Kuzon: Is it our intention to do it this fall or would we be better off to wait until Spring?

Trustee Brenton: I think it would help matters a great deal if it was done now if possible. Frankly, I think it's the county's responsibility. I definitely have no doubt about it, and by the way I didn't forget about it. I did call the county at the Lancaster garage, in fact I forget his name. I've talked to him quite often. He's going to take some trees down on Garrison Road for me, or the Village rather. He did just dump some bank run on the shoulder of Garrison Road last week as a result of a Village resident's request. The county did put a concrete sidewalk in on Garrison Road. Quite frankly, I think it is the county's responsibility. I think if that letter had been addressed to me from the county I probably would have acted on it forcefully, but I really honestly, truly have been too darn busy and I know that might seem like a lot of hocus but I put quite a few hours in and if that issue would have come to me, and I'm not in any way slighting Trustee Murray, but I think I would have called somebody up and said I just don't agree with you. You A) take down trees on Garrison Road, you B) mark the centerline on Garrison Road, you C) etc., and I really question do we have an ordinance that says that you take a left hand turn at Garrison and Main.

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, November 22, 1982 at 7:37 PM

Trustee Murray: I'd be glad to show it to you after the meeting, Larry.

Trustee Brenton: Okay. But at any rate, I still feel that maybe we should have taken a harder approach. The individual from the Lancaster garage told me he would try to fit it in. I talked to two people from the county. They told me they'd try to fit it in.

Mr. Hill: The only thing is, Larry, I use that road a lot and if you have two cars, in two lanes going straight they meet on the other side. I've seen two or three close ones.

Trustee Saia: Pardon me, but didn't we a few years back have a discussion on the same thing. When it snows you don't see the markings. The markings have nothing to do with it. Maybe we should look into some kind of overhead marker on the light or something. Because it seems to me it's kind of senseless from here on it. You have snow on the street and from here on it we're going to have it, and you can't see the marks on the road. It's impossible.

Mr. Hill: Jim, I would love to have overhead signs, but if you put the markings on, and they're there all summer, people can at least get used to them and in the wintertime they tend to follow.

Trustee Kibby: There are two lanes?

Mr. Hill: There are no separate lanes now. They pull straight ahead. If they were marked in spring when they should have been they'd be used to it.

Trustee Saia: I agree they should be marked on the street.

Mr. Hill: If you get overhead signs up there, good luck. I've asked for them for three or four years.

Trustee Saia: Well that's what I remember a few years ago, trying to get signs or markers up on the light or something. But that's where I think they should be.

Mr. Hill: That's right, Jim. There should be overhead signs there. I agree with you 100%.

Trustee Kibby: I know a lady who had an accident there. Maybe a letter from her to the county would help.

Trustee Saia: Is that the county's job? Do you want me to get a hold of Fran and see what the heck he can do for us?

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, November 22, 1982 at 7:37 PM

Trustee Brenton: The letter came from Fran.

Trustee Murray: I think so.

Trustee Saia: Let me get a hold of him and I'll take care of it.

Trustee Brenton: I'd appreciate it.

Mayor Kuzon: Okay. Anyone else? If not...

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

Unanimously carried.

Mayor Kuzon: Before adjourning, I'd just like to call your attention to the schedule of meetings. It does list a December 27th Village Board of Trustees meeting. However, that meeting has been cancelled because of it being a holiday week and we will not be meeting on the 27th. Our only meeting in December will be the 13th and then we will reconvene on the 10th of January. So if there is no further business...

ON MOTION by Trustee Murray, seconded by Trustee Saia, the meeting was adjourned at 8:03 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer