

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, February 28, 1983 at 7:33 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

Phil Boudreau, Dept. of Public Works

(The Town Board called their meeting into session and then recessed so the Village could hold their meeting.)

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

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

ON MOTION by Trustee Kibby, seconded by Trustee Murray, the minutes of the regular meeting held February 14, 1983 were approved.

Unanimously carried.

ON MOTION by Trustee Kibby, seconded by Trustee Brenton the minutes of the public hearing held February 14, 1983 regarding a proposed local law to amend Section 65.40 of the Water Code were approved.

Unanimously carried.

Mayor Kuzon: For my portion of the agenda I'd also like to welcome you to what I believe is the third annual joint meeting between the Village and the Town Boards. I think it provides an excellent opportunity for both the residents of the Village and the Town to see their local governments in action. I know that many times our Village residents are involved in our own meetings and the same is true for the Town and this brings us all together and gives us an excellent opportunity to see how our Boards cooperate.

I have two things to report tonight. The first would be that Registration Day for the upcoming Village election will be held March 5, 1983 in the Village Clerk's Office and I believe the hours of registration are between 12:00 PM and 9:00 PM and anyone who is not registered to vote in the Village may come and register at that time.

The second thing I'd like to report on is that I recently spent the three-day Washington's Birthday weekend in the State's capital as a participant in the New York State Conference of Mayors Winter Legislative Meeting. I was one of but a hundred who met in Albany to tackle the State budget issue and hammer out legislative priorities

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for the Conference of Mayors. Many items impacting local governments were discussed, but high on the priority list was State Revenue Sharing. Governor Cuomo's proposed State budget for the fiscal year '83 and '84 would cap the amount of aid for local governments at \$800 Million and totally eliminate the \$79.9 Million in special municipal aid. The Village of Williamsville receives about \$63,000 in revenue sharing and an additional \$49,000 in special municipal aid. The importance of State aid however, is best illustrated by comparing it to the other local revenue sources, especially real property tax. In Williamsville the elimination of special municipal aid would mean a \$2.50 increase per \$1,000 of assessed valuation for additional taxes for every Village homeowner. It also should be pointed out that revenue sharing is, and has been capped for the past two State fiscal years and as a result Villages and Towns have had to make up the difference from local revenues to come up with what was originally promised by the State and what was actually appropriated. For example, in the State fiscal year '82 the State's 556 Villages received \$9 Million less than they would have received if the formula had not been capped, and as a result Villages, as I said, were forced to pick up the difference by raising local property tax levies. In fact, the property tax for most local governments was the only source of revenue. The State revenue sharing program provides financial assistance to local governments so that central governmental services can be provided at a reasonable local tax rate. However, in my opinion, the State must equitably share with Towns and Villages the revenues derived from general State taxes. The per capita aid program served local government reasonably well until the formula was capped in fiscal year '81-'82. Such capping, however, is obvious financial discrimination against Villages and Towns. In order to achieve a more equitable relationship between the State and units of local government there should be no increases in State spending until the per capita aid formula calling for a sharing with local governments of 8% of total State collected revenues is restored and I would also add that in the interim and only at a minimum until the per capita aid formula is uncapped or redesigned, the \$79.9 Million in special municipal aid for Towns and Villages should also be restored in the State budget.

I have three resolutions this evening. The first one is for vouchers.

ON MOTION by Mayor Kuzon, seconded by Trustee Brenton, vouchers in the sum of \$25,180.12 were approved as follows:

Payroll Fund	W/E 2/16/83	\$ 4,896.04
	W/E 2/23/83	<u>7,912.17</u>
Total Payroll Fund		\$12,808.21

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Payroll Fund (From preceding page)		\$12,808.21
General Fund	Abstract #531	8,701.20
Sewer & Water Fund	Abstract #112	604.12
Trust & Agency Fund	Abstract #151	2,862.51
Glen Park Jt Activities Fund	Abstract #51	<u>204.08</u>
Total Vouchers		\$25,180.12

The larger of these vouchers are to New York State Social Security, the Data Core Systems which has the maintenance contract on our Burroughs machine, and to Marine Midland Bank.

Unanimously carried.

My second resolution authorizes our Village Clerk to attend a meeting of the State Municipal Finance Officers in Albany, New York to discuss budgeting and fiscal accounting. This meeting would be held March 24th and 25th and the cost not to exceed \$325 to be paid by the Village. It reads:

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

RESOLVED that the Village Clerk, Theresa L. Cummins, is authorized to attend the New York State Municipal Finance Officers Association Annual Conference in Albany, New York on March 24 & 25, 1983 and the cost not to exceed \$325.00 to be paid by the Village of Williamsville.

AUTHORIZATION
CLERK-TREASURER
TO ATTEND
FINANCE OFFICERS
SEMINAR

Unanimously carried.

My third and final resolution concerns publishing the notice of a public hearing regarding our Federal Revenue Sharing money. This year we will be receiving approximately \$30,000 in Federal Revenue Sharing money. This is the first of two required public hearings. The first public hearing would be to solicit public comment as to how the funds should be appropriated and the second public hearing would be to present our proposed plans. Last year the majority, or in fact all the funds were used exclusively for Fire Department equipment, both expendible and capital equipment. This resolution reads:

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

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RESOLVED that the Village Clerk publish a notice of public hearing to be held by the Board of Trustees of the Village of Williamsville in the Municipal Building, 5583 Main Street, Williamsville, New York on March 28, 1983 at 7:35 p.m. to hear all persons interested in expressing an opinion on the proposed use of Federal Revenue Sharing Funds for the 1983-1984 fiscal year.

PUBLISH NOTICE OF PUBLIC HEARING

1983-84 Federal Revenue Sharing Funds

Unanimously carried.

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

Trustee Murray: Thank you. I have no resolutions this evening but I do feel a need to respond to an editorial in the Amherst Bee last week entitled "The 'other' senior citizens" if you read it. This editorial seems to imply that funding for senior citizens all comes out of one pocket. It says that the Village of Williamsville is running a recreation program for senior citizens but there are other seniors that should be served and I agree with them. However, the money that the Village of Williamsville is using for their recreation program comes from the State and is designated for that use. It does not come from a central fund where we can choose to use it for a different kind of senior program. I'm hoping that the Bee will somehow respond to what I feel is misinformation and tell the public about what the Village of Williamsville is trying to do for its seniors. Thank you. That concludes my report.

Mayor Kuzon: Thank you. Next is Trustee Saia.

Trustee Saia: I have a couple of resolutions. Resolution number 1:

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

RESOLVED that as a result of Grievance Day held February 15, 1983 the Village Board sets the real property assessments on various parcels of property as follows for the 1983-1984 fiscal year:

ASSESSMENTS
Adjustments due to Grievance Day

<u>Address</u>	<u>Acct. #</u>	<u>SBL#</u>	<u>Assessment</u>
117 S. Ellicott St.	202-531	81.05-2-24	\$9,850.00
110 Eagle Street	201-522	69.17-4-19	3,725.00

Unanimously carried.

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Resolution number 2:

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

RESOLVED that the Village Clerk publish notice of public hearing to be held by the Board of Trustees of the Village of Williamsville on March 14, 1983 at 7:50 PM in the Municipal Building, 5583 Main Street, Williamsville New York for the purpose of hearing all persons interested in discussing the proposed Historic Preservation Code for the Village of Williamsville.

PUBLISH NOTICE OF
PUBLIC HEARING

Historical
Preservation Code

Unanimously carried.

I must say that on this Historic Preservation Code we ourselves have some questions to discuss on this particular code so if you have any questions please bring them up to the hearing and we will try to answer them for you.

The other thing I have to say is that in the last couple of days I've been...the Williamsville Youth and Recreation Board and myself have been pursuing the idea of a fishing derby or fishing contest in the Village of Williamsville and I'm happy to say that with the cooperation of the Town of Amherst this might become a reality shortly and you'll hear something about it. And we can use some help. The Youth and Recreation Board would like some help. If anybody would like to volunteer their help if this thing comes off we'd be glad to hear from you. Get a hold of myself or the Chairman of the Williamsville Youth and Recreation Board. Thank you.

Mayor Kuzon: Thank you. Trustee Brenton.

Trustee Brenton: Thank you. I would simply like to say for a report that the Village fiscal year starts June 1st. I was involved, engaged I should say with Mr. Boudreau for a considerable length of time today to prepare our budget and during the course of that budget preparation we discussed the possibility of again having a joint cooperative agreement with the Town of Amherst this summer for our paving program which worked very successfully last year and in that I have the opportunity to address the entire Town Board I can't miss it. So I hope we can have the same type of agreement this year because it did work very, very well and proved how well these two municipalities can work together and for the benefit of all the taxpayers. With that I'll move directly to my resolutions.

Resolution number 1 deals with the Erie County Water Authority's rate increase for its water and in particular the reasoning I think behind the need for a rate increase is felt to be not consistent with the facts. In other words, the Water Authority

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appears to be passing through costs that it really hasn't arrived at yet so it was determined by this Board to protest through this resolution the rate increase and question ways to either eliminate or abate future increases. I'm reluctant for time reasons only to read the resolution. However, I could move its passage by simply moving it as written, but I do feel after considering it that I should read it if I can last for the length of it and you can last with me, so I will read it.

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

WHEREAS the Erie County Water Authority recently increased its water rates effective February 1, 1983 at 11.2%, and

ERIE COUNTY WATER AUTHORITY

WHEREAS in its statement announcing such increase the Erie County Water Authority indicated it approved the new rates on the basis of anticipated increases in construction, operating and maintenance costs and expected declines in water consumption, and

Expression of dissatisfaction of rate increase by Village Board

WHEREAS such increases in construction, operating and maintenance costs and the expected decline of water consumption have not been actually or presently experienced by the Authority but are speculative adjustments only, and

WHEREAS this most recent rate hike would add approximately \$3.30 to the quarterly bill of an average customer, including those presently unemployed and on fixed incomes, and

WHEREAS this same increase would add approximately \$30,000.00 annually to the cost of water services provided by the Village of Williamsville, and

WHEREAS no notice of the proposed water rate increase was transmitted to the Village of Williamsville until such time as after the proposed rate increase was put into effect, thereby denying the Village and residents of Williamsville notice and an opportunity to be heard upon such proposed increase, and

WHEREAS it is the opinion of this Board that the most recent increase in water rates by the Erie County Water Authority places an arbitrary and undue burden upon the Village of Williamsville and all its residents,

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NOW, THEREFORE, BE IT RESOLVED that this Board immediately contact the Erie County Water Authority to express its dissatisfaction over this recent increase in its water rates and the method by which the rate hike was adopted, and

BE IT FURTHER RESOLVED that the Village of Williamsville, as soon as practical, begin appeal procedures to challenge this most recent water rate hike as being arbitrary and capricious and unfounded in light of the present operating costs and revenues of the Authority, and

BE IT FURTHER RESOLVED that the Village Attorney be and hereby is directed to review this matter and report to this Board at its next regularly scheduled meeting as to the legal procedures available to the Village of Williamsville to challenge and prohibit future water rate increases, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Erie County Water Authority and each of the municipalities affected by this increase.

Mayor Kuzon: I would request a roll call, please.

Vote on Roll Call:	Trustee Kibby	-	aye
	Trustee Saia	-	aye
	Trustee Murray	-	aye
	Trustee Brenton	-	aye
	Mayor Kuzon	-	aye

Ayes - 5; Noes - 0.

Unanimously carried.

Resolution number 2 deals with the aforementioned increase and the need of the Village to pass that increase directly through to our customers, most of whom are Village residents, but we do have some customers outside the Village of Williamsville in the Town of Amherst. They are immediately adjacent to the Village boundary. So that we are passing that rate increase through via this resolution. It reads as follows:

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

RESOLVED that Local Law #3 - 1983, Amending Section 65.40A of the Water Code regarding Water Charges, which was the subject of a public hearing on February 14, 1983 is hereby adopted.

LOCAL LAW 3-1983
Adopted

Increase Water
Rates

Unanimously carried.

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Resolution number 3 deals with our ongoing sewer rehabilitation efforts within the Village of Williamsville and we have concluded Phase I and are now going into Phases II and III. Prior to this contract with URS Corporation it was intended to do Phases II and III all in one phase known as Phase II. I could see a need to eliminate the area of engineering expertise for some of this work in that we are going to do a considerable portion of it with our own force account so that we have restructured it into Phase II and Phase III thus lowering the engineering contract with URS Corporation. This is authority for the Mayor to enter into agreement with URS Corporation and I'll read the resolution.

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

RESOLVED that the Mayor is authorized to sign an agreement with URS Company for engineering services for Phase II and Phase III of the Williamsville Sanitary Sewer Rehabilitation Program, C-36-1244-01, at a total cost not to exceed \$52,500.00.

AUTHORIZATION

Mayor to sign agreement with URS for Phase II and III work

Unanimously carried.

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

Mayor Kuzon: Thank you. Trustee Kibby.

Trustee Kibby: Thank you, Mr. Mayor. For my report this evening I would like to announce that there are six items on the tentative agenda for the March 7th Planning Board meeting. Five of these have to do with signs. A new sign at Third Wave Computer which is 5838 Main. A new sign for a new business, a new collision shop at the old Speedy Muffler place. GoPackTravel at 5475 Main Street. For a sign at The Parasol Shop, formerly the old Gift Rack, 5330 Main Street, and for a sign for a business called the Whirlin' Disc at 5913 Main. I think that's the old Shopping News. Also there is before that Board a need for site plan approval and architectural review on the expansion for the Village Vacuum Shop at 5735 Main.

The resolution I have tonight deals with the annual Village election which I think some of us here have heard a little bit about. It falls on the Ides of March, March 15, 1983. The resolution reads as follows:

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

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VILLAGE
ELECTION

RESOLVED that the Annual Village Election shall be held on March 15, 1983, between the hours of 12:00 Noon and 9:00 PM at the following polling places:

Polling
Places and
Candidates
designated

District #1 - Williamsville Methodist Church
5681 Main Street

District #2 - Williamsville Fire Hall
5570 Main Street

District #3 - Village Meeting House
5658 Main Street

The following are the candidates and offices nominated for:

Mayor: Gordon J. Kuzon 4 year term
98 Columbia Dr., Williamsville, N.Y.

Trustees: Lawrence R. Brenton 4 year term
31 Monroe Dr., Williamsville, N.Y.

Richard J. Gallagher 4 year term
38 Chalmers St., Williamsville, N.Y.

Frederick E. Huber 4 year term
35 Gordon St., Williamsville, N.Y.

Richard J. Metz 4 year term
119 Monroe Dr., Williamsville, N.Y.

Connie C. Murray 4 year term
47 Oakgrove Dr., Williamsville, N.Y.

Justice: Lawrence R. Law, Jr. 4 year term
144 S. Ellicott St., Williamsville, N.Y.

Edward A. Rath, Jr. 4 year term
125 S. Cayuga Rd., Williamsville, N.Y.

This is only the second year we are using the Meeting House for District #3 voting and you might make a special note of that.

Unanimously carried.

Thank you, Mr. Mayor.

Mayor Kuzon: Thank you. Mr. Boudreau our Superintendent of Public Works. Any report?

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Mr. Boudreau: I have two items. Under the heading of Parks, an extensive tree trimming operation on Island Park was completed this week along with a clean-up of the grounds. It is anticipated that a number of tree limbs overhanging the flood channel will also be removed this spring. An estimate of the cost has been completed for the development of Wehrle Drive Park. It will include the placing of topsoil, grading and seeding, the planting of trees and the erection of "Welcome to Williamsville" sign.

Under the heading of Traffic Control, the Main-Garrison left turn signage, an answer was received from the N.Y.S.D.O.T. regarding the proposed installation of overhead left turn signs for both northbound and southbound traffic at this intersection. In addition, a conference was held with the County Traffic Engineer on this matter. Both the D.O.T. and the E.C.D.P.W. concur that installation of overhead left turn signs is okay, but that it would be "overkill" for this intersection. They both agree that improvement of existing signage, installation of left turn pavement arrows along with creation of left turn lanes will greatly improve the situation. Improved police enforcement will also help there. That's all I have.

Mayor Kuzon: Thank you. Next on the agenda is a segment that we reserve for public participation called suspension of rules.

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

Unanimously carried.

Mayor Kuzon: We ask that you state your name and address for the record, please. Mr. Gallagher.

Richard Gallagher, 38 Chalmers: I have a few items and I'll be quick because I know everyone wants to see "MASH". The resolution that was adopted related to the water rates, the Board protesting it and authorizing Mr. Troy to investigate legal remedies. Mr. Troy might want to contact the Village of Hamburg who at their February 5th Board meeting adopted such a resolution and on February 22nd received and filed it so that rather than have him do a lot of work, some in an exercise in futility, he might want to contact the attorney in Hamburg and see how they made out.

I have two other recommendations. These are all being presented to you, Gordon, and the Trustees for action related to the recent rate hike by the Erie County Water Authority as well as the Village water system. Two recommendations related to the water authority. One is that they conduct a public hearing for all towns and villages to determine the Authority's short term and long range plans and policies for those who purchase water from the Authority. It is my understanding as a citizen that the anticipated loss of revenue is attributed to the lack of consumption by county and

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village residents and the proposed closing of Bethlehem Steel. The rationale behind the Authority's decision has serious implications to individuals as well as businesses and industry throughout the County. For example, does the Authority expect to increase the water rate each time a major industry closes or relocates to another state? What impact will this policy have on attracting new business and industry to the area? In fact, should the Water Authority place additional economic burden on the residents of the Village and County who are consuming less water but who are being penalized by being subjected to rate increases based on phantom reasons? Another recommendation for the Water Authority is that they should provide a minimum of two months notice to towns and village officials prior to their enactment of a rate increase. This process would enable villages and towns to conduct hearings on the proposed rates prior to the date the rates take effect. Should the Water Authority continue to notify local government after the fact the villages and towns are only putting themselves and their constituents through an exercise by conducting hearings. In fact, no authority should put a rate into effect until village and county residents are afforded the opportunity for providing a comment.

The last recommendation that I have is for the Village Board to conduct a special hearing for the purpose of providing Village residents with the current status of the deficit of the water system and its plans to eliminate it. The reason for this recommendation is that I don't believe Village residents are receiving an accurate assessment of the seriousness of the deficit. For example at the last Village Board meeting it was reported by Trustee Brenton that the deficit was only \$10,000 this year compared with \$68,000 the previous year. This was reflected in the minutes which you just passed. This was reflected in the Amherst Bee. It should have been reported that the deficit attributed to lost water decreased from \$68,000 to \$10,000 but the actual operating deficit of the Village water system increased from \$110,000...or \$126,000 to \$136,000. In addition it is my understanding that it's illegal to carryover deficits from one year to the next and the State Division of Audit and Control has recommended that the deficit be eliminated. Given the size and that by law it must be eliminated a special hearing would afford the Board with an opportunity to detail what action it contemplates doing in addressing the issue here in '83. In fact, since the budget will be adopted after the election, is the Board contemplating a tax increase to Village residents to resolve the problem. If so, then what is the Board's short term and long range plan of reducing the deficit to comply with the law?

Mayor Kuzon: Okay. First of all regarding your first two recommendations I think the Board welcomes those recommendations and wouldn't have any problem in supporting them and expressing those to the Water Authority. On the third concern regarding the

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public hearing regarding the status of our water department, I guess the best response I can give you at this time is that we will be having a public hearing on the water fund when we have our public hearings regarding the adoptions of our annual budgets and the water fund budget is one of those budgets and it's required by law that we have a public hearing, and that probably would be the best time to discuss the financial condition of the water fund deficit and funding and everything else. That will be coming up the first meeting of April.

Mr. Gallagher: Thank you.

Mayor Kuzon: Thank you. Anyone else?

Trustee Brenton: I think there are some other unanswered questions here. As Mayor Kuzon pointed out we do annually have a water fund budget hearing so that as those that occasionally come around other than at election time why they would know this and they wouldn't have any problem with it. However, they would have a chance to express themselves at that time, is what I'm trying to say. As to whether or not...there seems to be an implication here that we're not doing our job as far as water is concerned and nothing could be further from the truth because the deficit that was alluded to was a reduction to \$10,000 from one year to the past year and that was the only intent of what I said. If it came out misleading, then I have to apologize for that, but that is certainly the intent of what I said, that we were by that simple dollar reduction obviously working on the kind of money that we were losing. So that we are without a doubt. Unfortunately, for those Town residents we hate to bore you with this, but the Village of Williamsville does have its own water authority and we have a great deal of leaking lines. The only way we can cut down on our expenses is to eliminate the leaks, whereas subscribers to the Erie County Water Authority are using Erie County Water Authority lines and they do care if their lines leak but they don't have to pass that through to you. We have to buy the water from Erie County Water Authority and then bill it out to our residents so that we lose by being in the water business and we did attempt four years ago to get out of the water business. However, Erie County Water Authority would not accept us into its system.

Mr. Gallagher: One last question. Is the deficit \$136,000?

Mayor Kuzon: That would be the funded debt.

Trustee Brenton: The funded debt, but you see that's not a deficit. You see funded debt and deficit are two different things.

Trustee Kibby: It was explained very succinctly and clearly at the last Board meeting, the difference between funded debt and deficit. It was explained very clearly, and it was also explained

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that the year before we had a \$68,000 deficit. In the last year we had a \$10,000 deficit, and Trustee Brenton was quite pointed and quite clear in differentiating between that this was not debt but that this \$10,000 was deficit and that debt was something else. Something else apart. Quite clear.

Trustee Brenton: Well deficit is loss on a basis. Debt is something that you incur. You know you could run your family budget as a deficit and if you had car payments or mortgage payments that would be debt. That would be kind of a fair analogy.

Mayor Kuzon: Anyone else wishing to comment on the Village portion of the meeting? One thing I guess before closing should be pointed out though to Town residents, that the increase that the Village has passed on to its Village residents and water consumers is something I believe residents are also going to be experiencing from Erie County Water Authority that was a rate increase that affects all Erie County Water Authority consumers. The Village of Williamsville is one consumer and as Larry Brenton said we in turn then sell it to our local residents. If there is no further comment...

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

Unanimously carried.

Mayor Kuzon: This evening before adjourning we're going to adjourn with a moment of silence in memory of Leo Stromecki who suddenly passed away this past weekend. He was the Disaster Coordinator for the County of Erie, but he was also active in local government. He was the former Town Supervisor of Boston, former Town Justice in Boston and was very, very active and very interested in local government and I would like to adjourn our meeting with a moment of silence in Mr. Stromecki's memory.

ON MOTION by Trustee Murray, seconded by Trustee Brenton, the meeting was adjourned at 8:02 PM.

Unanimously carried.

Theresa L. Cummins,
Village Clerk-Treasurer